

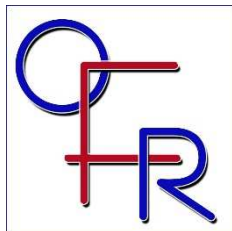
Screwy language in the substitute bill for HB14

We have found some screwy language in the substitute bill for HB14.

We have the full breakdown in a PDF and if you want to read it send us a message.

Within this substitute bill are sections that are unconstitutional on their face because of the application and how they are applied only to certain parents, not all, and only under certain situations.

- Describes every type of order except equal custody as the sponsors of this bill claim it to be about.
- The sponsor is confusing legal equal and mathematical equal.
- Initial filings generally include each parent's proposed parenting plan. As written, this requires judges and magistrates to act as social workers and/or mediators. Such detail would be impossible to write into any order or parenting plan. Every child matures at a different "speed" with some being faster and some being slower. Need I remind the members of this legislator and the committee that some of the most brilliant minds we have ever seen were seen as unteachable and slow when they were young.
- This clause applies to both parents and would require that detailed times, dates, and what can be discussed be included with the order. Parent to whom they can "communicate" with is required to be identified. Can you imagine a parent being forced to tell their child "I can't talk with you now or I can't help you with your homework" because this present time is not listed in the court order?



- This would require that everyone in a case that involves custody have a full mental and physical examination.
 - Who is to make this determination and on what basis are they making that determination? Is the parent unfit, unwilling, or unable?
 - All presumptions are rebuttable in nature. Substantially equal indicates that a mathematical rather than a legal "equal" is being applied.
- As written, this suggests that this is to be done orally instead of by motion or through a submitted parenting plan.
- While sounding like a good idea the clause lacks clarity as to what is required to do this. There is a little used clause that children's services use where they can charge you with a crime for false reporting. DV advocates often use false restraining orders or children's service claims to gain an advantage in custody cases.
- This section is unconstitutional on face due to its application and its lack of due process. This contains an automatic response and application without the ability to challenge the decision. The limited application only to the never-married father compounds the problem.
- Making decisions on sole custodial rights based on one parent saying that they do not agree without proof presented as to why will seriously hamstring the other parent's ability to be a major parent of their children's lives.
- This implies that it will reward a parent for being disruptive.
- Does not make it clear as to what degree the "changes" need to be to terminate or change an order. What is the evidentiary standard for doing this?
- Children's Service Agencies now supervise visits when there are questions of abuse or dependency. This is done to prevent further abuse and to assure that the parents of

such a case does not flee with the children. This language would open the door for more harm to children.

- Why are we allowing visitation or companionship to a person who has no more relationship with the child than liking them? We need to go back to the original intent of Ohio's third-party visitation law and apply it strictly to grandparents who have been denied access to their children by one or both parents of the child.
- The original intent of Ohio's third-party visitation law did not allow during the pendency of a divorce or custody battle between parents. This was done to prevent further confusion during the parent's private battle.
- I question the ability of the courts to find a record keeper in contempt. Record keepers are not a party to the case
- County prosecutors handle criminal matters and not matters that concern parental access to a child's school or medical records.
- At nowhere within this do we find a definition of what a "transition plan" is or what such a plan is intended to do? As written, we question the suggestion and wonder if this suggests that the courts are to create a plan to ease a parent from being involved to not being involved.
- This is suspect and appears to give the Courts the ability to limit or require a parent to live in a specific area to be involved in their child's life.
- This is overly vague and does not consider that a parent renting an apartment may move within the same complex. This would require that parents file a notice of relocation when they are moving mere feet instead of out of state or great distances within the state.
- This clause will cause every court to hire additional personnel to track these orders as the sponsors want. This is an unnecessary expense that was requested and burdened by the out-of-state non-profit that the sponsors worked with. The Ohio Supreme Court tracks and has information about caseloads and clearances on its website. Custody orders have and should never be viewable by the general public to protect the children and parties involved.

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