



There are major questions for the legislature that have not been answered but need to be considered and answered about policies concerning the family.

Why do we allow the removal of fit parents from the lives of their children every day?

What is the compelling state interest in doing so?

Do parents divorce their children when they end their own personal relationship?

Why is Ohio still using the law, and methods that were passed in the 1980sⁱ to determine custody between parents when there have been so many significant changes in case law, societal changes, and significant psychological reports showing that the involvement of both parents is critical to the success of a child?

The State of Ohio claimed that custody awards are done 70%ⁱⁱ of the time in favor of the mother although we question these claims by the courts since Census Bureau numbers show the awards to be 85% in favor of the mother.

Ohio Caseload and Dataⁱⁱⁱ

In 2022, the Ohio child support program served over 973,175 children, over 1,416,000 parents, and over 110,000 caretakers and administered approximately 746,364 child support cases. Approximately 70 percent of the children in Ohio's total caseload were identified as being born out of wedlock. In FFY 2022, Ohio's caseload ranked 4th largest overall, collecting above the national average in current child support, ranking 9th out of all states and territories and 4th among the top ten largest caseloads.

Legislative & Societal Goal: To maximize a child's involvement and access to both parents and all extended members of their family after a divorce or the end of their personal relationship.

State of Ohio's Interest: To protect the best interests of a child should abuse or neglect to a child be provable, not to interfere with the normal parent-child relationship.

Ohio has a legal presumption that equal custody is best for all children and this is the stated intent of the Legislature that time between parents be maximized unless harm or abuse can be shown.

Consistency statewide within the family courts of Ohio has long been a problem. The same sets of circumstances are often handled differently by judges for no reason, only their discretion as it is applied. Differences in local rules add to this problem. This would bring that much-needed consistency.

Benefits to Ohio's Families

- **Maximize** the involvement of both parents and their families with children.
- **Establishes** a stated baseline for custody unless the parents want to do something different.
- **Eliminate** the adversarial divorce by moving the custody of children to a mediated rather than a litigated court battle.^{iv} This helps parents by reducing litigation costs and prevents them from having to spend their children's education on litigation.

- **Provide** the Domestic Relations Court and Juvenile Courts with a uniform framework to address a child's best interests.^v
- **Increase** a child's familial ties with Siblings, Grandparents, & Relatives
- **Significantly** reduce all associated societal costs of single-parent homes by reducing teenage pregnancies, criminal and disruptive behavior, truancy, school suspensions, school expulsions, and time spent alone without adult supervision, drug and alcohol abuse, et al.

Benefits to the State and Counties:

- **Significantly** Reduce Court Caseloads & Judicial Resources. Lower court operational costs on multiple levels, not just the "divorce" courts. Based on the new filing statics from 2010; as many as 422,000 cases would be streamlined towards mediation with very little court involvement.
- **County and State** costs would be reduced significantly and the need for expanded numbers of judges and courthouse additions would be reduced.
- **Lower burdens** on businesses for lost time because of repeat court appearances, a friendlier environment that will attract business, and raise tax revenue without raising taxes. That lower burden would increase tax income to the State of Ohio.^{vi}
- **Likely** increase in state dollars being spent on tourism.
- **Likely** reduction in divorces, especially in second marriages.^{vii}

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ⁱ Ohio's shared parenting law was passed in 1981 and has not been updated since. Sections have been added but there have not been major updates to the way the courts address custody issues.

ⁱⁱ When the State's Courts made this claim in a child support review report, they did not back the statistical claim with data.

ⁱⁱⁱ Taken directly from the Child Support Guidelines Report of March 1, 2023

^{iv} A Supreme Court report of new filed cases at the time of the introduction of GA129 SB144 and HB253 showed that with just new filing on custody issues in Juvenile and Domestic Relations court there were more cases filed than in the entire Common Pleas General Division alone.

^v In a recent case before the Ohio Supreme Court on the original intent of "substantial change of circumstance" it was pointed out that 300,000 cases were re-litigated because of unclear language in the current law.

^{vi} Read our researched position paper on this. <http://www.ohiofamilyrights.com/Reports/White-Papers/Case-for-Family-Law-Reform/case-for-family-law-reform.html>

^{vii} First time married divorces run at or near 50%. Second time married rates run closer to 60%.