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Addressing Child Custody in Ohio

Brief prepared by Leslie Straka, March 2007

Child & Family Issue Brief

Nearly half of Ohio's children will experience parental divorce before they reach adulthood. These cases require custody decisions focusing on optimal living arrangements that best promote children's growth and development. Additionally, a growing number of custody cases involve children born to unmarried parents. Ambiguity about what constitutes the "best interest of the child" creates difficulty for judges in deciding residential parenting and visitation plans. Factors that must be considered in such cases include emotional attachment, parental alienation, minimizing parental conflict, and assigning appropriate parenting time.

Problematic custody arrangements not only have the potential to negatively affect a child's emotional state, but may induce a financial burden for parents due to re-litigation and the need to pay for unwanted legal services. Re-litigation also creates considerable cost and resource issues for courts and support services.

The complex nature of child custody, child development, and best interest of the child warrants a more definitive set of guidelines upon which Ohio's custody decisions can be based. In order to more adequately address the complex issues related to child custody, The Ohio Task Force on Family Law and Children was formed. As a result of this group's efforts, statewide goals were established for improving child custody guidelines.

The Face of Child Custody in Ohio:

- In 2005, for every 100 marriages that occur in Ohio each year, an average of 54 divorces occur in the same year. About 40% of all children will experience parental divorce before they reach age 18.¹
- Over 42,000 Ohio children are impacted annually by divorce (2002)¹
- Over 30% of children (1.35 million) born in 2000 were born to unmarried parents (2002).¹
- Of the 47,563 Ohio divorces in 2005, more than 47% involved parents with minor children.¹
- 22% of single fathers and 38% of single mothers live below the poverty line (2004)²
- Approximately 80% of divorced, single parent families are mother-headed
9-12% of fathers retain sole custody of their children. Shared joint physical custody ranges from 11-17% (2004).²

References: 1) Ohio Department of Health, Center for Vital and Health Statistics, <http://www.hec.ohio-state.edu/famlife.couple-inservice/handout/StateofMarriageOhio.pdf>, 2) Children's Rights Council, "Child Custody Statistics 2004: Single Parent Families with Own Children Under 18," <http://www.gocrc.com/research/custody-stats.html>

Ohio Policy Recommendations:

- **Establish a family court in each county to reduce financial burden, stress on judges, and increase information sharing.** This court should provide the resources a family needs before, during, and after custody proceedings.
- **Minimize the adversarial nature of custody proceedings.** Establish an atmosphere to reduce parent-to-parent focus in the residential decision process. Offer standardized forms and on-line literature. Increase access to mental health professionals, family life educators, and mediators to decrease re-litigation.
- **Offer un-bundled legal services to parents in custody cases to separate services into distinct categories of need.** Reduce costs to parents by allowing them to access services on an individual basis so they may accept only certain services related to the custody case.

**Ohio Task Force on Family Law and Children Goals:**

1. Maintain parental relationship to child with both parents (unless it interferes with the best interest of the child).
2. Make efficient and expedient custody decisions to minimize conflict.
3. Help reduce parental conflict and re-litigation by offering local agency-supported educational programs.
4. Better inform judges, lawyers, psychologists, & other professionals through educational programs about family functioning.
5. Explore new ways to serve divorcing parents, from offering web-based, standardized information to un-bundling legal services.
6. Study the effectiveness of legislative changes on patterns of family conflict.

The Ohio Task Force on Family Law and Children (2001). Ohio Task Force on Family Law and Children, Family Law Reform: Minimizing Conflict, Maximizing Families.

- **Establish parenting time and visitation schedules to optimize child development and reduce re-litigation.** Timely and well-informed decisions should be made to reduce conflict and increase satisfaction with decisions.
- **Enforce parenting time schedules that allow maximum interaction and consistency with children.** Promote a developmental approach in assigning parenting time, considering the child's age when designating time with each parent.
- **Improve community assistance to newly-forming families (prevention) and families experiencing separation (intervention).** Support the involvement of Certified Family Life Education professionals in custody cases to help parents and children negotiate the process.
- **Provide family life education for judges and court personnel to familiarize them with pertinent issues of child development and parental conflict.**

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