

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

**Family Law Reform:  
Minimizing Conflict,  
Maximizing Families**

**"People who are willing to create a life should be willing to take care of it and support it. It's like when I was in ceramics class, there were steps to getting a piece of pottery complete. First, you have to make sure that there are no bubbles in the clay or else it's gonna blow up in the kiln and then you have to make sure that there are no bubbles in the glaze, wait for the glaze to dry and set it in the kiln just right. I think that parents should be willing to put it in for the long run and take time with their pottery and they should be willing to go through every step to assist that pottery so that it comes out as the best possible piece of art." -- *Joseph, age 17***

June 20, 2001

The Hon. Richard H. Finan  
President of the Senate  
Statehouse, Room 210, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215

The Hon. Larry Householder  
Speaker of the House of Representatives  
77 South High Street  
14<sup>th</sup> Floor  
Columbus, Ohio 43266-0603

Dear Senator Finan and Speaker Householder:

Ohio, like every state in America, is home to numerous children who do not reside with both parents. Unique challenges face parents who raise children in separate homes, not the least of which is determining when, where and with whom the children will reside. The adversarial process currently pits parents against each other in a battle to determine who will raise their children. The 122<sup>nd</sup> General Assembly realized that, for far too long, the gender wars have been fought in our Domestic Relations court rooms, and that the primary casualties have been our children.

Recognizing that children and families are better served when paramount importance is placed on the needs of children and the responsibilities of the adults who care for them, and that both parents need to be parents, no matter where the child is living, the General Assembly created The Ohio Task Force on Family Law and Children. This group is charged with the responsibility for researching the state of family law in Ohio and making recommendations for enhancements to our processes that will put children first, ensure that families have choices during the divorce and dissolution process, minimize conflict, and emphasize problem solving.

In January of 1999, twenty-four individuals from nine different disciplines were selected to perform this work by the Chief Justice of the Supreme Court of the State of Ohio, Governors Voinovich and Taft, the Ohio Association of Domestic Relations Judges, the Ohio Association of Juvenile and Family Judges, the Ohio State Bar Association, the Speaker of the House of Representatives and the President of the Senate. For the first six months of 1999 the group met, without a budget or staff, and began an examination of our legal and social service systems that serve Ohio's children whose parents do not reside together. In July of 1999, the General Assembly provided funding, so staff could be hired and a comprehensive research effort could be undertaken. Originally, the deadline for the Task Force report was December 31, 1999.

However, given the scope and importance of the project, the General Assembly extended this deadline, to allow this research effort to be advanced more fully.

More than two dozen experts from around the state and across the country presented testimony to the Task Force over a six-month period. Representatives from a variety of parents' organizations, as well as a panel of teens who had experienced their parents' divorces, brought their unique concerns to the Task Force. Staff members obtained research articles and statutes from around the nation and the globe to find the latest policies and practices. Members of the Task Force traveled to Phoenix, Arizona, to meet with staff at the Maricopa County Court system, a nationally recognized leader in court services and pro se programs, and to conferences sponsored by the Association of Family and Conciliation Courts, an internationally acclaimed organization which provides research and programs for professionals dealing with families in conflict.

At the end of the information gathering process, the Task Force examined all of the information obtained with one goal in mind, enhancing the well being of Ohio's children and families in a fiscally efficient and responsible way. Ideas were discussed and debated, and suggested statutory language created. The Task Force focused on the idea that Ohio's legal and social service institutions should minimize conflict between parents and protect children from the effects of their parents' conflicts, while providing opportunities and support to parents as they continue to be parents to their children, regardless of family structure. The following report and recommendations are the result of this extensive research effort and debate and have been unanimously approved, without any abstentions or dissents, by official action of the 17 members of the Task Force present at the final meeting on June 1, 2001.

Respectfully Submitted,

Rosemary G. Rubin, Esq.  
Chair

## ACKNOWLEDGEMENTS

While this list in no way represents the entire number of people who gave of their time and expertise, the Task Force would like to thank the following individuals and organizations for the assistance they provided.

The General Assembly for providing funding to ensure that a comprehensive research could be undertaken.

The Judges and court employees in all 88 Ohio counties who responded to the Task Force survey.

Phillip Knox, Court Administrator in Maricopa County, Arizona, and numerous members of the Family Court staff who met with Task Force members and staff, for the invaluable insight and information they provided.

The Arizona Statewide Access and Visitation Guideline Committee for providing the Task Force with model parenting access time plans to review. Their material formed the basis for Appendix C.

Eileen Pruett and the Supreme Court of Ohio Office of Dispute Resolution Special Committee on Parent Education for the material on parent education, which is replicated in Appendix D.

Barbara Flood, Executive Director of Patchworks House and President of the Ohio Children's Access Visitation Coalition, for the material on supervised visitation and neutral exchange sites which is contained in Appendix E.

The Supreme Court of the State of Ohio for creating a web page that allowed the Task Force to obtain vital feedback from the public as this report was being prepared.

William K. Weisenberg, Assistant Executive Director for Public and Government Affairs of the Ohio State Bar Association, for his advice and assistance.

The Ohio State Bar Association, for frequently providing meeting space.

Randy Leite, Ph.D., Assistant Dean, The Ohio State University, Marion, for analyzing all of the data from the parents' survey.

Barb Sanders and Judy Cowell, who regularly attended meetings on behalf of the Ohio Department of Jobs and Family Services.

Stephanie Hill, of Wendy's International, who handled meeting and travel arrangements and an endless myriad of details with grace and professionalism.

Rusti North in the Supreme Court of the State of Ohio Fiscal Office, who assisted with the bookkeeping and treasurer's reports with exceptional courtesy and professionalism.

All of the organizations and individuals who took the time to review the preliminary draft of the report and respond with thoughtful critiques.

The Task Force would also like to offer heartfelt thanks to the more than 1,300 Ohio parents who took the time to complete the survey on services, and numerous other parents who wrote, called, and e-mailed the Task Force to share their stories and provide valuable suggestions.

Finally, the Task Force would like to thank its outstanding staff of Kathleen Clark, Executive Director, Lisa DeGeeter, Assistant Director and Eden Miehl, Psychological Intern, for their extraordinary diligence, creativity and enthusiasm in the performance of their respective duties. Without their management skills and talents for creating and drafting surveys, goals, objectives, statutory provisions and appendices, it would have been impossible to produce this final report in a timely and thorough manner.

## Table of Contents

Letter to Speaker Householder and Senate President Finan.....	i
Acknowledgements.....	iii
Table of Contents.....	v
Summary.....	ix
Introduction.....	1
Search for Solutions.....	1
Work of the Task Force.....	2
Task Force Findings.....	4
Difficulties within the System.....	4
Ideas for Improvement.....	5
Goals and Recommendations.....	7
 <b>Goal One</b>	
Establishing and maintaining a parent child relationship is of fundamental importance to the welfare of a child. Therefore, the relationship between a child and both parents should be fostered unless inconsistent with the child’s best interest. Further, any legal process that allocates parenting functions and responsibilities should be guided by each child’s best interests. ....	7
1) <u>Language used in the Ohio Revised Code, Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure and Rules of Superintendence for the Courts of Ohio should reflect that both parents have continuing roles and responsibilities as parents when they are not living together. To the furthest extent possible, terms of conflict and empowerment should be removed from Ohio Statutes involving parenting issues.</u> ....	7
2) <u>Developmentally appropriate guidelines for parenting plans should be developed and available for use by all families and courts.</u> ....	8
3) <u>Courts should continue to be guided by the best interest standard.</u> .....	9
4) <u>The allocation of parenting functions and responsibilities should be presented in a single document called a parenting plan, regardless of whether the terms are a result of parental agreement or judicial intervention.</u> ....	10

- 5) All parenting plans should provide for the allocation of parenting functions and responsibilities for all aspects of each child’s daily needs consistent with the child’s age and developmental level. ..... 10
- 6) Courts should be given more statutory options for dealing with the difficult problems involved in the consideration of requests by one parent to deny or limit access of the other parent to their children, or to information about their children. ..... 11

**Goal Two**

In cases involving the allocation of parenting functions and responsibilities, the court process and procedure from filing to final orders should be as efficient and expedient as possible, in order to minimize the emotional trauma and financial hardship caused by extended, unresolved parental conflict. .... 11

- 1) All contested issues concerning the allocation of parental functions and responsibilities should be referred to mediation as early as possible. ..... 11
- 2) An efficient and expedited standardized financial discovery process should be created, to minimize parental conflict and accelerate progress toward final disposition. ..... 12
- 3) Judges and Magistrates should have the discretion to permit qualified mental health professionals to assist them during interviews with children in camera. ... 13
- 4) Courts should balance the need for stability and consistency in a child’s life with the child’s need to establish and maintain a relationship with each parent. ... 13
- 5) A child-centered approach should be used in deciding cases involving the relocation of a child. ..... 14
- 6) Each court, or group of courts coordinating services, should create intake services for parenting time enforcement issues. ..... 14
- 7) Confidential family information provided to the court should be placed in a family file, which is not a public record, in order to ensure that it remains private. ..15
- 8) Non-adversarial dispute resolution processes should continue to be utilized once the family unit is restructured. ..... 15

**Goal Three**

The institutions and agencies involved with families that do not reside together should provide parents, children and other parties with education, tools, services and opportunities to resolve their conflicts constructively and collaboratively, with a minimum of litigation. ... 15

1) <u>All parties in proceedings that involve the allocation of parental functions and responsibilities should attend parenting education seminars.</u> .....	15
2) <u>Pilot programs should be developed by the Special Committee on Parent Education and the Ohio State University Extension Agents for educating never married parents about the dynamics of co-parenting.</u> .....	16
3) <u>Developmentally appropriate pilot programs to educate and assist children whose parents are divorcing, or are not living together, should be implemented, with the goal of expanding these programs to all counties.</u> .....	16
4) <u>Ohio should adopt a court rule that would allow for the appointment of a parenting coordinator in post-decree high conflict parenting function and responsibility disputes.</u>	17
5) <u>Services that minimize a child’s exposure to parental conflict should be provided.</u> .....	18
6) <u>Services that enhance the child’s safety and well being should be provided.</u> .....	18
7) <u>Individuals should be better prepared for the issues arising from marriage, family life, parenting, and the impact of divorce or separation.</u> .....	18

**Goal Four**

Opportunities for interdisciplinary education and dialogue should be provided for judges, lawyers, psychologists and other professionals, institutional personnel and agencies that are involved in making decisions about the care of children in families that do not reside together. ....	19
---	----

1) <u>Public and private efforts should be made to increase the knowledge of judges, attorneys and other court personnel on issues of family law, family dynamics, and child development.</u> .....	19
2) <u>Education for mediators who assist parents in apportioning parenting functions and responsibilities should be expanded.</u> .....	19
3) <u>A rule, which standardizes the education, training, role, and duties of Guardians ad Litem, and separates Guardian ad Litem functions from attorney functions, should be adopted by the Supreme Court of Ohio.</u> .....	20

**Goal Five**

In divorce and parenting dispute cases, professionals and institutions should be encouraged to use innovative ways to deliver legal and social services, to meet the evolving needs of the public they serve. ....	20
--	----

1) <u>Counties should keep statistics about the number of parties who proceed pro se and this information should be included in The Ohio Courts Summary.</u> .....	20
--	----

2) <u>Standardized forms should be developed by the Supreme Court of Ohio, and made available for parties and attorneys in all 88 counties.</u> .....	21
3) <u>Standardized forms, directories of professionals, and educational information should be provided on the Internet.</u> .....	21
4) <u>The Code of Professional Responsibility should be studied to permit attorneys to provide unbundled legal services to clients who request less than complete legal representation in domestic relations matters.</u> .....	21
<b>Goal Six</b>	
Services provided and legislative changes affecting the resolution of family disputes should be systematically studied to determine their effectiveness. ....	22
1) <u>The Task Force recommends that a centralized multi-disciplinary institute be developed to conduct research on the efficacy of changes made to the legal and social service systems which impact the family dispute resolution system in Ohio.</u> .....	22
Conclusion.....	22
Endnotes .....	23
Appendix A	
<i>Potential Statutory Language</i> .....	A-1
Appendix B	
<i>Task Force Survey Results</i> .....	B-1
Appendix C	
<i>Age Appropriate Parenting Access Plans</i> .....	C-1
Appendix D	
<i>Special Committee on Parent Education Report</i> .....	D-1
Appendix E	
<i>Information from Ohio Children’s Access Visitation Coalition</i> .....	E-1
Appendix F	
<i>Experts and Stakeholders</i> .....	F-1
Appendix G	
<i>Member Biographies</i> .....	G-1
Appendix H	
<i>Individual Statement of John Guidubaldi</i> .....	H-1
Appendix I	
<i>Selected Bibliography</i> .....	I-1

## Summary

The Ohio Task Force on Family Law and Children finds that every child has a right to meaningful relationships with both of his or her parents, and it is in the child's best interest to have those relationships protected. Conflict between parents is damaging to children, and may be reduced by eliminating terms of empowerment from Ohio's family law statutes. The court system can serve conflicted families by expanding and utilizing educational opportunities and processes where parents can work together to improve communication and co-parenting skills. Parents should be encouraged to utilize these services to strengthen their parenting capacity in two home families. Both parents should continue to parent their children. Never married parents need information and services tailored to their circumstances. Educational services related to parental separation should be provided to children. Professionals in family law matters would benefit from increased opportunities for cross training with other disciplines.

The level of services offered to parents across the state of Ohio varies greatly because of an uneven distribution of resources. Access to education and court processes involving parental conflict should be uniformly available throughout the State of Ohio. All common pleas courts should be encouraged to provide education and mediation services for families involved in parenting disputes. Technology should be utilized to provide such services and information to parents, children, and professionals.

Establishing and maintaining a parent child relationship is of fundamental importance to the welfare of a child. Therefore, the relationship between a child and both parents should be fostered unless inconsistent with the child's best interest. This can be accomplished by changing language to reflect the continuing roles and responsibilities of both parents as parents when they are not living together; creating developmentally appropriate guidelines for parents and professionals to use when they create parenting plans; and by continuing to follow the best interest standard.

The process and procedure from filing to final orders should be as efficient and expedient as possible, in order to minimize emotional trauma and financial hardship caused by uncertainty and parental conflict. Referring cases to mediation; creating a standardized discovery process; permitting mental health professionals to conduct in camera interviews of children; establishing consistent yet responsive standards for determining when parenting decrees can be modified;

using a child centered approach when deciding relocation cases; providing services for parenting time enforcement; protecting private family information and using non-adversarial forms of dispute resolution in post decree matters are all steps that courts can take to create a more expeditious and less antagonistic process.

The institutions and agencies involved with families that do not reside together should provide parents, children and other parties with education, tools, services and opportunities to resolve their conflicts constructively and cooperatively, with a minimum of litigation. Education should be provided to parents when they are involved in allocation of parenting functions and responsibilities cases. Specialized programs should be available for parents who have never been married to each other. Education and support programs should be available for children. Parenting Coordinators should assist high conflict parents in resolving their disputes. Neutral exchange sites and supervised parental access should be provided to increase the safety of children.

Opportunities for interdisciplinary dialogue and education should be provided for judges, lawyers, psychologists, mediators and other professionals, institutional personnel and agencies that are involved in making decisions about the care of children in families that do not reside together. The role, education, training and duties of Guardians ad Litem should be clarified. Professionals and institutions should be encouraged to use innovative ways to deliver legal and social services, to meet the evolving needs of the public they serve. This could include making standardized forms and instructions available and permitting attorneys to provide unbundled legal services. Services provided and legislative changes made should be systematically studied to determine their effectiveness.

