



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 14
(1_135_1898)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 14's Bill Analysis](#)

Version: In House Families, Aging and Human Services

Primary Sponsors: Reps. Creech and John

Local Impact Statement Procedure Required: Yes

Robert Meeker, Senior Budget Analyst, and other LBO staff

Highlights

- Courts of common pleas will incur costs to adopt, implement, and administer rules on standard parenting time guidelines related to the presumption in certain domestic relations and juvenile cases that substantially equal parenting time is in the best interest of the child. The likely outcome is that courts will generally expend more time and effort to administer such cases, including possible costs associated with additional hearings, expert testimony, and guardian ad litem appointments. Some costs may be partially offset if fees are raised, which would be at the discretion of each court.
- Courts of common pleas will experience costs to establish and maintain a process to make available the required annual parenting time report. At least one court has indicated that this would necessitate additional staff to compile and update case information.
- County child support enforcement agencies (CSEAs) could realize costs to review or modify child support orders. The total cost will depend on the number of requests received and the scope of review for requests.

Detailed Analysis

The bill makes changes to current law regarding the allocation of parental rights and responsibilities in a divorce, dissolution, annulment, or legal separation proceeding. The overarching effect of the bill is to establish state policy for the allocation of parental rights and responsibilities, substantially equal decision-making responsibility and substantially equal time spent with the child between each parent, when the parents do not submit an agreed upon parenting plan. The bill requires each court of common pleas to (1) adopt rules on standard parenting time guidelines as established in the bill and (2) compile an annual report of data regarding division of parenting time.

Courts of common pleas

Allocation of parental rights and responsibilities

Courts of common pleas have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children. The bill will affect divisions of the court with jurisdiction over domestic relations and juvenile cases, with the latter involving child custody matters where the parents are not married.

Existing law requires the court to allocate parental rights and responsibilities upon hearing the parents' testimony and considering any mediation report. The bill repeals this existing law and instead establishes a new process that essentially sets as the default in cases regarding the allocation of parental rights and responsibilities, substantially equal decision-making responsibility and substantially equal time spent with the child between each parent, when the parents do not submit an agreed upon parenting plan.

Under the bill, a shared parenting plan for the custody and care of children that the parents jointly submit is rebuttably presumed to be in the best interest of the child and must be approved by the court, unless it is shown to be detrimental to the child. If no agreement exists, there is a rebuttable presumption that substantially equal decision-making responsibilities and substantially equal parenting time are in the best interest of the child and must be allocated accordingly, unless it is shown to be detrimental to the child.

When determining whether (1) the presumption of substantially equal decision-making rights and responsibilities is rebutted, (2) the presumption of substantially equal parenting time is rebutted, or (3) whether parenting time for a nonresidential parent would be detrimental, the court is required to ask each parent whether that parent is requesting substantially equal decision-making rights and responsibilities or substantially equal parenting time, as appropriate to the situation, and to consider the responses in the determination.

As related to a child born to an unmarried women, the court is prohibited from allocating unequal parenting time unless it inquires of each parent whether that parent is requesting substantially equal parenting time and requires the responses to be used when determining whether to grant parenting time, establishing a parenting time schedule, and determining other parenting time matters.

The bill requires that a shared parenting order and parental rights and responsibilities order include 12 specified elements, and any other provisions required by statute or the court.¹ Agreements to the orders and other supporting documents, for example work schedules and living arrangements, must be filed with the court no later than 30 days before the hearing to determine the allocation of parental responsibilities. The bill allows a court to issue temporary orders and extend those orders if parents file a joint motion requesting an extension. The bill requires a court to issue a final shared parenting order not later than nine months after either (1) the date that a motion for a temporary order to allocate parental rights and responsibilities

¹ See R.C. 3109.046 for the required elements of an order.

was filed, or (2) the date that the parties last filed a motion requesting extension of a temporary order.²

Courts of common pleas will be required to rewrite their local rules to conform to the bill's provisions regarding the allocation of parental rights and responsibilities. The changes are expected to increase the number of hearings associated with cases involving parental rights and custody. Provisions related to the rebuttals could add time to cases as the standard is set at a preponderance of the evidence and as such, more evidence may be submitted and reviewed.

Additional cases may require expert witness testimony if a court finds that a shared parenting agreement is detrimental to the children. More situations requiring the appointment of a guardian ad litem are likely. Under current practice, the cost of a guardian ad litem is set and assessed by the court. Typically, the costs are attached to the case and shared by the parties. If the parties are indigent though, those costs may be borne by the court or other local agencies. It is uncertain how many cases will or may qualify for a guardian ad litem. Costs and fees vary from court to court, but as one example, the Franklin County Court of Common Pleas requires an \$800 deposit by the parties, with the hourly rate set by the judge or magistrate.

