

Vote **NO** on **HB 14**

Protect the Best Interests of Children

March 23, 2023

Dear Legislator –

Please join more than 90 legal, child and family-focused organizations across Ohio and oppose H.B. 14. (See page 2 for a complete list).

Child safety should be the first priority of custody adjudications. But HB 14, also known as the “equal parenting” bill, **shifts Ohio’s current child-centric model to a parent-entitlement model**. Equal parenting presumption legislation takes necessary discretion away from courts and it does NOT guarantee or protect the best interest of a child, according to the [Ohio Association of Domestic Relations Judges](#).

Current Ohio law requires judges to focus on the “best interests” of the child. HB 14 would radically transform Ohio’s child custody and parenting laws by imposing presumptions of “equal parenting time” and “equal decision-making” to both parents in any domestic relations or juvenile court proceeding. As the default position in all custody cases, these presumptions could only be overcome by a finding made by clear and convincing evidence that equal time and/or equal decision-making would be detrimental to the child.

The vast majority of custody arrangements are settled out of court. The small percentage that must be adjudicated typically involve complex problems, including abuse. Research shows that about 90% of custody cases are resolved without significant court intervention (mediation, custody evaluations, litigation).^{1,2} **Among the 10% of cases that are litigated, approximately 75% involve reports of domestic violence.**³ These are the cases that need courts to give meaningful consideration on what is actually in the best interest of children based on family circumstances.

HB 14 would increase litigation because that is the only way victims of domestic abuse can challenge the equal decision making/parenting time presumptions. These presumptions of equal decision making and parenting time put the burden on the victim-parent to prove domestic abuse occurred. **Further, the evidentiary standard of proof is higher than for other family court matters, including civil protection orders.** In most domestic violence situations, meeting the burden of proof in HB 14 is nearly impossible. Worse, the bill could create a chilling effect whereby victims of domestic abuse would be forced to stay with their abusers and risk ongoing domestic violence.

HB 14 would be especially harmful for low-income victims who often do not have the funds to challenge an equal-time mandate. Litigation abuse is a common tactic used by abusers because it is one of the few remaining ways they can control their victims after the family separates. This bill fails to account for the realities of domestic violence and the detrimental impact of domestic violence on children.

These costs and the extreme stress of fighting an abuser in court undermine the well-being of parents and children. Oppose HB 14 and preserve judicial discretion on a case-by-case basis to consider the best interest of children in custody cases.

¹ Court Statistics Project. Caseload Detail: Dissolution/Divorce. Court Statistics Project, Available from <https://www.courtstatistics.org/csp-stat-nav-cards-second-row/csp-stat-domestic-relations>.

² Ollendick, White & White, The Oxford Handbook of Clinical Child and Adolescent Psychology, 499 (2018).

³ Peter G. Jaffe, Claire V. Crooks & Samantha E. Poisson, Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes, 54 JUV. & FAM. CT. J. 57, 60 (2003) (75% of cases filed include domestic violence allegations)

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Protect the Best Interests of Children

More than 90 organizations are opposed

Statewide Organizations

Ohio Judicial Conference
Ohio Chapter of the International Association of Forensic Nurses
Ohio Poverty Law Center
Ohio Domestic Violence Network
Ohio Hispanic Coalition
Ohio NOW

Ohio State Bar Association
Ohio Psychological Association
Action Ohio Coalition for Battered Women
Ohio Alliance to End Sexual Violence
Ohio NOW Education and Legal Fund

American Academy of Matrimonial Attorneys—Ohio Chapter
National Association of Social Workers—Ohio Chapter
Ohio Victim Witness Association
Women's Public Policy Network