**Family Law Reform:  
Minimizing Conflict, Maximizing Families  
A Report of  
The Ohio Task Force on Family Law and Children**

**INTRODUCTION**

In the United States, more than one million marriages each year end in divorce, and children are involved in approximately two-thirds of all divorces.<sup>i</sup> In Ohio, more than 45,000 couples with children sought to end their marriages in 1999 alone.<sup>ii</sup> Three-quarters of divorced men and two-thirds of divorced women remarry, and approximately 60% of second marriages end in divorce.<sup>iii</sup> Children in these families have a 50% chance of experiencing a second divorce before they reach age 16.<sup>iv</sup> More than 71 million children live in homes with a divorced parent or with parents who have never married each other.<sup>v</sup> In 1997, 27 % of all children in America lived in single parent homes, an increase over the 1990 figure of 24%.<sup>vi</sup> These trends have resulted in 19,770,000 children being raised by one parent alone, or by parents who do not reside together, in what has been termed “two-home families”. The reported actual number of single parent families in Ohio in 1997 was 383,000.<sup>vii</sup>

Children have to make adjustments when their families are restructured. Children who are exposed to parental conflict exhibit conduct disorders, antisocial behaviors, difficulty with peers and authority figures, and academic difficulties.<sup>viii</sup> Young adults who experience high levels of parental marital conflict during their childhood report higher levels of depression and other psychological disorders compared to young adults in homes with lower levels of parental conflict.<sup>ix</sup> Researchers have concluded that the intensity and frequency of parental conflict, the style of conflict, the manner in which conflict is resolved, and the presence of buffers to ameliorate the impact of high conflict are the most important predictors of child adjustment.<sup>x</sup> This research leaves little doubt that chronic, unresolved parental conflict is linked to greater emotional insecurity in children, and that children’s fears, distress, and other symptoms are diminished and children’s adjustment improved when parents are able to resolve their disagreements through compromise and negotiation.<sup>xi</sup>

**A SEARCH FOR SOLUTIONS**

In the past ten years the Ohio General Assembly and the Supreme Court of Ohio, and other organizations throughout the state, have examined the issues that surround the parenting of children whose parents do not reside together as a result of divorce, dissolution, or other life choices. Various counties around the state have developed programs to respond to the needs of children and parents involved in the domestic relations and juvenile court systems. The Supreme Court of Ohio has created a separate Task Force on Guardians ad Litem and their Office of Dispute Resolution has created pilot dispute resolution programs. The Ohio State Bar Association has created working groups, which have looked for legislative solutions to parenting concerns, and has created subcommittees to develop standards of practice for Guardians ad Litem, and to update statutes on spousal support. The Ohio Special Committee on Parent Education has developed curricula for separating parents. The Governor’s Task Force on the Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases, in conjunction

with the National Center for Juvenile Justice and what was formerly the Ohio Department of Human Services, conducted the Ohio Family Court Feasibility Study. Each of these groups has examined specific topic areas within the larger framework of attending to children's needs as their families are involved in the legal system. The Ohio Task Force on Family Law and Children was created by the 122<sup>nd</sup> General Assembly to study ways to improve existing processes and to coordinate the work of these complimentary groups.

The Ohio General Assembly charged the Task Force with creating recommendations to enhance the way our current justice system handles parental conflict over children. The legislature directed the Task Force to do this in a way that puts children first, and provides families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment. To accomplish this task, the Task Force gathered information on the current state of family law in Ohio, and collaborated with other organizations to explore alternatives to current processes. The Task Force's recommendations redirect social services to intervention and prevention, rather than supporting the casualties of the current process. They discourage needless conflict between parents and encourage problem solving and responsible parental behavior. Modifications to court processes have been suggested to shield both participants and their children from lasting emotional damage. The recommendations create a more civilized and constructive process for the parenting of children whose parents do not reside together, with an emphasis on using mediation and obtaining parenting time compliance.

## **THE WORK OF THE TASK FORCE**

The 24 original members of the Task Force began to meet in January of 1999. This diverse group of experienced and respected professionals from the state's legal, social service, and mental health communities began the complex task of examining the current system without a budget or staff. Initially, they were granted one year to prepare their recommendations. However, it became apparent early in the process that more time and resources would be required if a complete examination were to be made. The 123rd General Assembly granted both funding and an extension, and the Task Force on Family Law and Children began to envision a system that could better serve Ohio's children whose parents no longer reside together.

As an initial step, the Task Force created a vision statement to guide the process.

*Children in Ohio, whose parents do not live together due to divorce, dissolution, or having never married, are served by a system of legal and social services. These children often remain caught in the middle of adult conflict and grow up without a nurturing relationship with both of their parents. We envision an improved system, which will serve our children's best interests, including their needs for nurturing, financial support, safety, and a positive relationship with each parent or parental figure.*

The Task Force spent six months receiving testimony from locally and nationally recognized experts. This included researchers, practitioners and scholars from the fields of mental health and the law, such as Eileen Pruett, J.D., Nancy Rogers, J.D., Jeff Sherrill, Ph.D., Sanford Braver, Ph.D., Christine Coates, M.Ed., J.D., Robert Emery, Ph.D., Michael Lamb, Ph.D., Hugh McIsaac, M.S.W., and Phillip Stahl, Ph.D. A complete list of experts who testified

is available in Appendix F. Representatives from parents groups, such as Parents and Children for Equality and the Association for Children for Enforcement of Support, Inc., also addressed the Task Force to ensure that their concerns were considered, and individual parents from around the state contacted staff members to make their views known. A preliminary draft of the report was placed on the Supreme Court of Ohio's website, so that public comments could be received. Task Force staff conducted surveys of the psychological and social work literature, as well as recent statutory reform efforts in other states, to develop a broad picture of policy and practice.

Children's voices were heard in this process. A panel of adolescents from divorced families addressed the Task Force, and candidly answered questions about their living arrangements and experiences. The panel represented adolescents and young adults living in a variety of parenting time arrangements, from living with mother and visiting father every other weekend to a true physical shared parenting arrangement of alternating days between mom's house and dad's house. The young people stated that the panel was a perfect example that not one parenting time schedule will work for all families. They stated the system should have services in place that would allow families to determine what schedule best meets their lifestyle and the developing and changing needs of their children. The panel highlighted two main points: They strongly felt the voice of the child is not heard in the divorce process. They stated they would be reluctant to use the current mechanism of speaking to a judge in private in chambers. They suggested that courts should have social workers on staff who could speak with children in a less intimidating atmosphere.

The panel also suggested the system recognize a child's changing developmental and social needs which could result in the original parenting time schedule needing to be modified. They recommended a mechanism for allowing periodic review of the parenting time schedule. This is especially needed when a parent remarries. It is understandable at the time of divorce that parents may not consider remarriage as an option. Nevertheless, many parents remarry or co-habit with one or several new partners. Enormous adjustments are required when children from two families are combined, and children are expected to adjust to a stepparent or a new partner for one of their parents. Children are expected to be resilient and flexible; and yet, many cry out that divorce was not what they wanted, the former schedule does not work, or that they need more time in one home. Many children respond poorly to the travel requirements of parents who live at a distance from one another. Parenting plans need to be reassessed not only based on developmental issues, but also, on the child's ability to adjust to the relationship and job changes in their parents' lives. Children of divorce are begging parents to walk a mile in their shoes and to consider their child's needs to be at least as important as their own. Teens, in particular, may need to spend more time in one home and travel distances less often. Research is profiling children who no longer want any contact with one parent once they reach age 18, because parental fighting was so fierce or the schedule was too rigid. As these plans are examined, the voice of the child needs always, at some level, to be heard personally, or through the voice of a parent or counselor.

Three Task Force members and staff traveled to Phoenix, Arizona, to meet with Phillip Knox, Family Court Administrator from Maricopa County's nationally recognized family court. Participants toured the Self Service Center and spoke with court personnel who administer a variety of service programs. Several Task Force members attended the Association of Family and Conciliation Courts conferences titled "Alienation, Access and Attachment: Balancing Legal Issues with the Needs of the Family" and "Conflict Resolution, Children and the Courts", as

participants and presenters. Two members also attended the Fourth International Symposium on Child Custody Evaluations and the Fourth International Congress on Parent Education Programs.

Information was gathered about the programs and services currently provided to Ohio parents. Kathleen Clark, Executive Director of the Task Force, spoke to numerous groups to inform them of the work the Task Force was undertaking and to receive their feedback. She designed a survey instrument to assess what services were being provided to divorcing families, never married parents, and other individuals involved in allocation of parenting functions and responsibility cases. All 88 of Ohio's counties responded with information about what services they are able to provide and how they are funded.

A second survey was conducted of parents who had recently attended parent education programs. This survey assessed the satisfaction of the parents with the services they had received and explored what other programs were of interest to them. More than 1,375 parents in over 40 counties responded. An overwhelming majority of these parents responded positively to the implementation of education and mediation programs. They indicated they would like the court system to provide these services. Appendix B contains the survey instruments and data gathered.

## **TASK FORCE FINDINGS**

### **DIFFICULTIES WITHIN THE SYSTEM**

Few cases have more impact on children and families in Ohio than those involving allocation of parenting functions and responsibilities. In 1999, more than one-quarter of all citizens, totaling more than 90,000 people, entered Ohio's Common Pleas Courts seeking resolution to problems that had arisen in their families.<sup>xii</sup> The Rules of Superintendence of Ohio's Courts permit courts to take up to 18 months to dispose of divorce cases where children are involved. This would seem to be a reasonable amount of time, when examined from the perspective of a busy court with a crowded docket, or the perspective of an attorney who needs time to prepare a case for trial. Of the 33,333 divorce cases with children pending in Ohio's courts in 1999, only 316, less than 1% took more than the allotted 18 months to complete. However, for a young child, 18 months can be an eternity spent living with parental conflict, or without meaningful access to one parent, or waiting for needed services to be put into place.

The preliminary stages of the Task Force's work involved determining the scope and extent of the problems experienced by families involved in disputes over the allocation of parenting functions and responsibilities, and the difficulties the court and mental health systems encounter in providing timely, affordable, and effective services. The opinions of members of the Task Force as this process began, were diverse. They ranged on a continuum from thinking the current system was flawed to the point of being unsalvageable and needing to be replaced completely, to thinking the current system worked well and needed only minor improvements. However, after listening to all of the expert and organization witnesses, and after reviewing the survey results, the Task Force concluded the system should offer parents more opportunities to resolve their conflicts cooperatively as early as possible, and that courts should strive diligently to reduce the time period allowed for disposition of contested parenting disputes to much less than 18 months.

Information from the survey of parents was valuable in assessing the public's perception of the system's functioning. Individuals were asked to rate their level of satisfaction with specific services and programs as well as their overall satisfaction level on a six-point scale. Generally components of the system were favorably rated, with scores ranging from 4.1 to 4.6. However, the overall score did not reflect this view, as the overall satisfaction level was rated as 3.77.

The role of the courts in our nation has been to provide a forum where adversaries can present opposing points of view in a process that is intended to uncover the truth of a situation. This battle to uncover objective truth works well in a criminal context or a contract dispute where the participants are not under an obligation to have contact with one another in the future. In family law situations, the truth of a situation is more subjective. Frequently, there is no one right answer, no singular solution to the problems that hinder a family's ability to function.

One truth the Task Force was able to discern was that no one serves the best interest of children by forcing their parents to become adversarial opponents. Those parents who chose to make written comments on the survey indicated the process of divorce was too drawn out and the delay in receiving and finalizing parenting orders added to the tension between parents. The following quotes were typical of these responses "make the process faster....simpler....the process should be quicker...it takes too long....too much time until court hearings...too much time and too many hearings....too many delays". The second complaint voiced by the participants was that the system appeared to favor women. These comments included; "the courts need to recognize that dads can parent too, both parents should be equal in parenting, the courts favor moms". This perception of gender bias was also evident in the satisfaction section of the survey when it was sorted by gender.

Parents also indicated an overwhelming desire for a variety of services. 97.2% of those responding thought parent education classes about the effects of divorce on children should be available; and, 96.4% were interested in classes on communication and decreasing conflict. The same number were interested in classes for children; and, 94.2% expressed interest in mediation. More than 86% believed neutral drop off and pick up sites and supervised parenting time should be provided.

Court personnel also identified a need to provide services to parents. Yet, many counties are unable to do so. It should be noted that two counties reported having no services of any type for divorcing families and five counties reported offering no services other than Guardians ad Litem. Judges and administrative staff indicated that their main frustration with the system was lack of funding. Many court employees wrote on their survey that they supported such services as mediation, neutral exchange sites, supervised parenting time centers, programs for high conflict parents, training for Guardians ad Litem and programs for children; but, they have no funding for any of those services. In Appalachian areas, the sentiment was especially strong. One respondent stated, "We are a poor rural county. If the court does not get a grant, the commissioners will not fund anything. We need money to implement programs." One judge expressed resignation; "we do with what we have."

## **IDEAS FOR IMPROVEMENT**

After reviewing all of this material, the Task Force began in the spring of 2000 to formulate its policy recommendations. The Task Force on Family Law and Children makes the following findings:

- EVERY CHILD HAS A RIGHT TO MEANINGFUL RELATIONSHIPS WITH BOTH OF HIS OR HER PARENTS AND IT IS IN THE CHILD'S BEST INTEREST TO HAVE THOSE RELATIONSHIPS PROTECTED.
- CONFLICT BETWEEN PARENTS IS DAMAGING TO CHILDREN.
- TERMINOLOGY INFLUENCES PEOPLES' PERCEPTION OF THE PROCESS AND CONFLICT MAY BE REDUCED BY ELIMINATING TERMS OF EMPOWERMENT FROM OHIO'S FAMILY LAW STATUTES.
- THE CURRENT FAMILY DISPUTE RESOLUTION SYSTEM SHOULD BE MODIFIED TO PROVIDE PARTIES MORE OPPORTUNITIES TO RESOLVE DIFFERENCES COOPERATIVELY.
- THE COURT SYSTEM CAN SERVE CONFLICTED FAMILIES BY EXPANDING AND UTILIZING EDUCATIONAL OPPORTUNITIES AND PROCESSES IN WHICH PARENTS CAN WORK TOGETHER TO IMPROVE COMMUNICATION AND CO-PARENTING SKILLS, AND PARENTS SHOULD BE ENCOURAGED TO USE THESE SERVICES.
- DIVORCE TERMINATES THE HUSBAND/WIFE RELATIONSHIP, BUT NOT THE MOTHER/FATHER RELATIONSHIPS. BOTH PARENTS SHOULD CONTINUE TO WORK TOGETHER TO PARENT THEIR CHILDREN.
- NEVER MARRIED PARENTS NEED INFORMATION AND SERVICES TAILORED TO THEIR CIRCUMSTANCES.
- EDUCATIONAL SERVICES RELATED TO PARENTAL SEPARATION SHOULD BE PROVIDED TO CHILDREN.
- EDUCATIONAL INSTITUTIONS SHOULD BE ENCOURAGED TO TEACH CONFLICT MANAGEMENT AND RELATIONSHIP SKILLS AT ALL AGE LEVELS.
- PROFESSIONALS IN FAMILY LAW MATTERS WOULD BENEFIT FROM INCREASED OPPORTUNITIES FOR CROSS-TRAINING WITH OTHER DISCIPLINES.
- THE LEVEL OF SERVICES OFFERED TO PARENTS ACROSS THE STATE OF OHIO VARIES GREATLY BECAUSE OF UNEVEN DISTRIBUTION OF RESOURCES.
- ALL COMMON PLEAS COURTS SHOULD BE ENCOURAGED TO PROVIDE EDUCATION AND MEDIATION SERVICES FOR FAMILIES INVOLVED IN PARENTING DISPUTES.
- ACCESS TO SUCH EDUCATION AND PROCESSES SHOULD BE UNIFORMLY AVAILABLE THROUGHOUT THE STATE OF OHIO.
- TECHNOLOGY SHOULD BE UTILIZED TO PROVIDE SERVICES AND INFORMATION TO PARENTS, CHILDREN, AND PROFESSIONALS.

## GOALS AND RECOMMENDATIONS

In light of these findings, the Task Force developed six primary goals, with corresponding recommendations.

### Goal One

**Establishing and maintaining a parent child relationship is of fundamental importance to the welfare of a child. Therefore, the relationship between a child and both parents should be fostered unless inconsistent with the child's best interest. Further, any legal process that allocates parenting functions and responsibilities should be guided by each child's best interests.**

“Post divorce arrangements should aim to promote the maintenance of the relationship between nonresidential parents and their children. Most children in two parent families form psychologically important and distinctive relationships with both of their parents, even though one may be a primary caretaker. These relationships are not redundant because mothers and fathers each make unique contributions to their children. The majority of children experiencing parental divorce express the desire to maintain relationships with both of their parents after separation. Time distribution arrangements that ensure the involvement of both parents in important aspects of their children's everyday lives and routines---including bedtime and waking rituals, transitions to and from school, extracurricular and recreational activities---are likely to keep nonresidential parents playing psychologically important and central roles in the lives of their children. How this is accomplished must be flexibly tailored to the developmental needs, temperament and changing individual circumstances of the children.”<sup>xiii</sup>

### To achieve this goal the Task Force recommends:

- 1) Language used in the Ohio Revised Code, Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure and Rules of Superintendence for the Courts of Ohio should reflect that both parents have continuing roles and responsibilities as parents when they are not living together. To the furthest extent possible, terms of conflict and empowerment should be removed from Ohio statutes involving parenting issues.