In cases where the court denies parenting time, the bill requires a court to state its findings and conclusions in writing and requires the court to issue a transition plan to "encourage, facilitate, and establish or re-establish the relationship between that parent and the child, provided that the parent has demonstrated a desire and ability to establish or re-establish a relationship with the child." Generally the plan can last no more than 12 months and if the plan is satisfactorily completed, on the motion of either parent, both parents, or the court's own motion, the court is required to modify the parental rights and responsibilities order to provide for substantially equal decision-making rights and responsibilities and substantially equal parenting time. The bill (1) allows a court to impose a reasonable monetary sanction or community service against a person that the court has determined to have intentionally made a false accusation of child abuse or neglect against a parent in a proceeding to allocate parental rights and responsibilities, and (2) requires a court generally to hold a hearing on a motion alleging interference with parenting time no later than 28 days after the filing of the motion. Court costs and attorney fees may be assessed. The additional workload for the courts will be highly variable and depend, in part, on the current docket size. For a court that processes a high number of proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children, costs will likely be higher than a court that processes a relatively small number of such cases. It is uncertain if courts will opt to reexamine their local filing fees in order to offset any increase in case processing costs.

The bill contains transitional provisions that address orders allocating parental rights and responsibilities, parenting time orders, and orders for companionship and visitation under existing law. Under the bill, these orders that were issued under existing law will remain in effect upon the bill's enactment, but must be enforced and modified in accordance with the bill's provisions. These provisions appear to create the potential for settled cases being reopened and

² The bill includes an exception to the requirement of substantially equal parenting time under a temporary order if the child is 12 months of age or younger and the mother is nursing the child.

reexamined using the new criteria and guidelines. This would further affect court caseloads and costs. A review of similar legislation in Kentucky indicated that its enactment resulted in a one-time influx of new case reviews.

Parenting time reports

The bill requires each court that issues certain custody orders to compile an annual report of data regarding the division of parenting time, as tracked by overnight stays with a parent. This requirement includes (1) identifying the type of case involving parenting time, such as a shared parenting order, parental rights and responsibilities order, or a parenting time order, (2) tracking the number of cases of agreed judgment entries that were contested and ordered by the court, and (3) publishing the data on the court's website or otherwise make it publicly available, upon request.

In order to implement these reporting requirements, courts of common pleas will need to develop and implement a means to collect and publish the parenting time data. Each court would have some manner of discretion in determining how best to compile and make the data available. At least one court has indicated that additional staff would be needed in order to compile and update the information as needed. These would be ongoing costs for each court.

Child support services

It is possible that the bill could result in additional requests for modifications or terminations of child support orders.³ There would be administrative costs to child support enforcement agencies (CSEAs) to review and process any additional requests received. The total costs would depend on the number of requests received and the scope of review associated with each request. It is also possible that there could be an initial increase in requests shortly after enactment. In addition, the bill outlines several requirements that must be included in a shared parenting agreement or parental rights and responsibilities order, which might increase administrative costs. Funding for CSEAs consists of federal, state, and local dollars.

The Ohio Department of Job and Family Services supervises Ohio's Child Support Program while county CSEAs administer it at the local level. CSEA services are available to all residents who apply for services. However, public assistance recipients are automatically referred to CSEAs to establish paternity or support orders. Available CSEA services include location of noncustodial parents, establishment of paternity, establishment and enforcement of monetary and medical support orders, collection of support, and review and modification of support orders. In the case of divorcing couples, established support orders are sent from the court to CSEAs to administer and make modifications if warranted. However, CSEAs can establish and modify support orders in the case of unmarried couples or couples who are married but separated.

Ohio court statistics

The information shown in the two tables below summarizes the number of parenting-related cases filed in courts of common pleas across the state from calendar years (CYs) 2015 through 2022. These are likely to be the types of cases affected by the bill. The data, including drill-through data for each county, is available on the Ohio Supreme Court's website at

³ The Ohio CSEA Directors' Association is a statewide organization representing county child support enforcement agencies (CSEAs).

supremecourt.ohio.gov and then selecting Data Dashboards under the Courts – Statistical Reporting menu. Of note is the general downturn in CY 2020 and CY 2022 case volumes, which was due to the impact of the COVID-19 pandemic on court operations statewide.

