



Would You Tell a Neighbor How to Raise Their Children?

A person with common sense would answer that question with an emphatic “NO!”. But what they don’t know is that total strangers are making that decision for families every day.

Every day when a family decides to end their marriage or relationship, judges of this state do it in courtrooms across the state. The general public thinks that this is done in a fair and unbiased manner but in testimony on bills, judges have admitted that a bias does exist.

This is done under the “Best Interest of the Child” standard which is not defined under Ohio law. This set of laws has been in place since the early 1980s and has not been updated to consider the societal changes that have taken place. Ignored has been the large number of reports that have come out supporting the fact that children have better life outcomes if both fit parents are allowed the most control and involvement as a child grows and matures.

I am not discussing parents who have been found to have abused or neglected their child, those parents are addressed in a different way in the courts and are often given a chance to correct their deficiencies. Those parents are looked at with far more scrutiny than parents going through a divorce or asking a juvenile court to establish guidelines for parenting moving forward. I am talking about parents who were involved and are “guilty” of nothing more than ending their personal relationship.

Efforts have been made to change Ohio’s approach through the years and have been opposed by judges of this state. Two Senators have now introduced a bill that they think will solve the problem, [Theresa Gavarone](#)(R) and [Paula Hicks-Hudson](#)(D), yet what they are not telling the public is that the bill will give judges of this state total control of the families and at their full discretion. As introduced in this bill ([SB 174](#)) the language of this bill allows the judges to control intact families as well. This legislation has been put together by judges who think they know better how to raise families than families do. A state representative while working on previously introduced legislation did have a judge tell him that that was the prevalent attitude of the judges in Ohio.

I have read through the 417 Pages of this bill and found numerous problems:

- Removes the words “parental rights” and replaces them with “parental responsibilities” throughout the code --- parents have responsibilities NOT rights, according to the Judges. The court must appoint a “designated parent” to have legal custody. The switch to the use of “designated parent” from the current use of residential with cause problems with taxes for school districts and a major conflict with the language other states use.

- Offers no guidance for courts on where to begin. i.e., a baseline.
- Gives courts "*complete discretion*" over all parenting plans -- which means total power to do what they "feel is best" no matter what. Even if parents agree!
- Within the section on courts, there are major inconsistencies between counties. In some counties, only a judge (not magistrates as currently used) will be able to hear a custody case.
- Courts aren't just "approving" plans that parents submit, they get to "issue" one of their own if they want -- again maximizing control of the family.
- Adds even more factors to consider without guidance on what to DO with those factors. So, courts must apply their personal biases and opinions to even more factors.
- Requires courts to create a plan specific to the child's age and developmental stage. All children develop at a different rate and this would require a parenting plan that tries to take that into consideration which is impossible.
- Courts can *deny a joint request by both parents for "equal time"* if the court thinks it's "best".
- Creates additional "best interest" factors, including a parent's "past performance" and parents' work schedules related to the child's schedule. This allows courts to give preference to a stay-at-home mom over a working dad, for instance--simply because the dad has a job.
- They have new criteria for determining if a parent is "unsuitable" to parent and explicitly state that they must only apply the preponderance of evidence (the lowest standard there is) when deciding if a parent is unsuitable. Factors include "abandonment" and "detrimental". The whole criteria for who is "unsuitable" is *subjective* with a very low standard of evidence. This will allow abusive and neglectful parents based on a lower evidentiary standard that is suggested by the United States Supreme Court.
- Never-married fathers cannot file for custody or visitation with their children.
- A person being "fearful of harm," under preponderance of evidence, is a specified reason to restrict a parent's responsibilities or time with their children. This is an attempt to confuse civil restraining orders with criminal restraining orders.
- At any point during the open case, the court can order a multitude of investigations and evaluations at the parents' expense. What for? To investigate a parent's "character, past conduct, family relations, etc."
- There are conflicts with FERPA (Federal Education Rights of the Parent Act) and conflicts with current law.
- Sets military rights during deployment back to before the past updates in 2012.

- Allows total strangers to file for custody of a child.

Should this bill be passed, it will affect the ability of grandparents to see their grandchildren. It will allow the courts the ability to determine how a child is educated and if a parent, not both parents, to determine if a minor goes through transgender conversion. Conservations fought hard to get that into law and now the judges want that control.

It is time for every parent and grandparent to take a stand and tell legislators “NO!”. There is common sense legislation available that does bring up the out-of-date law to modern societal standards, unfortunately, the Ohio Senate is refusing to recognize that at this present time.

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