Regardless of the division of the child's time with each parent and the allocation of parenting responsibilities, ideally, each parent should continue to function as a parent, and language should be simplified to reflect that fact. Language that protects every child's opportunity to establish and maintain relationships with both parents should be used to ensure child-focused processes. Rights based language that encourages adversarial behavior should be modified. Section 1 of Appendix A is an illustration of a policy statement that could be used to advance this process. Phrases such as “shared parenting”, “custody” and “visitation” have been eliminated, insofar as that is possible, in the Task Force's suggested statutory language. Appendix A, Section 2 contains potential definitions of commonly used terms.

The process of changing terminology has already begun in the recently enacted Senate Bill 180, which has eliminated the terms “companionship” and “visitation rights” in favor of the term “parenting time” in the statutes that relate to the collection and distribution of child support. The

Task Force on Family Law and Children has further defined parenting functions and responsibilities in order to clarify that each parent has an important continuing role with his or her children.

- 2) Developmentally appropriate guidelines for parenting plans should be developed and available for use by all families and courts.

Under current Ohio law, parents have the opportunity to create their own parenting plans. If parents cannot agree, courts may construct a plan and order parents to comply with its terms. In many jurisdictions, courts rely on a single, standardized plan, usually found in a local rule. These plans are predicated on the term “custodial parent” and on a standard parenting time order, usually a 75%-25% division of access time with the children, thereby perpetuating win/lose situations between the two parents. The custodial parent wins a larger portion of the child’s time, and control over most major life decisions. The other parent is reduced to a visitor, with a disproportionately smaller role in the life of his or her child. Furthermore, the existence of a single fallback plan creates a situation in which a parent who expects to be victorious in litigation has little incentive to mediate or engage in any other constructive, cooperative process to create a parenting plan.

Rather than perpetuate this win/lose scenario, the Task Force examined parenting plans and access schedules developed by experts from around the country, including those developed in Maricopa County, Arizona. The courts in Maricopa County are recognized for their leadership in developing family court programs and services. They created a panel of multidisciplinary experts to draft developmentally appropriate access plans. The Ohio Task Force on Family Law and Children reviewed the plans in detail, made minor adjustments to make them conform with Ohio’s statutory language, and recommends that these plans, which are contained in Appendix C, be used throughout Ohio. This appendix contains numerous sample access plans along with explanatory text. The samples are meant to be instructive tools, to be used by parents, parent educators, attorneys, mediators, and judges. These plans should be distributed and discussed at parent education programs, so that parents have this material as early as possible. In the Task Force survey of divorcing parents, nearly 94% believed classes should be offered to parents on how to share parenting functions and parenting time schedules. These parents would like to have classes available to increase communication skills and decrease conflict.

The plans will allow parents, in cooperation with mediators and other professionals, to develop a parenting plan that works within the constraints of their schedules, while serving their children’s best interests. The Task Force does not recommend any presumption for or against any specific division of parenting functions and responsibilities. Children are not chattel, subject to the rules that govern the equitable distribution of marital assets. No single formula will create a perfect parenting plan for every family, in light of each family’s unique circumstances. Factors such as employment situations, school and other activity schedules, and the distance between each parent’s home, must all be considered, along with the characteristics and temperaments of the affected children, in order to create parenting plans that will allow every child to establish and maintain positive, healthy and loving relationships with both parents.

The Task Force on Family Law and Children also discussed several ideas that were rejected as potential recommendations. Chief among these was the idea of creating certain presumptions that would establish evidentiary burdens either for or against shared parenting or

sole custody. Some other states are currently utilizing this legal tool, in a variety of forms. However, the Task Force recognizes that each parent is a parent at all times, regardless of how access time is divided or decision-making authority is apportioned. The Task Force decided it was not in the best interest of families to create a single access time or division of decision-making authority standard, which would not be appropriate for all families.

The goal of the Task Force is to recognize every parent as a parent, regardless of how time with the children is divided. Even if one parent exercises no time with a child, until his or her parental rights are terminated, he or she is still a parent. This simplifies the language and creates less verbiage for parents to fight over. A couple walks into and out of court as parents, not in as parents and out as custodian and visitor. The couple may choose an access plan that grants one person 95% of the child's time and the other 5%, but the parent with 5% is still parenting, not just visiting the child. Similarly, parents may divide responsibility for making decisions in whatever manner works best for their circumstances, knowing that no arrangement for the distribution of that authority can minimize either parent's role as a parent. The goal is to eliminate a battle over titles and allow parents to create parenting plans that serve the family's needs, without having to worry about the stigma that labels can create.

The Task Force does, however, recommend a process in which, through the development of parenting plans, parents will establish a framework through which they will share in the responsibilities and functions of the raising of their children. The Task Force recommends that cooperative forms of dispute resolution replace traditional, adversarial forms of conflict resolution as much as possible. Rather than allocate presumptive burdens favoring either parent, this shifts the burden from the courts to the parents, jointly, to attempt to resolve the conflict by focusing on the developmental needs of their children.

### 3) Courts should continue to be guided by the best interest standard.

The phrase "best interest of the child" is a term of art when it is used by the courts, and invokes both case law and lists of statutory factors for the court to draw upon when making a decision about the placement of a child. It is an elusive concept, which has developed over time to include consideration of children's relationships with parents and others; children's needs and their wishes; their age and developmental level; the child's involvement in school and other activities; the ability of the parents to communicate with each other regarding the child and promote the child's relationship with the other parent; each parent's past performance of parenting functions and potential for future performance; each parent's schedule and employment; as well as the preferences expressed by the parents. In addition to all of the factors in the best interest statute, the court should take into consideration the failure of either parent to attend a parent education seminar. The Task Force reviewed numerous other states' statutory factors for deciding what is in a child's best interests, and compared them with the current Ohio statute, in order to provide as comprehensive as possible a tool for Ohio courts to use when making difficult decisions. The list of factors is extensive, to provide consistency, but not exhaustive, which permits courts to consider circumstances unique to each family. Potential modifications to Ohio's statutory factors are suggested in Appendix A, Section 3.

- 4) The allocation of parenting functions and responsibilities should be presented in a single document called a parenting plan, regardless of whether the terms are a result of parental agreement or judicial intervention.

The Task Force proposes that there should be a “Parenting Decree” which incorporates one “Parenting Plan” to cover all subjects related to the allocation of parenting functions and responsibilities for any family which must be restructured as a result of a divorce, dissolution, legal separation, or annulment action filed in a court, or other action for the allocation of parenting functions and responsibilities. If the parents submit an agreed parenting plan, the court should approve the plan, unless the court finds the provisions of the plan are not in the best interest of any child involved. However, in the absence of an agreed plan, both parents should be required to submit their separate proposed plans to the court at least 30 days, or more, prior to the scheduled date of the final trial on such issues, unless waived by the court. Then, after hearing the evidence at trial, the court shall proceed to create an appropriate parenting plan, which is in the best interest of each child.

Finally, the Task Force recommends statutory language, which would provide that the court shall not draw any presumption from an interim parenting order, or consider it as a factor in making a decision on the terms of a final parenting decree. The Task Force believes that the significance of interim parenting orders should be reduced in order to motivate parents to focus on the future needs of their children, and to attempt to accelerate the final disposition of parenting disputes. Sample statutory language to implement this recommendation may be found in Appendix A, Section 4.

- 5) All parenting plans should provide for the allocation of parenting functions and responsibilities for all aspects of each child’s daily needs consistent with the child’s age and developmental level.

Not only parents, but also, judges, magistrates, attorneys, Guardians ad Litem, and mediators should be encouraged to be more specific and detailed in the creation of the terms of parenting plans. The general objective is to use statutory language in a way which outlines the various subjects that must be addressed in every parenting plan, so everyone involved in the creation of a parenting plan must go through the same checklist of subjects, and include terms on those subjects in the plan. The Task Force believes that requiring specificity in parenting plans may reduce the incidence of post decree disputes between parents. In Appendix A, Section 5(A), the Task Force has listed thirteen subjects that should be covered in every parenting plan, regardless of whether the plans are created by parental agreement or by judicial intervention.

Consistent with the Task Force’s overall theme of minimizing parental conflict over titles or labels, Section 5(B) of Appendix A suggests statutory language which designates each parent as the “residential parent” of a child during the period of the child’s residential time assigned to each parent. Exceptions are provided for certain instances in which one parent must be designated in order to comply with certain federal and/or state statutes for the following purposes: receiving child support; school district of child’s residence; receiving public assistance; health insurance matters; federal and state income tax matters; and any other type of statutory purpose requiring the designation of one parent. Nevertheless, the Task Force also recommends a

companion provision that states such a designation of either parent for any of those specific purposes shall not assume any meaning beyond the stated purpose.

Although the Task Force recommends changing the name of the current “Temporary Orders” usually issued in divorce cases to “Interim Parenting Orders”, the process for the issuance of such orders would still be controlled by Rule 75, Rules of Civil Procedure, which should be amended to adjust to any changes in the legal vocabulary related to family law. See Section 5(D) of Appendix A for appropriate language on this subject.

- 6) Courts should be given more statutory options for dealing with the difficult problems involved in the consideration of requests by one parent to deny or limit access of the other parent to their children, or to information about their children.

In parenting disputes, courts frequently are faced with requests by one parent that the other parent’s access to their children, or to information about their children, should be denied or limited, or at least supervised, based on allegations of various types of abusive or inappropriate conduct by the other parent. These cases present very difficult decisions for the court to make, because of a scarcity of evidence and the lack of statutory guidance regarding the factors and options the court should consider in exercising appropriate discretion to decide issues in a manner that is fair to all members of a family. Consequently, in Sections 6 and 7 of Appendix A, the Task Force has suggested new statutory language to create a list of nine factors for a court to consider in evaluating the evidence offered by the parties in such disputes. In general, the factors describe the types of conduct or circumstances of a parent which are most likely to create unacceptable risks of physical, emotional, or psychological harm for children, to the extent that some intervention by the court would be warranted.

The court retains the broad discretion to design a remedy for those cases in which the evidence is strong enough to indicate the need for significant limitations or supervision of a parent’s access. In addition, the Task Force recommends new statutory language which would require a court to award attorney fees and all reasonable litigation expenses to the offended party, in any case where the court finds that an allegation of the statutory factors was made in bad faith, or without a reasonable basis. The Task Force hopes that this type of remedy might provide some balance for the parties and the court in dealing with these difficult issues.

## **Goal Two**

**In cases involving the allocation of parenting responsibilities and functions, the court process and procedure from filing to final orders should be as efficient and expedient as possible, in order to minimize the emotional trauma and financial hardship for families caused by extended, unresolved parental conflict.**

- 1) All contested issues concerning the allocation of parental functions and responsibilities should be referred to mediation as early as possible.

Current research indicates that mediation results in agreements in 50 to 85 percent of the cases, regardless of whether the mediation was voluntary or mandatory, whether mediation is court referred or privately placed and whether there has been a history of domestic violence or marital conflict. Couples who mediate resolve issues in substantially less time than those who

litigate, and courts report higher rates of compliance with mediated agreements when compared to agreements reached through litigation.<sup>xiv</sup>

A recent study conducted in Virginia included long-term follow up data obtained on 71 families who had randomly been assigned to mediate (35 families) or litigate (36 families) their child custody disputes. In comparison to families who litigated custody, nonresidential parents who mediated were more involved in multiple areas of their children's lives, maintained more contact with their children, and had a greater influence in co-parenting 12 years after the resolution of their custody disputes. The results indicated even in contested cases mediation encouraged both parents to remain involved in their children's lives after divorce and without increasing co-parenting conflict.<sup>xv</sup>

In Ohio, The Early Intervention Mediation (EIM) pilot project was conducted in the Domestic Relations Court in Hamilton County. The program lasted 15 months and yielded the following results: parenting issues were resolved in over 61% of the cases; on average the mediated cases were disposed of in two months less time than litigated cases; parenting plans resulting from mediation were more detailed and individualized when compared to plans developed outside of mediation; and overall, judges, magistrates and attorneys were positive about EIM.<sup>xvi</sup> More than 94% of parents responding to the Task Force survey believed mediation should be available. Sixty of Ohio's 88 counties currently offer mediation services; 12 are mandatory, 38 are voluntary, 10 counties offer both, and others include information about mediation in their parent education programs.

Mediation is an opportunity to explore the many options available to parents in designing a parenting plan and to resolve parenting issues. A mandatory mediation referral does require parties to make their best effort to resolve disagreement, but does not require settlement to be reached. Mediation should be pursued unless or until a case is screened out as inappropriate for mediation to begin and/or to continue.

This recommendation does not compel mediation in all cases; it envisions a system where no family is excluded from the opportunity to attempt mediation. The Task Force recognizes that there are circumstances, such as domestic violence, child abuse, substance abuse and chronic mental illness, which can preclude a parent's successful participation in mediation. However, the Task Force did not create any automatic provisions in the proposed statutory language that would limit any person's ability to attempt mediation. The purpose of the recommendation is to create opportunities for problem solving and empower all families to resolve their differences themselves, if it is within their ability. It is recommended that Section 3109.052(A) of the Ohio Revised Code be amended to state that courts shall order parents to make a good faith effort to mediate their differences.

Whenever possible, mediation services for parenting disputes should be funded through court budgets at no cost to the parties. When user fees are assessed, a sliding fee scale is recommended. However, this recommendation is not intended to discourage the use of private mediators by parents who would prefer to select their own mediation professional. Courts are encouraged to make referrals to private mediators when appropriate.

- 2) An efficient and expedited standardized financial discovery process should be created, to minimize parental conflict and accelerate progress toward final disposition.

Families in transition frequently experience delays in court processes, which extends the amount of time they spend living without court orders or under interim orders. Delays in financial and property discovery cause delays in the resolution of other parenting issues. A rule of superintendence or procedure is recommended to require the disclosure and exchange of financial information, in a standardized format, within a short period of time immediately following service of the initial pleading. It is anticipated that mandated expedited discovery would hasten the settlement of economic issues, and in turn shorten the time cases spend waiting for final orders. Further, the Task Force recommends that the Supreme Court of Ohio create uniform forms and case management rules for implementation in all state courts dealing with family disputes.

- 3) Judges and Magistrates should have the discretion to permit qualified mental health professionals to assist them during interviews with children in camera.

Current Ohio law requires judges and magistrates to interview children involved in the allocation of parenting functions and responsibilities cases when one of the parents requests an interview. However, the best intentioned judges do not possess the same training and skills as mental health professionals when it comes to interviewing children. The Task Force recommends that judges and magistrates be permitted to designate mental health professionals to facilitate developmentally appropriate, forensic interviews of children on the record, and under the direct supervision of the court. The determination to use the assistance of a mental health professional would rest exclusively in the court, and would not occur based upon the request of any party. This option would require the court to select a neutral mental health professional, which would preclude the possibility of using any treating therapist or court evaluator. This mental health professional would not make any recommendations or express any opinions to the court. This person's role would be to assist the judge or magistrate in conducting a child sensitive, forensically appropriate interview. A record of the interview would be available for appellate review. Section 12 of Appendix A contains potential statutory language that would allow judges and magistrates this option.

- 4) Courts should balance the need for stability and consistency in a child's life with the child's need to establish and maintain a relationship with each parent.

The Task Force envisions a system where, during the first year after a parenting plan is established, it is more difficult to change. This would permit children to adjust to the restructured family and discourage conflicted parents from continuously relitigating parenting issues. During the first year after a parenting decree has been entered, the parent who seeks to change the plan would need to show a compelling change in circumstances in order to obtain a change. After a year, the burden of persuasion would be reduced. This would leave discretion to make changes in the courts in every case, while achieving more security for children. Appendix A, Section 12 contains potential language to establish this system.

- 5) A child-centered approach should be used in deciding cases involving the relocation of a child.

