



Senator LaRose,

I first want to thank you for the invitation to sit down and talk and again pass on to Julie the great job she did in putting this together. I have spent some time reviewing the documents that Julie did forward to me. Please understand that I have a very long history with this issue within the Ohio Statehouse dating back with HB232 during the 125<sup>th</sup> General Assembly and have kept notes throughout the years as to what has and has not worked.

I am going to go thru each document and comment so that you see the big picture as this relates to SB144.

#### **Fathers and Families – Presumptive Shared Parenting**

Under current law when we apply ORC 3109.401 there is already a presumption that shared parenting is in the best interests of the child. A presumption has gotten parents nowhere and the language within SB144 takes this to a level that is necessary to fully protect the rights of fit parents.

Actually even the place that they chose to place this within the ORC is wrong as it is not within the Section of Code that deals with parental rights. All parental rights are determined by the factors and procedures within ORC 3109.04 which is why the procedures that were placed to protect military parents were placed under that section. Everything that they are asking for here is covered under SB144 in a more efficient manner for all concerned.

Within their proposal is a veiled attempt at balance or deviations of child support for parenting time and again leaves the door open to the courts to ignore the adjustments.

#### **F&F enforcement of the parenting orders**

Now I am going to get into some history since this idea goes back to HB232 and was tried there and was a major stumbling block in that bill. This one steps on the toes of the judges and the discretion in Contempt orders and they raised a fit back then and would raise a fit now. Attached in the Judicial Impact statement from HB232.

Contempt has always been a discretionary matter for the courts but SB144 because of the change to the evidentiary standard changes that. The “clear and convincing” standard of review

will stop the “he said she said” that goes on now with contempt and will stop the major of frivolous contempt motions that are filed now. When clear evidence of a failure to abide by a court order is presented the court will have no choice but to come up with a solution rather than turning their heads as they often do now. The gentleman in Summit that is having problems with enforcement of his parenting time would not have the problems that he has now with seeing his child if the changes in SB144 were in place.

As a side note to that story by Bob Dyer, he and I have a long history and we are trading emails back and forth about SB144 on the changes in the bill that would come with passage. Bob and I go back to when the Beacon did their story on black and white relations in the City of Akron that won the Beacon a Pulitzer Prize. He did the interview of me that was one of the features in that series and a picture of me is hanging in their display on the wall with that prize. Same holds true of Steven Dyer who is the former State Representative and Barberton Judge as he was an editor with the paper when they did the ten year follow-up. Read the comments that follow that story and you will see the lack of confidence that exists in our current system and the courts.

### **Self Support Reserves**

This is an idea that has been around for at least ten years and it has gone no where during that time. It was the only good thing in SB292 that was introduced during the last General Assembly. I am iffy as to whether this is a passable issue but do feel that it is worth a shot. Amending SB144 with this would bog SB144 to a halt and kill the major effort. I do believe that we need to try it but it has to be done as a separate piece of legislation so that the major issue is handled should the reserves idea not take hold.

### **Parenting Time Adjustment to Support Orders**

While little was presented as to a proposal on this other than what currently is contained within SB144. SB144 handles this in the manner that is best for the State and the families involved by requiring an automatic deviation based on the amount of time that each parent has with there child. This was a recommendation made by the last Task Force on Child Support and signed off on by CSEA in that report to the General Assembly.

### **Unmarried Fathers and Genetic Testing**

I have made my stance on the genetic testing issue well known and I think you feel the same based on the conversation we had in Twinsburg. Even with Federal reimbursements on this there is an expense that we cannot afford on State or local levels.

SB144 provides all the protections that a never married parent needs and that we as a State can provide. While it still will require that the never married go through the process of establishing paternity and a “visitation” order by doing this we will assure that fathers that do want to be fathers and be involved will. The LSC analysis pointed out several major problems like the administrative hold which would cause additional costs to the state if any benefit was being picked up by the Medicaid system.

Procedurally, once paternity is established the courts have to follow ORC 3109.04 when setting a visitation order. The equal legal and physical custody requirements within SB144 are more than adequate to protect the never married at that point. Calvin's plan would knock every fit never married out of that with his "shared parenting" plan that seems to try to standardize this for all. Age factors in the visitation of children went away in the 70's and with the rejection of the Courts of the Tender Years Doctrine in favor of Best Interests of the Child.

If you want to try to run a genetic testing bill to placate Calvin, go ahead but it cannot be a part of SB144 because it will never pass this General Assembly. We can not risk SB144 by adding that in.

