



Ohio Judicial Conference

The Voice of Ohio Judges

Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, I thank you for this opportunity to submit interested party testimony for Senate Bill 125 on behalf of the Ohio Judicial Conference.

I am Jim James, Administrative Judge of the Juvenile Division of the Stark County Family Court. I have served as a judge since 1999, as Past Chair of the Ohio Judicial Conference, current Co-Chair of the Conference's Juvenile Law and Procedure Committee, and member the Conference's Domestic Relations Law and Procedure Committee. I am also a Past President of the Ohio Association of Domestic Relations Judges and served as a member of the 2017 Child Support Guidelines Advisory Council.

I am testifying today to discuss the judges' concerns with S.B. 125, which focuses primarily on two specific provisions of the bill. First, I want to clarify that the Judicial Conference is not opposed to S.B. 125. There are many provisions that we support. But for the sake of brevity, I will focus my testimony on the two parenting time provisions that have raised the most concerns.

Proposed R.C. 3119.231

S.B. 125 requires a court to consider a "substantial deviation" of child support payments if a noncustodial parent receives a parenting time order in excess of 147 overnights per year. This exchange of money for time spent with a child is a trade that judges refer to as "dollars for days." Parents seeking a parenting time order should be doing so because they truly wish to spend time with their child, not because a certain number of overnights reduces child support. The provision creates the incentive to use parenting time for a financial purpose. While the bill grants discretion to disallow the reduction in the child support so long as the court's order specifies "the facts that are the basis for the court's decision," the provision will nevertheless encourage new legal battles as attorneys will focus their efforts on fighting for exactly the number of overnights required to receive the reduction. The result will be an increase court workload and will likely to lead to additional fighting between parents that are not in the best interest of the child.

We recommend that this provision be removed from the bill. In the alternative, we are more than willing to help develop appropriate alternative language, such as deviation requirements based purely on financial reasons.

Proposed R.C. 3119.051

S.B. 125 also provides for a mandatory ten percent reduction in child support calculations in cases where parenting time is granted in excess of ninety or more overnights per year. We recommend that this reduction be removed from the bill or, if necessary, built into the child support table for the purposes of efficiency. Under the bill, more cases in domestic relations court will qualify for this reduction than those that do not. This means that for the majority of child support orders, the court is taking an extra step. It is our position that it would be more efficient and more practical for courts to implement this provision if the reduction were built directly into the table. The court could provide a corresponding ten percent increase in those cases where a parent is not granted the required visitation.

Thank you for the opportunity to testify. We look forward to continuing to work with Senator Beagle and this Committee to improve the bill, and appreciate your openness to our concerns. I am available to answer any questions you may have.

Sincerely,

Judge Jim James
Stark County Family Court