Relocation cases present some of the most difficult choices that courts face. Often, the court is forced to choose between two competent, loving parents, each of whom wishes to provide and care for their child. Frequently, these cases escalate unnecessarily into cases requesting a change in the allocation of parenting functions and responsibilities. The case law dealing with relocation is not well developed and decisions use a variety of approaches to resolve the issues that arise. The American Academy of Matrimonial Lawyers examined the topic and drafted a Model Act, which the Task Force considered in creating suggested language. Debate among scholars and practitioners has focused on the placement of the burden of persuasion on one of the parents.<sup>xvii</sup> The Task Force decided it would be more functional and predictable to place the burden of giving notice and justification of relocation of the child on the parent designated as residential parent for school purposes. Appendix A, Section 13 contains language that could be used to create a child-centered approach to relocation cases.

- 6) Each court, or group of courts coordinating services, should provide an intake service for parenting time enforcement issues.

It is essential that courts have efficient and effective means to deal with parenting time issues. Currently, the only way to deal with these issues is through the contempt process, which is expensive for the litigants and time consuming for the courts. Unresolved parenting time issues can, in many cases, result in other difficulties between parents, which may find their way into the court system, burdening the system further. If these issues can be dealt with promptly and efficiently using dispute resolution processes, then only the truly egregious cases would be left to the courts to address.

The Task Force recommends the creation of services to handle parenting time issues. In either situation, such services should function to identify matters that should be referred to dispute resolution processes; to provide an initial evaluation as to the nature and severity of the matter; and, to refer it to the proper step in the process for possible resolution. Any dispute resolution program created to handle parenting time disputes should be affordable, timely, user friendly, and effective. Because these proceedings would be deemed to be in the nature of settlement negotiations, communications made therein should not be admissible in further legal proceedings. In addition, the court staff person handling this intake service for parenting time enforcement matters should not be permitted to testify or make recommendations in further legal proceedings between the parties.

Because the time and opportunity to parent a child is of extraordinary importance in conflicted families, models for such programs should be developed and made available through the Supreme Court of the State of Ohio. The Supreme Court should approve and fund pilot post-decree enforcement programs. Components of these programs should include, but not be limited to, parenting classes and mediation.

- 7) Confidential information provided to the court should be placed in a separate family file, in order to ensure that it remains private.

In order to protect the privacy of family members, confidential and financial information regarding family members should be retained by a court in a family file, which is not classified as a public record. Through the coordination of the Ohio statutes on public records, and the rule making authority of the Supreme Court of Ohio, the types of information about parents and children which are appropriate to be classified as private matters for the “family file” should be defined and protected from publication on the Internet, or inspection by persons who are not involved with the case.

- 8) Non-adversarial dispute resolution processes should continue to be utilized once the family unit is restructured.

Every parenting plan approved by a court should include a provision regarding the resolution of future disputes, by appropriate non-adversarial dispute resolution processes, prior to the filing of a motion in court by either party. This would not preclude individuals from proceeding directly to the appropriate child support enforcement agency for issues regarding child support, and/or availing themselves of remedies provided for expedited services for parenting time enforcement. Paragraph (A)(11) of Section 5 in Appendix A specifically addresses this recommendation.

### **Goal Three**

**The institutions and agencies involved with families that do not reside together should provide parents, children and other parties with education, tools, services and opportunities to resolve their conflicts constructively and cooperatively, with a minimum of litigation.**

**To achieve this goal, the Task Force recommends:**

- 1) All parties in proceedings that involve the allocation of parental functions and responsibilities should attend parenting education seminars.

The Task Force survey revealed that 97.1% of the parents responding believed classes should be offered to help parents decrease conflict and improve communication, so they may continue to parent their children. Sixty-seven Ohio counties currently mandate parent education seminars for all divorcing parents; one county mandates parents to attend on a case by case basis; two counties offer voluntary programs; three counties are developing programs; two counties refer parents to other counties; and 13 counties do not have programs available. Currently, 48% of counties in the U.S. offer educational programs for separating and divorcing parents.<sup>xviii</sup>

The Supreme Court of Ohio formed the Special Committee on Parent Education to formulate guidelines for program content, training of facilitators, program implementation, monitoring, and evaluation. The Special Committee on Parent Education allowed each county to determine if the resources were available within the county or if the county should work cooperatively with other

counties to provide services. The Task Force supports these recommendations, which are included in Appendix D, and would recommend that each education program include a segment that defines mediation, explains the process and goals of mediation, and provides information on how to obtain a mediator. This would serve as an orientation to mediation for all families. The Task Force recommends that these parent education programs also include information on child development, and how to create a parenting plan. The Task Force further recommends that the Supreme Court of Ohio initially approve all providers of parent education seminars. Potential language that could be used to establish these types of programs can be found in Appendix A, Section 8.

- 2) Pilot programs should be developed by the Special Committee on Parent Education and the Ohio State University Extension Agents for educating never married parents about the dynamics of co-parenting.

Although specialized education programs for never married parents are relatively new, they are rapidly being implemented across the country. Exit interviews from participants indicate a higher level of satisfaction with these programs, which focus on the unique needs of never married parents versus the low rating given by participants who attended general education seminars for divorcing couples.<sup>xix</sup> The Task Force survey revealed 15 counties in Ohio currently offer a program for never married parents. However, it may be that some of these counties include never married parents in the seminar for divorcing parents. Only one county, Williams, indicated it provided a comprehensive program tailored to the unique needs of never married parents.

The Task Force recommends that state funded pilot programs for never married parents be developed and implemented for large, medium, and small counties. These education programs should include a segment that defines mediation, explains the process and goals of mediation, and provides information on how to obtain a mediator. This would serve as an orientation to mediation for all families. The Task Force recommends that these parent education programs also include information on child development, and how to create a parenting plan. If they are successful, specialized programs for never married parents should be expanded and made mandatory in all counties.

- 3) Developmentally appropriate pilot programs to educate and assist children whose parents are divorcing, or are not living together, should be implemented, with the goal of expanding these programs to all counties.

The Task Force recommends that state funded pilot programs, developed with age appropriate curricula, be implemented in large, medium and small counties. More than 96% of parents responding to the Task Force survey believed that support groups for children should be made available. Court personnel in their survey also expressed interest in the development of these programs. Currently, only four counties in Ohio provide these programs for children.

Currently, few counties mandate children to participate in educational support groups. Some counties offer groups on a voluntary basis, and current law permits courts to order children to attend counseling with their parents, if the parents have also been ordered into counseling. Research indicates that children do better with these transitions in their lives if they have the

opportunity to participate in their own programs. Specifically, children in support groups display lower levels of depression, anxiety, and acting out behaviors, and increased levels of communication with their parents and problem solving abilities.<sup>xx</sup> If successful, the children's education programs should be expanded and made mandatory in all counties. To accomplish this, the Task Force recommends that O.R.C. 3109.053 be amended to permit judges to make children's referrals for services independent of parents' referrals. The Task Force also notes the availability of child mental health personnel in Ohio's public schools, and recommends more coordinated and extensive use of these already funded resources to facilitate child adjustment on a continuing basis.

- 4) Ohio should adopt a court rule that would allow for the appointment of a parenting coordinator in post-decree high conflict parenting function and responsibility disputes.

In cases where parents are experiencing serious post-decree parenting conflict, it is in the best interests of children for parents to have access to decision-making authority, without having to incur the cost or time commonplace with litigation. These are the people who repeatedly go to court to litigate every issue, large and small, at great expense to themselves and the court system, and ultimately, to the detriment of their children. Litigation is time consuming as well as expensive, and resentments grow while issues remain unresolved.

The goal of the Task Force is to limit high conflict parents from excessive use of the courts as their private battleground, and, instead, create another option for these highly conflicted parents to resolve their differences with the assistance of a neutral. The objective is for high conflict families to have a quicker and less expensive mechanism for resolving problems. This recommendation is made in recognition of the fact that some individuals will return to court to have even minor disputes resolved on a regular basis. In order to lessen the results of continued conflict and court proceedings on their children, a faster, more economical and less adversarial process will result from the use of parenting coordinators in certain cases. This process is a way to minimize antagonism, since it is the existence of conflict between parents, more than their actual separation that has been shown to be damaging to children.

A parenting coordinator would first seek to have the parties agree upon a resolution of their conflict by using a mediation model of dispute resolution. If the parties were unable to agree, the coordinator would issue a decision in the form of an arbitration decision. Court rules should provide for the ability of the parties to object, and for the decision to be subject to de novo judicial review. The parents are not forced to use a private, court approved parenting coordinator; instead, parents that would benefit from this type of service would be informed regarding its existence, referred to a parenting coordinator, and allowed to enter into a voluntary contract that would determine what issues the parenting coordinator is entrusted by the parents to handle. The parenting coordinator contract would provide for the scope of his or her duties and responsibilities, and those of the parties. In such a contract, the duties and responsibilities should be specifically defined. A statute or rule should be developed to provide that so long as the parenting coordinator complies with the terms of the contract, he or she should be immune from liability from claims related to his or her actions as a parenting coordinator.

This method of parenting dispute resolution began in the special masters programs of California's family courts, and has been adapted and used successfully in Colorado. A Task Force of the Association of Family and Conciliation Courts has been convened to develop model

standards for parenting coordinators, and other states have begun to implement similar programs. Within Ohio, Franklin County now is exploring this option for high conflict parents.

5) Services that minimize a child's exposure to parental conflict should be provided.

Each county should make available supervised neutral exchange sites, which will provide a secure setting for the transfer of children for parenting time in appropriate cases. Appropriate cases would be ones where the level of parental conflict is high, or where the safety of a child or a parent needs to be protected, but there is no allegation of abuse to the child. Neutral drop off and pick up sites will minimize conflict that occurs during exchanges. This service would improve a child's well being by facilitating contact with each parent, decreasing the amount of parental conflict a child would witness.

The Task Force survey revealed that more than 83 % of divorcing parents would like to have neutral drop off and pick up sites available. Twenty-three counties reported offering a neutral drop off and pick up site, with 15 counties offering this service by exchanging service at the county Sheriff's Department. Ohio is fortunate to have a network of private service providers that perform these services. Information about the Ohio Child Access Visitation Coalition is provided in Appendix E.

6) Services that enhance the child's safety and well-being should be provided.

Each county should make available a supervised parenting time center. The supervised parenting service will provide a safe, stress free environment where children and their parent can achieve a bond, created by spending time together through the presence of an outside individual who is there to observe the interaction and safeguard the child. These services could have the further benefit of increasing economic as well as emotional support provided to children, as parents who have parenting time with their children are more likely to comply with the payment of child support. More than 86% of the parents surveyed supported the idea of supervised parenting centers and services. The court survey revealed 43 counties reported having supervised parenting time services available, specifically, 20 use supervised centers. Eight more counties are able to offer supervised parenting time services on a case-by-case basis through the county Children's Services Board.

7) Individuals should be better prepared for the issues arising from marriage, family life, parenting, and the impact of divorce or separation.

The Ohio Department of Education, in conjunction with experts from the fields of child and family development, should be encouraged to develop and implement junior high and high school classes that focus on marriage, family life, parenting, and the impact of divorce or separation. Peer mediation and conflict management programs should be established in all elementary, middle, and high schools. Couples applying for marriage licenses should be encouraged to complete a premarital preparation course, through a provider of their choice, which could include religious institutions that currently provide such courses, and license fees should be reduced when they do so. The State of Florida has implemented a similar program,<sup>xxi</sup> in which couples that complete a premarital preparation class that includes information on

conflict management and parenting responsibilities have their license fee reduced. Current Ohio law provides that a portion of the funds collected for marriage licenses are used to support social service agencies that provide services to domestic violence victims. This recommendation is not intended to divert needed monies from those agencies.

#### **Goal Four**

**Opportunities for interdisciplinary education and dialogue should be provided for judges, lawyers, psychologists and other professionals, institutional personnel and agencies that are involved in making decisions about the care of children in families that do not reside together.**

**To achieve this goal the Task Force recommends:**

- 1) Public and private efforts should be made to increase the knowledge of judges, attorneys and other court personnel on issues of family law, family dynamics, and child development issues.

This recommendation is consistent with Recommendation 9 of the U.S. Commission on Child and Family Welfare, as found in their report, "Parenting our Children: In the Best Interest of the Nation". This recommendation is not intended to compel attorneys to receive continuing legal education in child development, if it is not relevant to their practice area. The purpose of the recommendation is to open up educational opportunities between disciplines; so allied professionals can better work together. The Task Force recognizes that for any professional to have a view of the "big picture" in domestic relations requires knowledge in a variety of fields. Law and other graduate and professional schools can contribute to this effort and should be encouraged to provide students with opportunities for cross disciplinary education. Domestic Relations judges have already begun this process through the Family Law Education Specialist, who offers education and training to all Domestic Relations and Juvenile Court judges in the areas of domestic violence, dispute resolution, the impact of divorce on children and parents, child development and age appropriate parenting time schedules, and current research and policy findings.

- 2) Education for mediators who assist parents in apportioning parenting functions and responsibilities should be expanded.

Qualified mediators must be available to handle cases. Knowledge of child development is crucial for professionals who assist parents in creating parenting plans. To ensure that mediators who handle allocation of parenting functions and responsibility cases have adequate knowledge, the Task Force recommends eight hours of training in child development and parenting plan design should be added to the current divorce mediator education requirements. Domestic violence is also an issue of concern in mediation. Expanded education about domestic violence issues should be required in mediation training.

In addition to complying with Rule 16 of the Rules of Superintendence of Ohio Courts as to the initial training of mediators, the Task Force recommends that newly trained mediators participate in a mentoring program, during which time they co-mediate 15 hours before

accepting an independent mediation referral. The Task Force also recommends that the Supreme Court adopt a requirement that mediators receiving court referrals obtain 20 hours of interdisciplinary continuing education every two years.

Further, the Task Force recommends that the Model Standards of Practice for Divorce and Family Mediation developed by the Symposium on Standards of Practice, and the Uniform Mediation Act developed by the National Conference of Commissioners on Uniform State Laws should be considered for adoption.

- 3) A rule, which standardizes the education, training, role, and duties of Guardians ad Litem, and separates Guardian ad Litem functions from attorney functions, should be adopted by the Supreme Court of Ohio.

Rule 75 of the Ohio Rules of Civil Procedure and the Ohio Revised Code speak to the use of Guardians ad Litem in cases involving the allocation of parenting functions and responsibilities. Neither is very clear regarding the role of the GAL, and neither speaks to the use of Court Appointed Special Advocates (CASAs) or volunteer Guardians ad Litem. The result is an enormous disparity in the way Guardians ad Litem and CASA are used throughout Ohio's 88 counties. The education, training and role of Guardians ad Litem should be standardized across the state, rather than be left to local rules. The court survey revealed that nine counties use CASA in parenting time disputes. Eighty-two indicated the use of Guardians ad Litem in parenting time disputes, five counties did not, and one county did not respond to the specific question. The majority of counties use attorneys as Guardians ad Litem, and require no specific training other than a law degree. Only twenty counties indicated they offered training for Guardians ad Litem.

The Task Force on Family Law and Children addressed one specific issue with regard to Guardians, the separation of Guardian and attorney roles. Current Ohio law permits attorney Guardians ad Litem to function both as the child's attorney and as guardian. This creates practical and ethical dilemmas. The attorney guardian needs to advocate for what he or she believes to be in the child's best interest and for the child client's wishes. These two interests may be different, creating a conflict for the attorney guardian. Even when the best interests and child's wishes align, there are difficulties. An attorney owes a duty of zealous representation to a client, and may need strategically to use or withhold information for tactical reasons; whereas, a Guardian ad Litem owes a duty of candor to the court. This ethical concern is irreconcilable. The Task Force created language that would eliminate this conflict. It can be found in Appendix A, Section 10.

#### **Goal Five**

**In divorce and parenting dispute cases, professionals and institutions should be encouraged to use innovative ways to deliver legal and social services, to meet the evolving needs of the public they serve.**

**To achieve this goal the Task Force recommends:**

- 1) Counties should keep statistics about the number of parties who proceed pro se and this information should be included in The Ohio Courts Summary.

The Supreme Court currently tracks information about the number of cases filed in the Domestic Relations and Juvenile Divisions of the Courts of Common Pleas. Information is tallied about the manner in which cases are disposed, and the time required to reach dispositions. However, there is no information collected about the use or non-use of attorneys in domestic relations or juvenile parentage cases. Nationally, divorce actions, where one or both parties are not represented by an attorney, are on the rise. Service providers and courts would be better able to assist litigants without attorneys if a picture of who intended to file without the assistance of an attorney and where they are located could be developed. Therefore, the Task Force recommends the creation of a rule of superintendence that would accomplish this purpose.

