

House Bill 508



Ohio House of Representatives
Civil Justice Committee
Introduced March 1, 2021

Sponsors:

Rodney Creech

State Representative

R - District 43

West Alexandria



Thomas West

State Representative

D - District 49

Canton



Cosponsors: Cindy Abrams • Brian Baldrige • Adam C. Bird • Willis E. Blackshear, Jr. • Kristin Boggs • Juanita O. Brent • Thomas E. Brinkman Jr. • Sara P. Carruthers • Gary Click • Jon Cross • Al Cutrona • Bill Dean • Sedrick Denson • Ron Ferguson • Mark Fraizer • Tavia Galonski • Haraz N. Ghanbari • Timothy E. Ginter • Jennifer Gross • Thomas Hall • Brett Hudson Hillyer • Adam Holmes • Stephanie D. Howse • Catherine D. Ingram • Dontavius L. Jarrells • Marilyn S. John • Mark Johnson • Don Jones • Kris Jordan • Brigid Kelly • Darrell Kick • J. Kyle Koehler • Jeff LaRe • Brian E. Lampton • P. Scott Lipps • Mike Loychik • Riordan T. McClain • Joseph A. Miller III • Kevin D. Miller • Gail K. Pavliga • Phil Plummer • Sharon A. Ray • Craig S. Riedel • Jean Schmidt • Bill Seitz • Michael J. Skindell • Lisa A. Sobecki • Dick Stein • Jason Stephens • Brian Stewart • Reggie Stoltzfus • D. J. Swearingen • Daniel P. Troy • Terrence Upchurch • Casey Weinstein • Andrea White • Scott Wiggam • Bob Young • Tom Young

What is contained in HB 508?

Generally, a presumption in favor of equal parenting rights **and** equal parenting time.

1) Removes R.C. 3109.04:

The shared parenting statute which includes best interest factors.

2) Proposed R.C. 3109.045 and R.C. 3109.0410:

Encourages parents to submit a
shared parenting plan.

Statute mandates that there is a
rebuttable presumption that the plan
submitted is in the best interest of the
children unless the Court finds such
to be detrimental to the children.

3) Proposed R.C. 3109.0420:

Mandates Courts to Order shared parenting even when no joint plan has been submitted or when there are conflicting proposed plans.

Contains rebuttable presumptions for equal decision making **and** equal parenting time unless the Court finds **by clear and convincing evidence** that such would be *detrimental* to the child.

Burden of proof ***is on the party objecting*** to equal decision making and/or equal parenting time.

4) Proposed R.C. 3109.063 and R.C. 3109.042:

Same equal decision making and equal parenting time presumptions and rebuttable standard apply for temporary orders for both married and unmarried parties.

In determining whether the presumption is rebutted for equal decision making, the Court shall determine:

- Ability of parents to cooperate and encourage love and affection with the other parent.
- History of abuse, neglect and dependency.
- Mental health of all involved.
- Recommendations of the GAL, provided it is not the solo basis.
- Whether a parent is totally incapable of providing care.

In determining whether the presumption for equal parenting time is rebutted, the Court shall consider:

- Abuse, neglect and dependency (best interest factor).
- Geographic proximity at the time of filing.
 - Child's wishes as express in camera (best interest factor).
 - Interactions and interrelationships (best interest factor).
 - Adjustment to home, school and community (best interest factor).
 - Established residency outside of the state (best interest factor).
 - Recommendations of the Guardian ad Litem, provided it is not the sole basis.
 - Whether a parent is totally incapable of care.

The Process in the Legislative Committee

**1. Proponent testimony
from the sponsors.**

2. Proponent testimony from others.

- Mental health experts.
- The National Parents Organization representatives.
- Those with bad experiences in family court.

3. Interested Party Testimony.

- Magistrate Karen Zajkowski from the Tuscarawas County Domestic Relations Court.

4. Opponent Testimony.

- Judge Brown
- Ohio Domestic Violence Network
- Legal Aid
- National Organization of Women
- Custody Evaluators
- Ohio State Bar Association
- American Academy of Matrimonial Lawyers

Summary of *Proponent* Positions

- 87% of Ohioans polled support equal parenting time.
 - Biased family Court history in favor of Mothers.
 - Dad deprived lives.
 - Every other weekend has no scientific basis.
 - Judicial discretion as applied is inconsistent across the State.
 - Judicial Bias.
 - Decreased Litigation.
-

Summary of *Opponent* Positions

- Best Interest of Child should come before equality for parents.
 - Forced contact between domestic violence survivors and their abusers.
 - Unfairly prejudices pro se litigants and disadvantaged persons in litigation.
 - Judicial discretion undermined.
 - “Detrimental” standard is one step away from overt abuse.
 - One size fits all.
 - Age appropriateness.
 - Unmarried application before paternity established.
 - Increased litigation.
 - Required data collection by Court.
-

How can you help?