### **Ohio Fatherhood Commission**



Of note to me was the fact that they never spoke on anything. They are a money pit for this state and I just found out that they are taking grant applications which will provide four counties \$75,000 per year. This is the drunken sailor spending that this State can not afford and that got us into the huge mess that had to be corrected with this past budget. I know that this money did not come from a Federal grant as I do receive info on them. They made a grant application to the Feds for startup money that was denied yet there were several that got money on their own including one in Marion that got over a million.

If Summit was to get one of those grants, based on their goal of 10-12 fathers per month we are looking at an expenditure of over \$600 per head with no guarantee of any success or real involvement. SB144 will save huge amounts of money in the long run in social, court costs and operational costs on pass thru child support. As I have said, I am talking to federal legislators about cutting the funding off on that level. The Commission is just not a good use of public funds.

One side story did come to me from a white father that approached them wanting to get involved. He was told to go away because "you make too much money and are the wrong color". This is not acceptable behavior from anyone that is working on the taxpayer's money.

### **Ohio Judges**

Judge William Corzine made an interesting statement when he was talking about their position that may have been missed by some in the room. While talking about the case where he said he would have to award equal custody even though he "believed the mother had abused the child because he did not have clear and convincing evidence before him". The evidentiary changes within SB144 and would have made the judge's decision clearer in his mind and properly protect the child if the child was being abused and the mother if she was being falsely accused. I suspect that this judge never read the bill before he opened his mouth against because his statement alone supports the need for the change.

I also got a chuckle out of his presumption that every man in the room was unhappy with the results of their case. Don Hubin, Ray Erker, Andy Davidson (twice) and I all had or currently have equal legal and physical custody of our children. My order was what brought me to this issue in the first place as I knew then as I do now that it is the right thing for all.

As you saw from what I gave you before they can't see the money savings in this bill to the State. As I said first year will be a wash and then we will see the saving in the future go to 50% or possibly higher with additional savings in the appeals divisions.

### **What I could not say**

It was very evident to me that no one had read the bill before this scheduled meeting. The notes that I handed you at the end of the meeting were done in advance of the meeting as part of my preparation. My most made comment was "It is in SB144 already".

JFS and CSEA did not read it and admitted that they had not yet read or reviewed the elements that are contained and were recommended by them during the last task force. I have protected the State in collections of Title IV TANF funds which will keep the State of Ohio in compliance with Federal Law.

Obviously Fathers and Families didn't as they are pushing much weaker language that will do nothing but continue with the same system and lack of protections that are already in place. That would bring us back in the future to try to change this again.

I did try to get Senator Skindell or his aide to attend but they were not available. They did ask that I report back which I have done. I have been acting as point for them on this bill since day one and continue to do so. Consensus between his office and me is the same, move SB144 forward with no changes.

This bill is getting national attention and Romney and Cain have given this a big thumb up with Cain recognizing Andy Davidson in a recent speech for the work that we are doing here. The attention goes much further in that Reverend Jesse Jackson has had information on this legislation placed in his hands. Andy was given 5 minutes of time to directly speak with Jackson and that turned into a half an hour. Jackson was so moved by this that he called Andy back later the same night as Andy was talking with Herman Cain to talk more. That is the tie to the original Civil rights movement and as the Reverend put it, "It is the last civil rights movement". We have been asked to meet with him the next time he is in Ohio for lunch.

There have been numerous comments that have been made by former domestic relations judges that have called not voting for the passage of this bill as "political suicide", which is a strong statement from people that have worked within the system of family law. For me this is not about me but about my son's future and about your child's future.

SB144 has to stand without amendment and be moved out of Committee to the floor for a vote soon. This is a General Assembly that has the ability to pass this into law as every member has heard too many stories already and it is time to reign in this problem that has cost the taxpayers so much already. I brought this in with bi-partisan support that is needed and we can not lose

that by changing it now. The genetic testing issue is not passable and child support reserve is iffy at best. Adding them to this will kill what one attorney called the "Holy Grail" of family law and one that has been needed for years.

This not the only bill that has come before the General Assembly as you know since you championed the Military changes within HB121. Representative Pelanda has introduced HB348 which will change the alimony system to bring consistency in those matters. I am strongly supporting that legislation on the House side and hope that you would support that when it comes to the Senate.

Please take this as words of advice from someone that has been at this for too long and knows this issue completely. We need this passed yesterday before we damage another child's future. Opportunities like this come along rarely as I can attest since it has been 12 years since HB232 and the reintroduction of the same legislation in the following General assembly.

**Ray Lautenschlager**

*Ohio Family Rights*

*President*

"The keeper of the penny"

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**"Success is more permanent when you achieve it without destroying your principles". - Walter Cronkite**

We are continually faced with a series of great opportunities brilliantly disguised as insoluble problems. - John W. Gardner

*You have enemies? Good. That means you've stood up for something, sometime in your life. -Winston Churchill*

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