- 2) Standardized forms for domestic relations cases should be developed by the Supreme Court of the State of Ohio, and be made available for parties and attorneys in all 88 counties.

Courts across the state are regularly hearing cases involving unrepresented litigants. Accessible standardized forms, accompanied by easy to understand instructions, would help both unrepresented parents, as they use the court system, and court personnel, who are legally limited in the assistance they can provide. In addition, standard forms would provide more uniformity and predictability for attorneys and their clients by making practices in all courts more uniform in all counties.

- 3) Standardized forms, directories of professionals, and educational information should be provided on the Internet.

The education of parents and professionals is a critical component of many Task Force recommendations. Information that could assist parents, as they raise children in different homes, should be available in as many forms as possible, in order to reach as many families as possible. Information about creating parenting plans, standardized forms, and directories of legal and mediation professionals should be provided on the Internet.

- 4) The Code of Professional Responsibility should be studied to permit attorneys to provide unbundled legal services to clients who request less than complete legal representation in a domestic relations matter.

Many parents who seek court assistance in allocating parenting functions and responsibilities choose not to use the services of an attorney, for financial and other reasons. This creates a burden on the courts, as they must contend with increasing numbers of litigants without lawyers. Unbundled legal services, which are also referred to as discrete task representation, would allow consumers of legal services to choose to obtain limited or specific legal services from an attorney when they believe they need help from a legal professional; but may not need or want complete representation. This is a concept that limits an attorney's malpractice exposure to whatever issue he or she was hired to work on. For example, if a pro se litigant needs someone to draft a Qualified Domestic Relations Order, but wishes to handle the remainder of his or her case independently, then that client could retain an attorney for just that purpose. Reality is that the

number of unrepresented litigants is increasing, creating enormous problems for the courts. This option can alleviate some of those problems. Arizona is already using unbundled legal services with success, although it is important to note that it is the only state without an unauthorized practice of law statute. The Arizona bench and bar have supported unbundling, as it increased referrals to attorneys for limited issues that laypersons do not wish to handle independently.

### **Goal Six**

**Services provided and legislative changes affecting the resolution of family disputes made should be studied systematically to determine their effectiveness.**

**To achieve this goal the Task Force recommends:**

- 1) The Task Force recommends that a centralized multi-disciplinary institute be developed to conduct research on the efficacy of changes made to the legal and social service systems which impact the family dispute resolution system in Ohio.

Throughout the nation, the laws that affect families that do not reside together have been changing dramatically. On numerous occasions, the Task Force examined materials relating to other states' recent reform efforts. A frequently asked question with regard to these efforts was "Did it work?" Unfortunately, little follow-up information exists that evaluates the efficacy of these programs. An institute could follow national developments and coordinate research efforts. This institute could also develop and provide interdisciplinary education. It would serve as a clearinghouse for information on divorce and its impact on families and children, policy on parenting children when parents are not residing together, research findings pertaining to the topics associated with divorce programs nationwide and serve as a linkage to resources.

The Task Force on Family Law and Children needed to create its own surveys to obtain information that is not otherwise tracked within the State of Ohio, in order to craft appropriate recommendations. A multi-disciplinary institute would collect this type of data, and evaluate the effectiveness of recommended programs. This in turn would help inform the General Assembly as it considers future policy and programs.

The Task Force is extremely gratified to know that Ohio's universities are supportive of this recommendation. The Ohio State University Marion has already expressed an interest in this type of program and has created an assistant professorship to begin this work.

### **CONCLUSION**

These recommendations are a starting point, and their implementation can begin to create a more civilized and constructive process for the parenting of children whose parents do not reside together. However, this Task Force did not have time or opportunity to address in depth every issue that touches the lives of families involved in the family court system. The Task Force did hear experts and review research on grandparent visitation, domestic violence and unified family courts. However, in order to complete a final report by the statutory deadline of June 30, 2001, the Task Force was forced to curtail the scope of its research and subject matter, so it could concentrate its efforts on developing solutions and programs to address the most pressing problems which had not received attention from other similar groups. For example, grandparent

issues were recently addressed by the General Assembly in Senate Bill 180, effective March 22, 2001, so the Task Force did not delve further into this area of law. The Task Force's recommendations are consistent with the recommendations of the Domestic Violence Task Force, the Child Support Guidelines Advisory Council and the Court Futures Commission. Consequently, the Task Force on Family Law and Children decided to forego further investigation of subjects already covered by these other groups.

The Task Force was aware of the fact that many of its recommendations involve new or expanded local court services, which will require additional sources of funding before they can be implemented successfully. An attempt was made in the survey the Task Force distributed to all 88 counties to ascertain the funding sources of programs offered to families. Ohio's counties demonstrated a variety of creative methods to provide service, including: user fees, increased filing fees, increased court costs, sliding fee scales, community foundation grants, federal grants, SJI grants, United Way, ADAMHS, grants from the Supreme Court of Ohio, Ohio Children's Trust Fund, Children and Family First Councils, VAWA grants, Title IV-D, court budgets, fund raisers and donations. It is estimated that a proper review of potential costs for the recommendations could involve an additional 12 to 18 months of further study. This would include a survey of available resources and current needs in the courts of each of Ohio's 88 counties. The Task Force suggests that the Supreme Court of the State of Ohio has the staff and reporting system already in place to undertake this information gathering project, and could produce more reliable data than any other agency or group in the state.

The Task Force wants to be very clear on one specific point. All of its recommendations for new services and programs contemplate that they will be part of the common pleas courts in the 88 counties. Under no circumstances would the Task Force support the assignment of responsibility for the supervision or administration of any of its recommended programs to any Child Support Enforcement Agency, the Ohio Department of Jobs and Family Services, or any other state or local government agency.

Adoption of the Task Force's recommendations will create changes in existing court practices and processes. The Task Force recommends that any new statutes or court rules created as a result of these recommendations should have a sufficient interval between the date of enactment and the prospective effective date, to permit the courts, attorneys, and government budget planners to prepare for the changes, and to adjust funding appropriately.

All of the foregoing recommendations are made with the hope that their implementation will lessen conflict between parents and other caretakers; assist families in peacefully and cooperatively resolving their differences; create stability for children who are experiencing the restructuring of their families; and, help every child establish and maintain a healthy relationship with both of his or her parents, regardless of how the family is structured.

---

<sup>i</sup> U.S. Bureau of Census, 1995.

<sup>ii</sup> The Ohio Courts Summary at 1F (1999).

<sup>iii</sup> J.A. Sweet & L.L. Bumpass, American Families and Households, (1987).

- 
- <sup>iv</sup> J.S. Wallerstein & J.R. Johnson, Children of divorce: Recent findings regarding long-term effects and recent studies of joint and sole custody, 11 *Pediatrics Review*, 197-204 (1990). See also, A.J. Cherlin, D.A. Bloom, & N. Bennett, Marriage Patterns in the United States, Discussion Paper No. 1147 (1985) (on file with Harvard Institute of Economic Research).
- <sup>v</sup> U.S. Bureau of Census, 1990.
- <sup>vi</sup> The Annie E. Casey Foundation, Kids Count Data Book 2000: State Profiles of Child Well-Being (2000).
- <sup>vii</sup> U.S. Bureau of Census, 1990.
- <sup>viii</sup> J.R. Johnston & V. Rosenby, In the Name of the Child, (1997). See also, A. Cherlin, F. Fursteinburg, P.J. Chase-Lansdale, K.E. Kiernan, P.K. Robins, D.R. Morrison, & J.O. Teitler, Longitudinal studies of effects of divorce on children in Great Britain and the United States, 253 *Science*, 1386-1389, (1991) and B. J. Elliot & M.P.M. Richards, Children and divorce: Educational performance and behavior before and after separation, 5 *International Family Law*, 258-287 (1991).
- <sup>ix</sup> P.R. Amato & B. Keith, Parental divorce and adult well-being: A meta-analysis, 53 *Journal of Marriage and Family*, 43-58 (1991). See also N. Zill, D. Morrison, & M. Coiro, Long term effects of parental divorce on parent-child relationships, adjustments, and achievement in young adulthood, 7 *Journal of Family Psychology*, 91-103 (1993).
- <sup>x</sup> J.B. Kelly, Children's adjustment in conflicted marriage and divorce: A decade in review, *Journal American Academy of Child Adolescent Psychiatry*, (August 2000).
- <sup>xi</sup> E.M. Cummings & P.T. Davies, Children and Marital Conflict, (1994).
- <sup>xii</sup> The Ohio Courts Summary at 1F (1999).
- <sup>xiii</sup> Michael Lamb, Kathleen Sternberg, and Ross Thompson, The effects of divorce and custody arrangements on children's behavior, development and adjustment, *Family and Conciliation Courts Review* Vol 35 No. 4 October 1997 pp.393-404.
- <sup>xiv</sup> Joan B. Kelly A Decade of Divorce Mediation Research Some Answers and Questions *Family and Conciliation Courts Review* Vol. 34 No. 3 July 1996 p. 373-38, Sage Publications.
- <sup>xv</sup> Robert E. Emery, Lisa Laumann-Billings, Mary Waldron, David A. Sbarra and Peter Dillon, Child Custody Mediation and Litigation: Custody, Contact, and Co-Parenting 12 Years After Initial Dispute Resolutions, *Journal of Consulting and Clinical Psychology* (in press).
- <sup>xvi</sup> Early Intervention Mediation Project Executive Summary.
- <sup>xvii</sup> Judith S. Wallerstein, Julia M. Lewis and Sandra Blakeslee, The Unexpected Legacy of Divorce: A 25 Year Landmark Study, 91-93, (2000).
- <sup>xviii</sup> The Divorce Education Intervention Model (2000) *Family and Conciliation Courts Review*, 38, No. 4 at 501-513.
- <sup>xix</sup> Workshop presented by Kathleen Bird, J.D. AFCC Conference Kiawah Island, S.C. Nov. 12-14, 2000 "Addressing Educational Needs of Never Married Parents".
- <sup>xx</sup> J. Pedro-Carroll & L. Alpert-Gillis, Preventative Interventions for children of divorce: A developmental model for 5 and 6 year old children, 18 *Journal of Primary Prevention*, 5-23 (1997). See also, M. Crosbie-Burnett & L.

---

Newcomer, Group counseling children of divorce: The effects of multimodal intervention, 13 *Journal of Divorce*, 69-78 (1990), and V. Garvin, D. Leber, & N. Kalter, Children of Divorce: Predictors of change following prevention intervention, 61 *American Journal of Orthopsychiatry*, 438-447, (1991), and J. Pedro-Carroll & E.L. Cowen, The children of divorce intervention program: An investigation of the efficacy of a school-based prevention program, 53 *Journal of Consulting and Clinical Psychology*, 603-611, (1985), and J. Pedro-Carroll, E.L. Cowen, A.D. Hightower & J.C. Guare, Prevention intervention with latency-aged children of divorce: A replication study, 14 *American Journal of Community Psychology*, 277-289, (1986), and J. Pedro-Carroll, J. Sutton, & A. Black, The Children of Divorce Intervention Program: Preventative outreach to early adolescence (Final Report), (1993).

<sup>xxi</sup> Fla. Stat. Ann. § 741.0305 (West 2000)

**Appendix A**  
**Potential Statutory Language**

**Section 1** Policy regarding the allocation of parenting functions and responsibilities.

The best interests of children shall be paramount in the allocation of parenting functions and responsibilities. Parents shall be encouraged to work out agreements between themselves regarding their children and to resolve conflict through dispute resolution processes, rather than by judicial intervention. Whenever possible and appropriate, parents and the courts should strive to maximize the child's access to each parent and to create parenting plans that maximize the ability of the child to enjoy a meaningful relationship with both parents.

**Section 2** Definitions.

As used in Chapter 3109 of the Revised Code

(A) "Parenting functions and responsibilities" include, but are not limited to, the following:

- (1) Providing for the physical and emotional safety and well-being of the child, including appropriate physical living arrangements;
- (2) Establishing and maintaining a loving, stable, consistent, and nurturing relationship with the child;
- (3) Responsibly attending to the needs of the child for discipline, support, health, daily personal care, supervision and engaging in other activities;
- (4) Attending to the appropriate education for the child;
- (5) Assisting the child in developing appropriate interpersonal relationships; and
- (6) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level.

(B) "Parenting plan" means a plan for the parenting of a minor child, which provides for the allocation of parenting functions and responsibilities.

(C) "Parenting decree" means a final court order which incorporates the terms of a parenting plan.

(D) "Interim parenting order" means a court order containing the terms of a parenting plan which shall be effective only during the period of time any proceeding involving the allocation of parenting functions and responsibilities is pending the entry of a parenting decree.

(E) "Family file" means the separate file which is maintained by the court regarding any family whose members are parties to a case involving the allocation of parenting functions and responsibilities, which file is not open to public viewing. A family file may include the family's history, the court evaluator's report and notes from interviews, psychological or psychiatric evaluations, substance abuse evaluations or tests, school records, health records, results of inquiries made, and other material relevant to the best interests of a child.

(F) "Evaluator" means the person or persons employed or designated by the Court to conduct inquiries and/or make recommendations regarding issues relating to the allocation of parenting functions and responsibilities.

(G) "Mediation" means a cooperative process by which the parties are assisted by a mediator in formulating an agreement. The mediator applies communication and dispute resolution skills to resolve a dispute concerning the allocation of parenting functions and responsibilities or the

assignment of parenting time between the parents of a minor child involved in a domestic relations matter. The best interests of the child are the paramount consideration.

(H) "Mediator" means a person with special skills and training in the mediation of parenting issues, which person meets the qualifications adopted by the Supreme Court of Ohio, and by a Court of Common Pleas.

(I) "Parent" means the person established as being the child's mother or father in the manner set out in section 3111.02 or 3111.03 O.R.C.

### **Section 3** Factors related to the best interest of a child.

In determining the best interest of a child under chapter 3109, Revised Code, the court shall consider all relevant factors, including, but not limited to:

- (a) The wishes of the child's parents regarding the child's care, including any agreements made voluntarily and knowingly by the parents;
- (b) The wishes and concerns of the child, as expressed to the court, if the court has interviewed the child pursuant to Section 11 of this material;
- (c) The child's interaction and interrelationship with siblings, relatives and any other person who may significantly affect the child's best interests;
- (d) The child's involvement with the child's physical surroundings, school, community, and other significant activities;
- (e) The mental and physical health of all persons involved in the situation;
- (f) Whether either parent has failed repeatedly to be financially responsible for the child, as ordered by the court, without just cause;
- (g) The relative strength, nature, and stability of the child's relationship with each parent;
- (h) The willingness of the parents to communicate with each other effectively regarding the best interests of the child;
- (i) Whether either parent has repeatedly denied the other parent access to the child, as ordered by the court, without just cause;
- (j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.
- (k) Each parent's past performance of parenting functions and responsibilities and potential for future performance of parenting functions and responsibilities;
- (l) The age, emotional needs, and developmental level of the child;
- (m) Each parent's employment and activity schedules;
- (n) The child's school and child care schedule;
- (o) Any recommendation of the child's guardian ad litem;
- (p) Any mediation report filed with the court pursuant to section 3109.052, Revised Code;
- (q) Any report of any court evaluator admitted into evidence pursuant to Section 9 of this material;
- (r) When allocating parenting functions and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition, or the gender of the parent;
- (s) The failure of any party to attend the parenting education seminar;
- (t) Any other relevant factor.

**Section 4** Court's duty to allocate parenting functions and responsibilities for care of children.

(A) In any divorce, legal separation, or annulment proceeding, and in any other proceeding pertaining to the allocation of parenting functions and responsibilities, upon considering the evidence, and in accordance with sections 3109.21 to 3109.36, Revised Code, the court shall allocate the parenting functions and responsibilities for the care of the minor children who are the subject of the proceeding. Subject to Section 7 of this material, the court may allocate the parenting functions and responsibilities for the care of the children in any of the following ways:

- (1) If both parents file with the court an agreed parenting plan, the court shall approve such plan by entering a parenting decree in its journal, unless the court finds that the provisions of such plan are not in the best interest of any child involved. If a court approves a parenting plan under this division, the approved plan shall be incorporated into a parenting decree. Any parenting decree shall be issued at the same time as the final decree of dissolution, divorce, annulment, legal separation or judgment arising out of any action in which the question of the allocation of parenting functions and responsibilities for the care of the children arose.
- (2) Each parent shall file a proposed parenting plan 30 days or more prior to the scheduled date of final trial. The 30-day requirement may be waived by the court for good cause shown.
- (3) If the parents have not filed an agreed parenting plan the court shall allocate the parenting functions and responsibilities and issue a parenting decree, which is in the best interests of the child.