Table 1. Parenting-Related Cases, CYs 2016-2022							
Total Incoming Cases							
(New Filings plus Reactivations and Transfers)							
Court Type/Case Type	2016	2017	2018	2019	2020	2021	2022
Domestic Relations							
Marriage Dissolutions w/Children	7,149	6,877	7,064	6,788	6,797	6,823	6,015
Marriage Terminations w/Children	12,921	12,415	12,305	12,209	10,513	11,053	9,847
Change of Custody	6,124	6,264	6,133	6,399	5,500	5,866	5,669
Parentage	1,275	1,282	1,314	1,250	1,117	1,595	1,474
Support – Enforce or Modify	25,584	25,386	25,496	24,036	17,958	18,542	18,606
U.I.F.S.A.*	966	889	864	890	650	777	740
Visitation – Enforce or Modify	2,780	2,971	2,991	2,980	2,754	2,653	2,639
Parenting-related Case Total	56,799	56,084	56,167	54,552	45,289	47,309	44,990
Overall Case Total**	110,332	108,541	109,257	108,636	93,921	98,830	96,862
Juvenile							
Custody/Visitation	32,482	33,850	34,317	34,291	27,028	30,549	29,200
Permanent Custody	2,981	3,088	3,412	2,636	2,459	2,464	2,400
Parentage	7,250	6,759	6,383	6,255	5,005	5,857	5,800
Support – Enforce or Modify	49,694	53,704	49,381	46,720	29,793	31,543	34,385
U.I.F.S.A.*	1,118	1,459	946	944	677	735	723
Parenting-related Case Total	93,525	98,860	94,439	90,846	64,962	71,148	72,508

Table 1. Parenting-Related Cases, CYs 2016-2022
Total Incoming Cases
(New Filings plus Reactivations and Transfers)

Court Type/Case Type	2016	2017	2018	2019	2020	2021	2022
Overall Case Total***	245,768	246,826	224,708	217,100	155,489	175,540	177,208

*The Uniform Interstate Family Support Act (UIFSA) is a law which regulates the processing of all child support cases in which parties are located in more than one state.

**In addition to case types listed in the table, the overall Domestic Relations case total includes marriage dissolutions without children; marriage terminations without children; domestic violence; and other uncategorized case types.

***In addition to case types listed in the table, the overall Juvenile case total includes abuse, neglect, or dependency; adult cases; delinquency; traffic; unruly; and other uncategorized case types.

Table 2. Parenting-Related Cases, CYs 2016-2022
Average Total Incoming Cases Per Judge
(New Filings plus Reactivations and Transfers)

Court Type/Case Type	2016	2017	2018	2019	2020	2021	2022
Domestic Relations							
Marriage Dissolutions w/Children	54	52	54	51	51	51	45
Marriage Terminations w/Children	97	94	93	92	79	82	73
Change of Custody	46	47	46	48	41	44	42
Parentage	10	10	10	9	8	12	11
Support – Enforce or Modify	192	192	193	181	135	138	139
U.I.F.S.A.*	7	7	7	7	5	6	6
Visitation – Enforce or Modify	21	23	23	22	21	20	20
Parenting-related Case Total	427	425	426	410	340	353	336
Overall Case Total**	830	822	828	817	706	738	723
Juvenile							
Custody/Visitation	295	308	312	309	243	273	261
Permanent Custody	27	28	31	24	22	22	21
Parentage	66	61	58	56	45	52	52

**Table 2. Parenting-Related Cases, CYs 2016-2022
Average Total Incoming Cases Per Judge
(New Filings plus Reactivations and Transfers)**

Court Type/Case Type	2016	2017	2018	2019	2020	2021	2022
Support – Enforce or Modify	452	488	449	421	268	282	307
U.I.F.S.A.*	10	13	9	9	6	6	6
Parenting-related Case Total	850	898	859	819	584	635	647
Overall Case Total***	2,234	2,243	2,043	1,956	1,401	1,567	1,582

*The Uniform Interstate Family Support Act (UIFSA) is a law which regulates the processing of all child support cases in which parties are located in more than one state.

**In addition to case types listed in the table, the overall case total includes marriage dissolutions without children; marriage terminations without children; domestic violence; and other uncategorized case types.

***In addition to case types listed in the table, the overall case total includes abuse, neglect, or dependency; adult cases; delinquency; traffic; unruly; and other uncategorized case types.

Synopsis of Fiscal Effect Changes

There are no substantive fiscal differences between the previous version of the fiscal note and the latest substitute version of the bill (I_135_1898).