

GUIDUBALDI AND ASSOCIATES
PSYCHOLOGICAL SERVICES

October 7, 2003

Representative Michael Gilb
Chair, House Committee on Juvenile and Family Law
77 South High Street, 13th Floor
Columbus, Ohio 43215-6111

Dear Representative Gilb,

Please accept my thanks for the opportunity to present written testimony in support of HB 232. I believe this bill greatly increases the likelihood of children's successful adaptation to family disruption. Its emphasis on judicial practices that promote equal allocation of parental rights is a critical need in order to ensure a child's continuing substantial relationship with both parents. Having served as a U.S. Commissioner of Child and Family Welfare (1995-96), and as a member of Ohio's Task Force on Family Law and Children (1999-2001), I can attest to the consensus of both those groups that children fare much better when they have the continuing emotional support of both parents. For example, at the outset of their work, the 15 U.S. Commissioners stated:

The Commission, as its mission, sought ways of creating environments in which decisions can best be made about the well-being of children to ensure they receive the emotional and financial support of both parents. ([A Report to the President and Congress, September 1996, p.2.](#))

After reviewing testimony from leading researchers and court personnel from across the country, the Commission strongly endorsed mandated parenting plans and mediation as methods to minimize conflict and promote positive co-parenting.

Also, after reviewing extensive testimony, the Ohio Task Force on Family Law and Children highlighted these findings in their report to the Ohio General Assembly:

Every child has a right to meaningful relationships with both of his or her parents and it is in the child's best interest to have those relationships protected.

Divorce terminates the husband/wife relationship, but not the mother/father relationships. Both parents should continue to work together to parent their children ([Family Law Reform: Minimizing Conflict, Maximizing Families, 2001,p.6](#))

These statements and many others from authoritative policy makers reflect the consensus of dozens of well-designed research studies that children need both parents to develop optimally.

In my own nationwide study of children's adjustment to divorce (the NASP-KSU Study), we found that where sole mother custody was awarded, 51% of the children involved saw their fathers once or twice a year or less, and that these children had significantly poorer academic performance and emotional adjustment. A later nationwide survey study by sociologist

Frank Furstenberg from The University of Pennsylvania, also found father absence in 50% of his large divorced sample. Our NASP-KSU study (sponsored by the National Association of School Psychologists, Kent State University, and the William T. Grant Foundation) included the largest and most representative sample used to date in non-survey research. In this study, 144 school psychologists gathered a wide array of data on 699 families in 38 states. Follow-up studies at 3 years and 8 years verified initial conclusions, including the finding that both quantity and quality of father involvement related to significantly better child adjustment.

A second set of studies, supported by an Ohio Board of Regents grant, included samples of behavior disordered and learning disabled children in Cleveland and Akron City Schools. In both these large-scale studies, quantity and quality of biological father involvement following divorce or unwed motherhood was found to relate significantly to improved performance for these children with special needs.

In a statewide survey I conducted for the Ohio Department of Job and Family Services, I discovered another striking demographic fact about families in Ohio. This study involved data gathering about child support using 1,005 cases randomly selected from court records in 42 counties. The counties were selected in a stratified sample to represent the entire state. Of 986 cases for which marital status information was clear, 433 (43.8%) of these cases were from unwed families. The extent of unwed parentage in the state of Ohio may in part be a manifestation of disillusionment with marriage and the childrearing conditions imposed following termination of marriages.

Another study, I conducted with coauthor, Richard Kuhn, examined data from the National Center for Health Statistics. This analysis demonstrated that states with high levels of joint custody awards had divorce rates that declined (from 1990 to 1995) nearly four times faster than states where joint physical custody was rare. These results may indicate that social and economic motives for divorce may be reduced when continued shared parenting is mandated.

Despite these results and the overwhelming consensus of evidence from existing divorce research, judges have resisted awarding shared parenting where childrearing responsibilities are substantially equalized. They have often used as a rationale a supposition that if divorcing parents are not getting along, they will be unable to share parenting responsibilities. As I noted in the previously cited report to the President and Congress, the research foundation for this assumption is essentially nonexistent. It was based on an extremely small percentage (2.5%) of divorcing couples in a California study, and these couples were described as extremely high conflict families.

Moreover, it should be apparent that most couples, at the time of divorce, do indeed have a substantial amount of conflict that is usually temporary unless exacerbated by our adversarial family law procedures. The legacy of bitterness is likely to diminish over time if the courts arrange unambiguous parenting arrangements that are perceived as fair by both parents.

The acknowledgment by several policy advisory bodies that children need both parents has failed to manifest itself in judicial decisions about post-divorce child custody. Unfortunately, past judicial habits are difficult to change, even in the face of convincing contradictory evidence. As I've argued elsewhere, the only remedy to this situation is strong action by legislative bodies to mandate the preservation of parental resources from both parents wherever parents are fit.

At both national and state levels, I have been studying children's adjustment to divorce and unwed parenting for forty years. This unusually long commitment began when I became one of four charter members of the Portage County Family Counseling and Mental Health Board in 1963. In addition to the aforementioned research and public policy advisory committee experience, my credentials include serving for four years on the Harvard Preschool Project, editing the Highlights Magazine for Children's Newsletter of Parenting, serving as President of the National Association of School Psychologists, serving on the Ohio Advisory Council for Child Support Guidelines, and working as the psychologist for Western Reserve Academy in Hudson, Ohio. As a professor of school psychology at Kent State University and John Carroll University, I have trained more school psychologists in the state of Ohio than any other professor currently practicing.

The problems of divorce, unwed parentage, and child maladjustment are of such magnitude that they are strangling the potential of a whole generation of Americans. Passion and a sense of urgency must guide our nation's lawmakers, for the lives of children truly hang in the balance.

Sincerely,

John Guidubaldi, D.Ed., L.P., L.P.C.C.
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Professor Emeritus, Kent State University
Former President, National Association of School Psychologists
Former U.S. Commissioner of Child and Family Welfare