(B) Failure of any party to attend the parent education seminar shall be considered by the court as an additional factor in determining the appropriate allocation of parenting functions and responsibilities.

(C) In allocating the parenting functions and responsibilities in a parenting decree, the court shall not draw any presumptions from an interim parenting order, or consider it as a factor in making a final decision on the terms in a parenting decree.

(D) If an appeal is taken from a decision of a court that grants, or modifies a parenting decree, the Court of Appeals shall give the case calendar priority, and handle it expeditiously.

**Section 5** Content of parenting plans and interim parenting orders.

(A) All parenting plans shall provide for the allocation of parenting functions and responsibilities for all aspects of each child's daily needs consistent with the child's age and developmental level, including, but not limited to, the following:

- (1) The child's physical living arrangements;
- (2) The residential time with each parent during weekdays, weekends, holidays, special meaning days, vacations and other times, and any transportation responsibilities involved;
- (3) The child's communication with a parent during the time when the child is with the other parent;
- (4) Each parent's responsibilities for the child's financial support in accordance with sections 3109.05 and 3113.21 through 3113.219, inclusive, Revised Code, including health insurance for the child, and payment of any health care expenses for the child

which are not paid by health insurance, including medical, dental, orthodontic, vision and psychological care and prescription medications;

- (5) The child's school placement and extracurricular activities;
  - (6) Arrangements and payment for child care;
  - (7) Allocation of the responsibility and authority to make decisions regarding the child's health care, education, religious upbringing, extracurricular activities, daily personal care, discipline, privileges, supervision, and any other matters related to the welfare of the child;
  - (8) The right of either parent to claim the child as a dependent for income tax purposes;
  - (9) Parental access to the school and health care records of the child, and to the school activities and day care facility of the child;
  - (10) Any limitation or restriction on either parent as provided in Section 7 of this material;
  - (11) The manner in which disputes between the parents regarding modification of their parenting functions and responsibilities under the terms of the plan will be resolved;
  - (12) Any geographical limitation on either parent; and
  - (13) Any language required by any other statute.
- (B) (1) Under any parenting decree, each parent shall be designated the "residential parent" of the child during the period of the child's residential time assigned to each parent; provided, however, the court shall designate one parent as the parent of the child for each of the following purposes, if appropriate:
- (a) Receiving child support from a parent which is paid through a government agency pursuant to statute;
  - (b) Determining the school district of residence of the child pursuant to section 3313.64, Revised Code;
  - (c) Applying for or receiving public assistance benefits;
  - (d) Providing health insurance coverage or receiving benefit reimbursements;
  - (e) Complying with federal and state income tax statutes and regulations; and
  - (f) For any other stated purpose requiring the designation of one parent, including, but not limited to, the enforcement of any international treaty, and federal or state criminal statutes.
- (2) The designation of either parent as a "residential parent" or as the parent for any purpose under division (B)(1) of this section shall not assume any meaning beyond the stated purpose.
- (C) Sample parenting plans and informational material shall be provided to all parents during parent education seminars. Mediators and courts shall use the plans as guidelines for creating parenting plans. The existence of such plans does not create a presumption for their use. This section does not create a presumption in favor of one parenting arrangement over another.
- (D) All interim parenting orders issued by a Court pursuant to Ohio Rule of Civil Procedure 75 shall provide for the allocation of parenting functions and responsibilities for the child's daily needs, consistent with the child's age and developmental level. All applicable provisions under divisions (A) and (B) of this section, which serve the best interests of the minor children, may be considered.

**Section 6** Parental Access to records and childcare.

Subject to division (G)(2) of section 2301.35 and division (F) of section 3319.321, Revised Code, each parent shall have equal access to the health care and school records of the child, to the school activities of the child, and to any childcare center that is, or that in the future may be, attended by the child, unless a limitation or restriction of such access is included in the parenting plan or in another court order. In the absence of any court order, neither parent may deny or restrict the access to which the other parent is entitled under this section. If the court orders that, in the child's best interest, a parent is not to be permitted full access to any of the records or activities, as provided in this section, the court shall specify the terms, conditions, or limitations on the parent's access, and shall enter written findings of fact and conclusions on its record regarding the limitations or restrictions. Any person who knowingly fails to comply with the provisions of this section, or with the provisions of any court order issued pursuant to this section, may be found in contempt of court, and the court may order the person found in contempt to reimburse the prosecuting party for reasonable attorney fees and court costs, without regard to need or ability to pay. This section does not apply to confidential law enforcement investigatory records.

**Section 7** Limitations or restrictions in parenting decrees.

(A)(1) The court may approve or order limitations or restrictions in a parenting decree or interim parenting order or both, if the court finds, based upon a preponderance of the evidence, that such limitations or restrictions are reasonably calculated to protect the child from physical, sexual or emotional abuse which could result if limitations or restrictions were not ordered. The court may limit or restrict a parent's receipt of a notice to relocate, authority to make decisions, access to records, activities or day care facility of a child, or the parent's time with the child, upon finding the existence of any one or more of the following factors:

- (a) A parent's willful neglect or substantial nonperformance of parenting functions;
- (b) A parent's long term emotional or physical impairment which interferes with parenting functions;
- (c) A parent's impairment resulting from drug, alcohol or other substance abuse, which interferes with parenting functions;
- (d) A parent's absence or the substantial impairment of emotional ties between the parent and the child;
- (e) Conduct by a parent which creates a danger of serious damage to the child's psychological development;
- (f) A parent has withheld access of the other parent to the child for protracted periods of time without good cause;
- (g) Physical, sexual or a pattern of emotional abuse of a child by a parent;
- (h) An act or acts of domestic violence as defined in Section 3103.13, Revised Code, or sexual assault or an assault which caused serious bodily injury or placed another person in fear of imminent serious physical harm; or
- (i) Any other factor which affects the child's best interest.

(2) The court may reasonably restrain a parent's contact with the child so as to

minimize risk of harm to the child if the parent has been convicted of a sexual offense under chapter 2907 of the Revised Code, or has been convicted of any criminal offense involving any act that resulted in a child being an abused child or a neglected child, or if the parent was found to be the perpetrator of an act which resulted in a child being adjudicated an abused child or a neglected child, or if the parent was convicted of an offense under section 2919.25, Revised Code, or an offense under Sections 2903.11, 2903.12, 2903.12, 2903.211 or 2911.211 of the Revised Code involving a person who was a family or household member at the time of such violation, or a violation of a municipal ordinance that is substantially similar to Sections 2903.13, 2903.211 or 2911.211 of the Revised Code that involves a person who was a family or household member at the time of the violation.

- (3) If the parent causes the child to be in the presence of a person who has been convicted of a sexual offense under chapter 2907 of the Revised Code, or has been convicted of any criminal offense involving any act that resulted in the child being an abused child or a neglected child, or had been found to be the perpetrator of an act which resulted in a child being adjudicated an abused child or a neglected child, or if the person was convicted of an offense under section 2919.25, Revised Code, the court may restrain the parent from contact with the child, except contact which occurs outside of that person's presence.

(B) Notwithstanding divisions (A)(2) and (A)(3) of this section, if the court finds, based upon clear and convincing evidence, that contact between the parent and the child is not likely to cause physical, sexual or emotional abuse of the child, or endanger the safety of the other parent, and that the probability that the parent's or other person's harmful conduct will recur is so remote that it would not be in the child's best interests to limit or restrict contact, then the court may deny limitations or restrictions.

(C) If the court includes any limitations or restrictions in an interim parenting order under this section, based on allegations contained in any affidavit or ex parte oral testimony filed in support of a motion for an interim parenting order, the court shall hold an oral evidentiary hearing within 14 days following the filing of the request, for the purpose of making a determination regarding whether the limitations or restrictions should be terminated or extended for an additional period of time.

(D) If the court limits parenting time under this section to require that all contact with the child be supervised, the court shall not approve a supervisor for contact between the child and the parent unless the court finds, based upon the evidence, that the supervisor accepts the order of the court regarding limitations or restrictions and the supervisor is willing to adhere strictly to the terms ordered by the court, and is willing and able to protect the child from harm. The court shall revoke approval of the supervisor on finding that the supervisor is no longer willing or able to protect the child or has failed to protect the child.

(E) If the court finds, based upon clear and convincing evidence, that limitations or restrictions on parenting time will not adequately protect the child from an unreasonable risk of harm or abuse, the court may restrict the parent from all contact with the child, and shall enter its written findings and conclusions on its record.

(F) If the court finds that an allegation of factors listed under division (A)(1) of this section was made in bad faith, or without a reasonable basis, the court shall award attorney fees and all reasonable litigation expenses to the offended party without regard to need or ability to pay, and award make up parenting time.

(G) As used in this section, “abused child” has the same meaning as in section 2151.031, Revised Code, and “neglected child” has the same meaning as in section 2151.03, Revised Code.

### **Section 8** Parent education seminars.

(A) In any proceeding for dissolution of marriage, divorce, legal separation or annulment, which involves a minor child, the parents shall attend a parenting education seminar. The parents shall attend and complete this seminar no later than 45 days after service of process, or as soon thereafter as the next class is scheduled, except for good cause. The attendance and completion of the seminar by each parent shall be reported to the court, and shall be made a part of the record of the proceeding. The children of the parents may be ordered to attend classes and counseling as are appropriate to their needs.

(B) Upon the filing of a divorce, legal separation or annulment proceeding, the Clerk of Courts shall include with the service of summons or pleadings on the party being served, and by regular mail to the party initiating the action, either a notice of a specific date and time for attendance at the parent education seminar or a schedule of the dates and times of classes. This will include a notice of any sanction which may be imposed by the local court for failure to appear without making the appropriate arrangements for postponement or waiver. Upon the filing of a dissolution of marriage action, the Clerk of Courts shall send such notice or schedule to both parties by regular mail.

(C) When allocating parenting functions and responsibilities between parents not married to each other, the courts shall order parents to attend and complete a parent education seminar. If specialized education for parents that have never been married to each other is available, these parents shall attend that program.

(D) Any third party with court ordered visitation with a child shall attend a parenting seminar.

(E) Upon a motion of either party, and for good cause shown, the court may waive the requirement for the party to attend the parenting education seminar.

### **Section 9** Court investigation and evaluation.

- (1) Prior to trial, the court may cause an investigation to be made as to the character, family relations, past conduct, parenting functions and parenting arrangements of each parent, and may order the parents and their minor children to submit to substance abuse, medical, psychological, and psychiatric examinations. If the court has joined as a party to any parenting proceeding any person who has significant contact with the child, and who is significantly involved in the child’s life, such person may be ordered to submit to tests, examinations, or evaluations concerning the person’s medical, psychiatric or psychological condition, or any substance abuse by such person. The report shall be filed in the family file, and if the report is entered into evidence, the evaluator shall be subject to cross-examination by either parent concerning the report, subject to the Ohio Rules of Evidence.
- (2) In preparing the evaluation report concerning a child, the court’s evaluator may consult any person who may have information about the child and potential parenting arrangements. The family file shall be made available to counsel of record for each parent, or directly to any parent not represented by counsel, not later than 30 days prior to the

final hearing on the issue of parenting functions and responsibilities, unless a shorter period of time is ordered by the court for good cause shown.

**Section 10** Appointment of Guardian ad Litem and attorney for the child.

(A) In any case in which the allocation of parenting functions and responsibilities is to be determined, the court, in its discretion may, and, upon motion of either party, shall appoint a guardian ad litem for the child. The court may establish qualifications for guardian ad litem eligible for appointment by the court.

(1) A guardian ad litem may be an attorney, a trained mental health professional, or a qualified volunteer if one is available and the appointment is appropriate.

(2) The guardian ad litem shall perform any functions which are necessary to protect the best interest of the child, including, but not limited to, investigation, participation in mediation, making recommendations, monitoring court proceedings and filing any motions and other court papers that are in the best interest of the child.

(3) The court may fix the compensation of the guardian ad litem and shall tax the costs and fees of the guardian ad litem to any one, both, or all of the parties, as may be appropriate.

(4) The court shall require the guardian ad litem to faithfully discharge the guardian ad litem's duties. Upon the guardian ad litem's failure to faithfully discharge those duties, the court shall discharge the guardian ad litem and appoint another guardian ad litem.

(5) The guardian ad litem shall be served with all pleadings and given notice of all hearings and other proceedings in the same manner as service is made or notice is given to the parties to the action.

(6) The guardian ad litem is subject to cross-examination, if called by either party to testify.

(B) In any case in which the allocation of parenting functions and responsibilities is to be determined, the court in its discretion may appoint an attorney for the child.

(1) The court may fix the compensation of the attorney for the child and shall tax the costs and fees of the attorney for the child to any one, both, or all of the parties, as may be appropriate.

(2) The attorney for the child shall be served with all pleadings and given notice of all hearings and other proceedings in the same manner as service is made or notice is given to the parties to the action.

(C) The guardian ad litem serves the best interest of the child, and owes a duty of candor to the court. This precludes an attorney serving as guardian ad litem for a child from serving as the child's attorney.

**Section 11** Court interview of child.

(A) In determining the child's best interest for purposes of making its allocation of the parenting functions and responsibilities for the care of the child, and, for purposes of resolving any issues related to the making of that allocation, the court, in its discretion may, and upon request of

either party, shall interview any or all of the involved children, regarding their concerns with respect to the allocation.

(B) If the court interviews any child pursuant to division (A) of this section, the following apply:

- (1) The court may appoint a guardian ad litem for the child.
- (2) The court may designate a mental health professional to conduct the interview of the child.
- (3) The interview shall be conducted in chambers or another location designated by the judge or magistrate, and no person other than the child, the child's guardian ad litem and/or attorney, the judge or magistrate, the judge or magistrate's designee, and any necessary court personnel shall be present. A record shall be made of the interview, for the exclusive use of any reviewing court.

(C) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parenting functions and responsibilities concerning the child. No court, in determining the child's best interest for the purposes of making its allocation of the parenting functions and responsibilities for the care of the child or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.

## **Section 12** Modification of Parenting Plans

(A) The parents may mutually agree to modify a prior parenting decree and submit the proposed agreed entry to the Court for consideration. The Court may approve or reject the proposed entry; provided, however, that if the court rejects the proposed agreed entry, the court shall state its reasons on the record.

(B) Absent an agreement between the parents, a parent may move the court for modification of a prior parenting decree by filing a motion, which specifies the modification sought by the movant.

(C)(1) The Court shall not modify a prior parenting decree allocating parenting functions and responsibilities for the care of children within one year of the filing of a prior parenting decree, unless the court finds a change of circumstances by clear and convincing evidence existing at the time of filing a motion to modify.

(2) The Court shall not modify a prior parenting decree allocating parenting functions and responsibilities for the care of children issued more than one year from the filing of the prior parenting decree, unless the court finds a change of circumstances by a preponderance of the evidence existing at the time of filing a motion to modify.

(3) In applying the provisions of C(1) and C(2) of this section, the court shall not modify the prior parenting decree unless a modification is in the best interest of the child, and one of the following applies:

- (a) The parents agree to the modification; or
- (b) The child had been integrated into the family of the movant parent with the consent of the other parent to the change of circumstances; or
- (c) The advantages of the modification to the child outweigh the harm.

(D) At any time, the Court may order adjustments in any parenting decree based upon a change of circumstances of either parent or the child, if the proposed modification is a:

- (1) Modification of provisions for child support, medical insurance, payment of uninsured medical expenses, or tax exemptions;

- (2) Modification of the dispute resolution process designated in the parenting decree;
  - (3) Modification of the residential time allocation which:
    - (a) does not change the residence or school placement of the child; or
    - (b) does not exceed 15 full days in a calendar year or 3 full days in a calendar month;
    - or
    - (c) is based on a change of a parent's employment schedule making the residential time allocation provisions of the prior parenting decree impractical to follow.
- (E) In a modification proceeding, under divisions (B), (C), or (D) of this section, to reconsider provisions in a parenting decree, the court may consider repeated and unreasonable denial of, or interference with, parenting time, as previously ordered by the court, to be a change of circumstances.

