

NATIONAL PARENTS ORGANIZATION GUIDE TO TESTIFYING CONCERNING SB 125

On Tuesday, October 17, the Ohio Senate Judiciary Committee will hold its third, and likely last, hearing on SB 25, the new child support bill. There is much in this bill that brings welcome and long overdue changes to Ohio's child support laws. However, National Parents Organization opposes the bill in its current form because of the way it hinders shared parenting and results in a division of the parents combined child support funds being divided between the child's two households in a way that will harm children and be unfair to their parents.

The hearing takes place at 10:15 am (10/17/2017) in the North Hearing Room of the Senate Building (Ohio Statehouse, 1 Capitol Square, Columbus, Ohio 43215-4275). Because I will be meeting with Ohio legislators concerning an NPO-sponsored shared parenting bill, I will not be able to testify in person. I will, of course, submit written testimony on behalf of NPO. For any NPO members and supporters who are interested in testifying at the hearing on October 17, I'm offering this brief guide on matters of both substance and style for in-person testimony.

Matters of Style: Presenting Testimony at the Senate Judiciary Committee Hearing

- ***Dress appropriately:*** This is official business of the Senate and first impressions matter.
- ***Be respectful:*** The senators on this committee are trying to understand the ins-and-outs of a complex child support system and how this bill will alter it. They are not our opponents. We seek to educate them, not challenge them.
 - ***Beginning your comments:*** There is an accepted formal style of introducing your testimony. Begin by saying: "Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, Members of the Committee, thank you for this opportunity to speak concerning SB 125. My name is ..." and go on to your testimony.
 - ***Ending your comments:*** Close by thanking them again.
- ***Stay on Point:*** The Committee is considering a specific bill. This is not the place to make a broad attack on Ohio's child custody and child support system, no matter how justified such an attack is.
- ***Demeanor:*** Remember, you will be more effective in making your points if the Senators see you as a concerned parent, rather than an angry litigant.
- ***NPO Representation:*** It is a good thing to represent your affiliation with NPO, but make it clear that you are not speaking as an official representative of NPO. The official NPO testimony on the bill will be provided in written form.

Matters of Substance: NPO's Position on SB 125, in Brief

- ***Self-Support Reserve:*** SB 125 provides for a self-support reserve for obligors to ensure that child support obligations are not impossibly high for low-income obligors. Unreasonably high child support obligations of low-income obligors helps no one: not the obligors, not the recipients, and not the children. ***NPO strongly supports this element of the bill.***

- **Standard Parenting Time Adjustment:** Incorporating a parenting time adjustment into the child support guidelines is long overdue. Unfortunately, SB 125 does it wrong in several ways.
 - **Flawed Methodology:** SB 125 treats the duplicated expenses on children (bedrooms, beds, toys, computers for schoolwork, etc.) unfairly and in a way that harms children. These expenses in the child support recipient’s household are treated as a *shared responsibility* of both parents. The same expenses in the child support obligor’s household are treated as *the sole responsibility* of the obligor. Since true shared parenting benefits children, NPO believes that the costs of shared parenting should be shared.
 - **Mathematical Error:** After using the flawed methodology that results in a 10% downward adjustment in child support for an obligor exercising standard parenting time, SB 125 goes on to make a mathematical error. The methodology should result in a downward adjustment of 10% *of the parents’ combined child support obligation*. This is what Job and Family Services own Child Support Guidelines Advisory Councils recommended in their 2009, 2013, and 2017 reports. However, SB 125 calculates the standard parenting time adjustment as 10% of *only the obligor’s portion of the combined child support obligation*. There is no principled justification for this. The reasoning of Job and Family Services in deviating from the recommendations of the last three Guidelines Councils seems to be, simply, “we *feel* that 10% of the *combined* child support obligation results in too much money being kept in the household that the children are spending about 30% of their time in, so we want to cut that down.”
- **Deviation for Extended Parenting Time:** SB 125 provides vague and weak guidance for how to handle what it considers “extended parenting time.” In cases where over 40% of the children’s time is spent with the obligor, SB 125 requires that courts “*consider* a substantial deviation” in the guideline child support amount and, if they don’t grant such a deviation, explain why they haven’t. It does not give any guidance on what a “substantial deviation” is, which will certainly result in arbitrary and unjustified variations as one court considers a 10% deviation to be substantial and another considers a 50% deviation to be substantial. Furthermore, the provisions of SB 125 will encourage courts to look only at the obligor’s portion of the combined child support obligation in determining what constitutes a “substantial deviation.” This is a mistake. Just as with the standard parenting time adjustment, the correction should be based on the *combined* child support obligation of both parents. The issue before the court is how should the combined child support obligation of both parents be divided between the two households based on expected child-related expenses.

For more information, see the [NPO Response to SB 125](#) and the [NPO Proposed Amendments to SB 125](#). Testimony, whether in person or written, should be accompanied by a [Judicial Committee Witness Form](#). (On this form, do not indicate that you *represent* National Parents Organization.)

With love for our children,

Don Hubin, Chair
National Parents Organization, Ohio Chapter