Local and Regional Organizations

The Center for Family Safety and Healing / *Franklin Co.*
LSS CHOICES for Victims of Domestic Violence / *Franklin Co.*
Advocating Opportunity / *Lucas and Franklin Cos.*
Hope & Healing Survivor Resource Center—Battered Women's Shelter & Rape Crisis Center / *Summit and Medina Cos.*
Family Crisis Network—Our Home / *Mercer Co.*
YWCA of Van Wert County / *Van Wert Co.*
Crisis Care Line / *Van Wert Co.*
First Step / *Seneca and Sandusky Cos.*
The Cocoon / *Wood Co.*
Soteria House & New Directions of TNC / *Logan Co.*
Southern Ohio Task Force on Domestic Violence / *Scioto Co.*
Survivor Advocacy Outreach Program / *Athens, Meigs, Perry, Gallia, Hocking, Morgan, and Vinton Cos.*
Sarah's Friends, Inc. / *Williams Co.*
The Center for Child and Family Advocacy Inc./House of Ruth / *Henry and Defiance Cos.*
SART Clinic of Northwest Ohio / *Fulton Co.*
The Domestic Violence Shelter, Inc. / *Richland Co.*
Women Helping Women / *Hamilton Co.*
Homesafe Inc. / *Ashtabula Co.*
Eve / *Washington Co.*
WomenSafe / *Geauga Co.*
Safe on Main / *Warren Co.*
Someplace Safe / *Trumbull Co.*
Safer Futures / *Portage Co.*

Alliance Area Domestic Violence Shelter / *Stark Co.*
COMPASS Family & Community Services, Sojourner House / *Mahoning Co.*
Family Abuse Shelter of Miami Co. / *Miami Co.*
Jewish Family Service Association of Cleveland / *Cuyahoga Co.*
Genesis House / *Lorain Co.*
New Directions / *Knox Co.*
Domestic Violence Project, Inc. / *Stark Co.*
YWCA Dayton / *Montgomery and Preble Cos.*
Turning Point / *Marion, Delaware, Wyandot, Morrow, Crawford, and Union Cos.*
Project Woman / *Clark, Champaign, and Madison Cos.*
The Woodlands/The Center for New Beginnings / *Licking Co.*
Asian Services in Action / *Summit and Cuyahoga Cos.*
Tri-County Help Center / *Monroe, Belmont and Harrison Cos.*
Transitions / *Muskingum Co.*
New Choices / *Shelby Co.*
YWCA of Northwest Ohio / *Lucas Co.*
Forbes House / *Lake Co.*
Journey Center for Safety & Healing / *Cleveland*
Auglaize County Crisis Center, Inc. / *Auglaize Co.*
YWCA Hamilton / *Butler Co.*
Artemis Center / *Montgomery Co.*
My Sister's Place / *Athens Co.*
Open Arms Domestic Violence and Rape Crisis Center / *Hancock Co.*

Ohio Guidestone / *Tuscarawas and Carroll Cos.*
The Lighthouse Inc. / *Fairfield Co.*
Crossroads Crisis Center / *Allen Co.*
Bethany House / *Lucas Co.*
Shepherd's House / *Vinton Co.*
Crime Victim Services / *Allen and Putnam Cos.*
Peace House / *Fayette Co.*
YWCA Greater Cincinnati / *Hamilton, Clermont, Brown, and Adams Cos.*
Haven House / *Pickaway Co.*
Family Violence Prevention Center / *Greene Co.*
Asian American Community Services / *Franklin Co.*
Family and Child Abuse Prevention Center—Children's Advocacy Center / *Lucas Co.*
Ross County Coalition Against Domestic Violence / *Ross Co.*
ETSS / *Franklin Co.*
A.L.I.V.E. / *Jefferson Co.*
Christina House / *Columbiana Co.*
OneEighty / *Wayne Co.*
Shelter from Violence / *Darke Co.*
Square One / *Gallia Co.*
Safe Harbour Domestic Violence Shelter / *Erie Co.*
Alternatives to Violence Center / *Highland and Clinton Cos.*
ASHA-Ray of Hope / *Franklin Co.*
Rape Crisis and Domestic Violence Safe Haven / *Ashland Co.*
Alta Behavioral Healthcare / *Mahoning and Trumbull Cos.*

National Organizations

National Family Violence Law Center Center for Judicial Excellence Moms Fight Back Battered Women's Justice Project

Updated 3/15/2023 and will continue to be updated as supporting organizations sign on. Email maria@odvn.org for more information.