**Section 13** Relocation of residence of child.

- (A) A relocation is a permanent change of address of the child when any of the following apply:
- (1) the child would relocate to a different public school district; or
  - (2) if the parenting decree provides different geographical restrictions than described in (A)(1), that the relocation is beyond those limitations.
- (B) Unless otherwise excepted pursuant to the terms of this statute, any party who changes address shall notify both parents and any third party currently entitled to court ordered visitation and the court of current jurisdiction of the following:
- (1) the new street address;
  - (2) mailing address;
  - (3) home telephone number;
  - (4) date of proposed move.
- (C)(1) Any parent or person with placement of the child pursuant to a parenting decree wanting to relocate a child shall notify the non-relocating parent, any third party currently entitled to court ordered visitation, and the Court of the following:
- (a) the new street address;
  - (b) mailing address;
  - (c) home telephone number;
  - (d) date of proposed move;
  - (e) brief statement of the intended reason for relocation;
  - (f) a proposed revised parenting plan;
  - (g) notice to the non-relocating parent that any objection to the relocation must be filed within 30 days of the receipt of the notice of relocation.
- (2) The notice of intent to relocate shall be filed with the Court and mailed to each party described herein by certified mail sent to the last known address.
  - (3) The notice shall be sent on or before sixty days from the date of intended move, or within 10 days after the relocating parent knew or should have known of the move if the non-relocating parent cannot satisfy the sixty-day requirement.
  - (4) The non-relocating parent or third party with court ordered visitation may file an objection to the relocation and seek a temporary or permanent restraining order to prevent the relocation of any child involved. A non-parent party may file a request to

obtain a revised visitation schedule, but may not object to relocation or seek restraining orders unless the non-parent has the primary placement of the child. The objection or request for a revised visitation schedule must be filed within 3 days of receipt of the notice or the objection or request is deemed waived.

(D) On a finding by the Court that the health, safety and welfare or liberty of a person, including a child would be reasonably put at risk by the required identifying information in conjunction with a notice of change of address or notice of relocation the Court may order that:

- (1) the information not be disclosed;
- (2) the notice requirement be waived to the extent necessary to protect confidentiality and the health, safety and welfare of the child;
- (3) any other remedy that the court considers necessary to facilitate the legitimate needs of the parties and the best interests of the child;
- (4) if appropriate, the Court may conduct an ex parte hearing under this section.

(E) If either parent fails to provide notice of change of address or relocation the Court may consider the failure as follows:

- (1) a factor in making its determination of relocation;
- (2) a factor of modification of parenting plan;
- (3) a basis for ordering the return of the child if the relocation has taken place without notice;
- (4) a basis for awarding attorneys fees and expenses;
- (5) contempt if there is a prior court order requiring notice.

(F) In determining whether or not to grant a request to relocate a child, the Court shall consider the following factors:

- (1) The reason of either parent in seeking or objecting to the relocation,
- (2) If approved, whether there is a realistic opportunity to preserve the relationship between the child and the non-relocating parent,
- (3) The age and developmental level of the child, the physical, emotional, and educational needs of the child, and the impact the relocation will have on the child, taking into account any special needs of the child,
- (4) Whether the relocation of the child will enhance the general quality of life for both the child and the relocating parent, including, but not limited to, financial or emotional benefits or educational or health opportunities,
- (5) Any other factor the court deems relevant.

(G) If a child is relocated without consent of the non-relocating parent, or Court approval, the court shall not consider evidence that the child has been integrated into the new surroundings.

(H) Requests to relocate shall be given priority scheduling.

#### **Section 14** Parenting time enforcement.

(A) The presiding Judge of each Common Pleas court or of the Juvenile Division or the Domestic Relations Division thereof shall establish an expedited parenting time enforcement procedure that shall include a requirement for mediation or other dispute resolution process. The procedure must be easy to understand and initiate. Unless the parties otherwise agree, the Court shall conduct a hearing no later than 45 days after the filing of a Motion seeking enforcement of a parenting time order. The Court may charge a filing fee. The Court shall provide forms for:

- (1) A motion filed by either party alleging with particularity a violation of parenting time or substantial violations of the parenting plan.
  - (2) An order requiring the parties to appear and show cause why parenting time should not be enforced in a specific manner. The party filing the motion shall serve a copy of the motion and the order on the other party. The order must include:
    - (a) A notice of the remedies imposable under subsection (B) of this section and the availability of a waiver of any mediation requirement; and
    - (b) A notice substantially in the following form:

When pleaded and shown in a separate legal action, violation of court orders, including visitation and parenting time orders, may also result in a finding of contempt, which may result in fines, incarceration or other penalties, including compulsory community service.
  - (3) A motion or affidavit may be filed by either party requesting waiver of any mediation requirement, which may be granted on a showing of good cause.
- (B) In addition to any other remedy the court may impose to enforce the provisions of a judgment relating to the parenting plan, the court may:
- (1) Modify the provisions relating to the parenting plan by:
    - (a) Specifying a detailed parenting time schedule;
    - (b) Imposing additional terms and conditions of the existing parenting time schedule;
    - (c) Ordering additional parenting time, in the best interests of the child, to compensate for wrongful deprivation of parenting time.
  - (2) Order the party who is violating the parenting plan provisions to post bond or security;
  - (3) Order either or both parties to attend counseling or educational sessions that focus on the impact of violation of the parenting plan on children;
  - (4) Award the prevailing party expenses, including, but not limited to, attorney fees, filing fees and court costs, incurred in enforcing the party's parenting plan;
  - (5) Terminate, suspend or modify spousal support.

## **Appendix B**

### **Task Force Survey Results**

The Ohio Task Force on Family Law and Children was directed to study the current divorce system in Ohio. The Task Force listened to testimony from experts and examined research, which recommended what types of services, had proven helpful to children and adults who had experienced separation and divorce. It became evident that there was not a centralized hub of information regarding the types of services offered for families that could be accessed. As a result, the Task Force developed two surveys to collect this data.

The first survey was directed to the domestic relations courts in all 88 counties to ascertain what services were available in their counties for divorcing families; how these services were funded; and who provided these services. All 88 counties responded. The survey instrument with tabulated results, a chart and maps indicating where services are provided are included in this appendix.\*

The second survey was directed to parents who attended court mandated education seminars for divorcing parents, to determine what services they would like to see available for families; what services they would be willing to pay for; their satisfaction level with particular components of the system; and their overall satisfaction level with the process. A total of 1375 parents from 36 counties responded, representing diverse geographic locations throughout the state. The survey instrument, executive summary, distribution of responses from each county, and tables are included.\*

\*If you would like to receive a copy of these surveys and the results, please contact Cindy Lyles at 614-752-9396.

## **Appendix C**

### **Age Appropriate Parenting Access Plans**

The vision of the Ohio Task Force on Family Law and Children was to create an environment in which children whose parents live in different homes:

could go back and forth peacefully between Mom's house and Dad's house;

have a weekly schedule that was developmentally appropriate; and

feel comfortable loving and interacting with both parents.

The best schedule is one that is tailor-made to each family by the family and adjusted as the child grows and family circumstances change. Children differ not only by age and developmental variances, but also by temperament, personality, and special needs. As the child grows and family circumstances change, arrangements need to change as well. Flexibility is a key to successful, child-centered schedules.

The Task Force examined model schedules from many counties throughout the country and decided to include those developed by Maricopa County, Arizona because they offered more options and were supported by current social science research. These sample schedules are offered here to encourage creativity. They are not intended to be guidelines to be imposed by a court. The parenting access plans provided are examples of what may work well for children of a particular age and developmental stage, but should not be viewed as prescriptive. One size does not fit all.

Current research supports the involvement of both parents from the earliest days of a child's life. Perhaps the greatest creativity is required as teens develop and mature. Rigid schedules during those years may cause alienation, and supportive parents may find themselves showing up for sports' and extracurricular events rather than relying on the routine that served them well when a child was young.

Children need two parents. They need for the two most important people in their lives to learn how to work together without on-going conflict and rancor. When parents say "I'll do anything for my kids", the greatest gift and challenge may mean developing a cooperative parenting partnership with your child's other parent. Best Wishes!

## Sample Parenting Access Plans

### To Parents

Raising children presents challenges for all parents. When parents live in separate homes the challenges are greater because the relationships become more complicated. Sometimes parents disagree about how much time children should spend with each of them. The following information will help parents reach agreements about parenting time (access) with their children.

These plans were developed by a committee of judicial officers, mental health providers and attorneys in Maricopa County, Arizona, who consulted with nationally known experts in child development. The Ohio Task Force on Family Law and Children selected these plans after an extensive review of materials prepared in communities around the country and the world. These plans offer information about what children learn, feel and need at different ages. They also provide a variety plans appropriate for each age group, and language that may be included in court orders.

Children describe the loss of contact with a parent as the worst consequence of divorce or parental separation. Unless special circumstances exist, preserving a healthy and on-going relationship between children and both their parents after divorce, dissolution or separation is of utmost importance. Positive involvement with both parents furthers the child's emotional and social development, academic achievement, and overall adjustment.

### Why Plans Are Necessary

Written parenting access plans provide children and parents with some assurances of maintaining meaningful contact and can prevent future conflict. These plans are intended to encourage open dialog and cooperation between parents. The Courts prefer that parents reach agreements about schedules voluntarily. When parents reach agreements about schedules on their own, they are more likely to remain cooperative as their children grow up. Children do best when parents cooperate. The reverse is also true. Children who experience on-going conflict between parents are at high risk for suffering serious long-term emotional problems.

Parents must state their agreements about parenting time in their parenting access plan. A successful parenting access plan will state the agreements parents reach about parenting time, and the sharing of parenting functions and responsibilities. The schedule should consider each child's developmental needs as identified in this booklet.

## How To Use This Booklet

1. Locate plans for your child(ren's) age.
2. Meet with your child's other parent to discuss parenting time and which plan for access (A, B or C) best suits your family's needs.
3. To assist you, the plans include sample calendars with sample parenting access plan language to include in court orders. These are examples only. You may chose any days or times you wish.
4. Because each child is unique, you may wish to establish different plans for children of different ages while making sure that brothers and sisters are able to spend as much time together as possible. Be flexible!

### Which Plan Should We Choose?

The following options are designed to allow parents, or the Court if necessary, to select the proper plan after considering the family's unique circumstances. Children differ in how long they are comfortable being away from each parent. Some children prefer spending more time at one home, while others move back and forth on a regular basis with ease. Parents may need to tolerate disruption of their own schedule, and more or less time with their child than they might otherwise prefer to provide the children with a sense of security and well-being.

When creating a plan, parents should consider the child's relationship with each parent. If a parent has never been a part of a child's life or has not had contact with the child for an extended period, access should start slowly and gradually increase as the child adjusts and feels comfortable.

A parent who has an extremely busy work schedule, has not been the child's primary caregiver, or wants regular access without extensive care giving responsibility may consider **Plan A**.

A parent who has been involved in the day-to-day care of the child may desire greater access. This parent may consider **Plan B**.

A parent who has care giving experience and desires maximum access may consider **Plan C**.

As the child adjusts to the initial plan and feels comfortable, parents may consider increasing access by creating another plan. In some cases, it may be beneficial to change from one plan to another as the child gets older. When increasing access time, a parent's past involvement in caring for the child must be considered as well as the parent's willingness and ability to learn necessary care giving skills.

If parents cannot create a parenting access plan and access schedule that is best for their family, the Court will evaluate the case, and create a parenting access plan that it finds is in the best interest of the children.

### **Important Factors To Consider When Creating A Plan**

- the child's age, maturity, temperament and strength of attachment to each parent
- any special needs of the child and parents
- the child's relationships with siblings and friends
- the distance between the two households
- the flexibility of both parents work schedules and the child's schedule to accommodate extended access
- childcare arrangements
- transportation needs
- the ability of parents to communicate and cooperate
- the child's and the parents' cultural and religious practices
- a parent's willingness to provide adequate supervision even if the parent has not done so in the past
- a parent's ability and willingness to learn basic care giving skills such as feeding, changing, and bathing a young child, preparing a child for daycare or school, or taking responsibility for helping a child with homework
- a parent's ability to care for the child's needs

### **Children Benefit When Parents**

- initiate the child's contact with the other parent on a regular basis by phone, letter, audio and videotapes, e-mail and other forms of communication
- maintain predictable schedules
- are prompt and have children ready at exchange time
- avoid any communication that may lead to conflict at exchange time
- ensure smooth transitions by assuring the children that they support their relationship with the other parent and trust the other's parenting skills
- allow the children to carry "important" items such as clothing, toys, security blankets with them between the parents homes
- follow similar routines for mealtime, bedtime, and homework time
- handle rules and discipline in similar ways
- support contact with grandparents and other extended family so the children do not experience a sense of loss
- are flexible so the child can take advantage of opportunities to participate in special family celebrations or events
- give as much advance notice as possible to the other parent about special occasions
- provide an itinerary of travel dates, destination, and places where the child or parent can be reached when on vacation
- establish a workable, "business-like" method of communication
- plan their vacations around the child's regularly scheduled activities

### **Children Are Harmed When Parents**

- make their child choose between mom and dad
- question their child about the other parent's activities or relationships
- make promises they do not keep
- argue with or put down the other parent in the child's presence or range of hearing
- discuss their personal problems with the child or in the child's range of hearing
- use the child as a messenger, spy or mediator
- withhold access because child support has not been paid

## SPECIAL CIRCUMSTANCES

These sample plans may not apply to all family situations or all children. They are not appropriate if there are significant issues of:

- child abuse or neglect
- serious mental or emotional disorders
- drug or alcohol abuse or criminal activity
- domestic violence
- continuous levels of very intense conflict

When a child's physical or emotional safety is at risk, it is necessary to protect the child. Parents who have concerns about these issues should seek help from an attorney, mental health professional, court services, domestic abuse agency, or local social services agency.

**Remember, the welfare of the child is of utmost importance.**

Definitions of terms used in this booklet:

Attachment: the process of building strong emotional bonds to specific care givers, critical for the child's development during the first year. A sense of security, the development of trust in others and positive emotional and social adjustment occur as a result of attachment.

Bonding: the development of close, loving and trusting relationships.

Parenting access plan: means a plan for the parenting of a minor child, which provides for the allocation of parenting functions and responsibilities.

Transition: moving between parents' homes.

## SAMPLE PARENTING ACCESS PLANS

### Birth to Twelve Months

Infants learn at a rapid rate. They are learning to love and trust familiar caregivers. Infants learn to attach to parents and others through consistent, loving responses such as: holding, playing, feeding, soothing, talking gently and lovingly, and meeting their needs promptly. They begin to respond to the different but equally valuable types of parenting mothers and fathers provide.

Infants cannot retain experiences over time, so it is important that they have frequent contact with both parents and a predictable schedule and routine. Infants can retain “emotional memories” of conflict that can have long-term negative effects, so parents should not argue when children, even infants, can overhear.

By six months, infants can recognize their parents and other caregivers, and may become uneasy around strangers. Regular caregivers are able to recognize their signals for food, comfort, and sleep. When away from them, infants may become anxious and may experience eating and sleeping problems.

At this young age, it is important to maintain the infant’s basic sleep, feeding, and waking cycles. Schedules should be adjusted so that disruption does not occur. For example, in creating parenting access plans for this age group, parents should consider the special needs of breastfeeding infants.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

**All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.**

## Birth to Twelve Months

**Plan A(1):** Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and child bond.

Parent A 

Parent B 

	M	T	W	Th	F	S	S	
8:00								
9:00								
10:00								
11:00								
Noon								
1:00	<b>Weekly Schedule</b>							
2:00								
3:00								
4:00								
5:00								
6:00								
7:00								
8:00								
Overnight								

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

**Plan A(2):** Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

## Birth to Twelve Months

**Plan B:** Two three-hour periods and one eight hour period spaced throughout each week.

Parent A 

Parent B 

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00	<b>Weekly Schedule</b>						
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Time blocks that vary significantly from the above are not recommended.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

## Birth to Twelve Months

**Plan C:** Two periods of three to six hours and one or more overnights each week.

Parent A

Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00			Weekly Schedule				
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 to 7:30 p.m. and Saturday from 4:30 p.m. to Sunday at 4:30 p.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Presuming that Plan C overnights have been ongoing, parents may have three consecutive overnights, weekend or midweek, twice each year. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

## SAMPLE PARENTING ACCESS PLANS

### Twelve to Twenty-four Months

One to two year olds are becoming more aware of the world around them and the people who are frequently in contact with them. A baby at this age can be attached to many caregivers including grandparents, other extended family members, daycare providers, babysitters and family friends who are frequently in contact with the child.

One to two year olds are also becoming independent and are developing the ability to comfort themselves by thumb-sucking or holding onto favorite blankets or toys. Their sleeping and eating schedules are also becoming regular. They continue to respond to the different but equally valuable types of parenting mothers and fathers provide. Two year olds commonly test parental limits and appropriate parental responses can build the child's self-esteem for years to come.

Transitions between homes may become difficult for some one to two year olds and they may become upset at these times. Some resistance to exchanges is normal for some children. This behavior does not necessarily mean that the other parent is not a good parent or that he child does not want to be with the other parent. Parents can make exchanges easier for the child by following predictable schedules and by supporting the child's relationship with the other parent.

All plans presume that the parent with access has appropriate baby supplies (infant seat, car seat, crib, diapers, toys) and that access will take place in a child friendly setting that is visually and intellectually stimulating. The parent with access time should personally care for the child as much as possible.

Return to the other home should be at least one half hour before bedtime. Once established, schedules should remain as consistent as possible.

**All plans that include overnights presume that the parent with access not only had care giving experience but that the child is sufficiently attached and accustomed to being in the care of that parent for long periods.**

## Twelve to Twenty-four Months

**Plan A (1):** Three periods of three to six hours spaced throughout each week.

Comment: Frequent contact helps the parent and child bond.

Parent A

Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon		<b>Weekly Schedule</b>					
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

**Plan A(2):** Two six hour periods spaced throughout the week.

Comment: This plan is helpful when the parents work schedules or their levels of conflict make more frequent exchanges difficult. Because in this plan there are only two opportunities to parent each week, bonding between the parent and child may proceed more slowly and the child may experience some difficulty going from one parent to the other.

	M	T	W	Th	F	S	S	
8:00								
9:00								
10:00								
11:00								
Noon								
1:00								
2:00								
3:00								
4:00			<b>Weekly Schedule</b>					
5:00								
6:00								
7:00								
8:00								
Overnight								

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 12:00 p.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m. The child shall be with Parent B the remainder of the time.

## Twelve to Twenty-four Months

**Plan B:** Two four-hour periods and one eight hour period spaced throughout each week.

Parent A       Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon	<b>Weekly Schedule</b>						
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Time blocks that vary significantly from the above are not recommended, unless the child has gradually adjusted to overnights with parent A.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

## Twelve to Twenty-four Months

**Plan C:** One daytime period of three to six hours and two non-consecutive overnights each week.

Parent A

Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday from 2:30 p.m. to 8:30 p.m., Thursday at 5:30 p.m. to Friday at 8:30 a.m. and Saturday from 4:30 p.m. to Sunday at 4:30 p.m. the child shall be with Parent B the remainder of the time.

**Vacation:** Presuming that Plan C overnights have been ongoing, parents may have one period of three consecutive overnights, midweek or weekend, with children 12 to 18 months old. After the age of 18 months, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the time blocks noted above.

## SAMPLE PARENTING ACCESS PLANS

### Twenty-four to Thirty-six Months

Ages two to three are an important time for children to develop independent skills. Although children this age are learning to be independent, they may still cling to their caregiver and resist separation. They may be negative, and say “NO!” to parents’ requests and demands just to express their independence. They may also be fearful about unfamiliar activities and objects. Predictable, regularly scheduled routines help children manage their fears and help them learn that the world is a safe place. Moving between parents’ homes may become difficult for children at this age and they may become upset. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents must ensure that the transitions between the two parents’ homes are free of parental arguing and tension.

**Plan A(1):** Two three to four hour periods and one eight hour period spaced throughout each week.

Parent A  Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon	<b>Weekly Schedule</b>						
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 8:30 p.m. and on Saturday from 10:00 a.m. to 6:00 p.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Time blocks that vary significantly from the above are not recommended.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

**Twenty-four to Thirty-six Months**

**Plan A(2):** Two periods of three to six hours and one overnight each week.

Parent A 

Parent B 

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon			<b>Weekly Schedule</b>				
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and Saturday from 4:00 p.m. to Sunday at 10:00 a.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Presuming Plan A(2) overnights have been ongoing, parents may have two one-week periods separated by at least four weeks. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destinations, and places where the child or parent can be reached.

**Holidays:** When holidays or special occasions like Father’s Day, Mother’s Day and birthdays do not fall on a parent’s access day, parents should consider dividing them consistent with the blocks noted above.

## Twenty-four to Thirty-six Months

**Plan B:** One period of three to six hours and two non-consecutive overnights each week.

**Comment:** Ideally a child of this age should not be separated on a regular schedule from either parent for longer than four days.

Parent A

Parent B

	M	T	W	Th	F	S	S
8:00							
9:00							
10:00							
11:00							
Noon	<b>Weekly Schedule</b>						
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
Overnight							

Sample parenting plan language: Parent A shall have time with the child each week Wednesday 4:30 p.m. to 7:30 p.m. and Monday 8:00 a.m. to Tuesday 8:00 a.m. and Friday 8:00 a.m. to Saturday 1:00 p.m. The child shall be with Parent B the remainder of the time.

**Vacation:** Presuming that Plan B overnights have been ongoing, use Plan A(2) vacation plan for this age group.

**Holidays:** See Plan A(2) Holidays for this age group.

**Twenty-four to Thirty-six Months**

Plan C: One period of three to six hours and two consecutive overnights each week.

Parent A

Parent B

	Plan C		Sample					
	M	T	W	Th	F	S	S	
8:00								
9:00								
10:00								
11:00								
Noon								
1:00								
2:00								
3:00			<b>Weekly Schedule</b>					
4:00								
5:00								
6:00								
7:00								
8:00								
Overnight								

Sample parenting plan language: Parent A shall have time with the child each week Saturday 10:00 a.m. to 1:00 p.m. and Monday 5:30 p.m. to Wednesday 8:00 a.m. The child shall be with Parent B the remainder of the time.

Vacation: Presuming that Plan C overnights have been ongoing, use Plan A(2) vacation plan for this age group.

Holidays: See Plan A(2) Holidays for this age group.

## SAMPLE PARENTING ACCESS PLANS

### Three to Five Years

Three to five year-olds are attached to their regular caregivers and separation may cause them to be uncomfortable and anxious. They may also be fearful about unfamiliar activities and objects and may experience night fears like “monsters” under the bed.

Three to five year-olds may show increased discomfort when moving between parents’ homes. They may become very upset at these times. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with the other parent. Parents can make exchanges easier for children by following predictable schedules.

Three to five year-olds may benefit from structured time with children their own age, away from parents. This time helps them to develop social skills and to learn that they can be safe and happy away from both parents.

Children are more likely to resist going to the other parent if the parents are tense, hostile or argue with each other at the exchange. If tension is present, the child might become difficult to manage or might display a variety of behaviors consistent with emotional problems. If parents cannot be pleasant, or at least neutral, they should limit communications at these exchanges. Parents **must not** use the child as a messenger to communicate with the other parent. Children may also feel more secure if they can take favorite stuffed toys, family photos or other objects that will remind them of the other parent.

After age three, children become more aware of holiday celebrations. To avoid disputes, parents should schedule for as many holidays as are meaningful to the family, whether religious, cultural, or national in their access plan. Parents should also include family birthdays and annual parent day celebrations.

**The options discussed for 24 months to 36 months are also appropriate for this age group.**

**Plan A(1):** Two consecutive overnights every other week and an additional overnight or afternoon/evening period each week.

**Plan A(2):** Three consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

### Sample Monthly Schedule

Plan A1						
M	T	W	Th	F	S	Su
					_____	_____
		_____		_____		
					_____	_____
		_____		_____		
					_____	_____
		_____		_____		

Parent A shall have time with the child week one from Friday at 5:30p.m. to Sunday at 6:00p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30p.m. to Thursday at 8:00a.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Plan A2						
M	T	W	Th	F	S	Su
				_____	_____	_____
			_____			
		_____		_____	_____	_____
			_____			
					_____	_____
		_____		_____		

Parent A shall have time with the child week one from Thursday at 5:30p.m. to Sunday at 6:00p.m. In addition Parent A shall have time with the child Wednesday at 5:30p.m. to Thursday at 8:00a.m. week two. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

### Three to Five Years

**Plan B:** Four consecutive overnights week one. Another overnight or afternoon/evening period of three to four hours may be added in week two.

**Plan C(1):** Parents split each week and the weekend.

**Comment:** This plan provides consistent routine and accommodates a young child’s ability to be apart from either parent for only three days. It also allows the child to have a “stay home” day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other has four overnights and the next week the number of overnights is reversed.

### Sample Monthly Schedule

Plan B						
M	T	W	Th	F	S	Su

Parent A shall have time with the child week one from Thursday at 5:30p.m. to Monday at 8:00a.m. In addition, Parent A shall have the child from Thursday at 5:30p.m. to Friday at 8:00a.m. week two. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Plan C1						
M	T	W	Th	F	S	Su

Parent A shall have time with the child each week from Sunday 8:00a.m. to Wednesday 12:00p.m. Parent B shall have time from Wednesday at 12:00p.m. to Sunday at 8:00a.m.

## Three to Five Years

**Plan C(2):** Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

**Comment:** This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children at this age. This plan is helpful when the parents level of conflict makes exchanges difficult, because all exchanges can take place at day care.

### Sample Monthly Schedule

Plan C2						
M	T	W	Th	F	S	Su
—	—			—	—	—
—	—					
—	—			—	—	—
—	—					

Parent A shall have time with the child every Monday after daycare or 5:30p.m. if not in daycare to Wednesday 8:00a.m. Parent B shall have time with the child every Wednesday after daycare or 5:30p.m. if not in daycare to Friday at 8:00a.m. The parties shall alternate weekends (Friday to Monday at 8:00 a.m.).

**Vacation:** Each parent shall have the opportunity to spend up to 10 days in town or out of town each year or two one week periods taken separated by at least three weeks. Telephone contact is recommended during out of town periods. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached.

**Holidays:** See the “What to do about the Holidays” section of this booklet.

## SAMPLE PARENTING ACCESS PLANS

### Six to Nine Years

Six to nine year-old children may worry that one parent does not love them or that they will lose one parent. They may also experience intense longing for the absent parent. It is common for these children to fantasize that their parents will get back together.

Some six to nine year-olds benefit from spending more time at one home, while others move back and forth on a regular basis with ease. Children differ in how long they are comfortable being away from each parent. If the child has spent considerable quality time with the parent who has access, that child may cope better with a long separation from the other parent.

All scheduling should maximize parents' time off from work. If work schedules change, parents may vary access days with appropriate prior notice.

**Plan A(1):** Two consecutive overnights every other week. An additional three to six hour period or overnight may be added each week.

**Plan A(2):** Three consecutive overnights every other week and an additional four to six hour period each week.

#### Sample Monthly Schedule

Plan A1						
M	T	W	Th	F	S	Su
		—		—	—	—
		—				
		—		—	—	—
		—				

Parent A shall have time with the child week one from Friday at 5:30p.m. to Sunday at 6:00. In addition, Parent A shall have access each Wednesday from 5:30p.m. to 8:30p.m. each week. The child shall be with Parent B the remainder of the time.

Plan A2						
M	T	W	Th	F	S	Su
—	—	—			—	
					—	
—	—	—			—	
					—	

Parent A shall have time with the child week one from Monday at 5:30p.m. to Thursday at 8:00a.m. In addition, Parent A shall have access every Saturday from 2:00p.m. to 8:00p.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

## Six to Nine Years

**Plan B:** Four consecutive overnights week one with an additional overnight week two.

**Plan C(1):** Split each week and weekend.

**Comment:** This plan allows each parent to participate more in the child’s academic life. It also provides a consistent routine, accommodates a young child’s ability to be apart from either parent for only three days and allows the child to have a “stay home” day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents may dislike not having full weekend access, but the schedule can be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other had four overnights and the next week the number of overnights is reversed.

### Sample Monthly Schedule

Plan B						
M	T	W	Th	F	S	Su

Parent A shall have time with the child week one from Wednesday at 5:30p.m. to Sunday at 8:00a.m. In addition, Parent A shall have access week two on Tuesdays from 5:30p.m. to Wednesday 8:00a.m. The child shall be with Parent B the remainder of the time. Repeat schedule weeks three and four.

Plan C1						
M	T	W	Th	F	S	Su

Parent A shall have time with the child each week from Sunday 8:00a.m. to Wednesday 12:00p.m. Parent B shall have time from Wednesday at 12:00p.m. to Sunday at 8:00a.m.

## Six to Nine Years

**Plan C(2):** Each parent has the same two consecutive midweek overnights each week and alternates the weekends.

**Comment:** This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children. This plan is helpful when the parents level of conflict makes exchanges difficult, because all exchanges can take place at school or day care.

**Plan C(3):** The parents share time with the child during alternating seven day periods. A midweek overnight is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school.

**Comment:** This plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. All exchanges for this plan can take place at school or day care if desired. While some children thrive with this access plan, other may find this arrangement disruptive.

### Sample Monthly Schedule

Plan C2						
M	T	W	Th	F	S	Su
—	—			—	—	—
—	—					
—	—			—	—	—
—	—					

Parent A shall have time with the child every Monday after school to Wednesday at 8:00a.m. Parent B shall have time with the child every Wednesday after school to Friday at 8:00a.m. The parties shall alternate weekends (Friday after school to Monday morning).

Plan C3						
M	T	W	Th	F	S	Su
—	—	—	—			
				—	—	—
—	—	—	—			
				—	—	—

Parents shall share time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Friday at 8:00a.m. and Parent B shall pick the child up after school. Week two: Parent B shall drop the child off at school Friday at 8:00a.m. and Parent A shall pick the child up after school. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30p.m. to Thursday at 8:00a.m.).

**Vacation:** Each parent shall have the opportunity to spend two, two week periods of in town or out of town vacation each year for children ages six to eight. Each parent shall have the opportunity to spend up to four consecutive weeks of vacation after the child is eight. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. If the child is in town during a four week vacation period, the non-vacating parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

**Holidays:** See the “what to do about the holidays” section of this booklet.

## SAMPLE PARENTING ACCESS PLANS

### 10 to 13 Years

Ten to 13 year old children often want to be independent from their parents and are becoming more attached to their friends. They may blame one parent for the divorce, may be angry and embarrassed by the breakup of the family, and may side with one parent.

Children this age often want to have a say in their living arrangements. Parents should allow them to express their views, while making it clear that it is up to the parents to make the final decisions. As children begin junior high school, parents should give consideration to their school and extracurricular activities. Parents should be flexible remembering that access must still occur on a regular basis.

**All plans for six to nine year-olds are suitable for this age group.**

**Vacation:** Each parent shall have the opportunity to spend two, two week periods or up to one four week period for in town or out of town vacation. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

**Holidays:** See the “what to do about the holidays” section of this booklet

## SAMPLE PARENTING ACCESS PLANS

### 14 to 18 Years

During the later teen years, children want to be independent and believe they are capable of making their own decisions. Often, their focus is on their friends, school, activities, or work more so than on their family. Fourteen to 18 year-olds may resist a rigid or well defined access schedule. Parents should be flexible and accept the children’s increasing ability to care for their own needs. Many older teens prefer a primary house to use as a base where their friends can contact them. Sometimes they prefer it just because it is less confusing. As a result, for some children, having one parent’s house as a primary home is important. Parents should consult with older teens regarding their ideas for living arrangements, access schedules, and family activities. Parents, however, must remind their teens that final decisions rest with the parents.

**All of the plans listed from age 6 and older are suitable for this age group.**

**Plan A:** Two consecutive overnights every other week, preferably on the weekend and an optional additional afternoon/evening period each week. One household becomes the “home base”.

**Plan B:** The parents share time with the child during alternating seven-day periods. A midweek overnight period is optional for the parent who does not have access that week. The exchange time can be Friday after school or work, Sunday afternoon or evening, or Monday after school.

**Comment:** The plan requires effective parental communication and cooperation to arrange weekly activities for the children. For example, if one parent wants to enroll the children in karate lessons on Tuesday evenings, the other parent must be willing to follow up with this activity when the children are with that parent. While some children thrive with this access plan, others may find this arrangement disruptive.

### Sample Monthly Schedule

Plan A						
M	T	W	Th	F	S	Su
Parent A shall have time with the child every other week from Friday at 5:30p.m. to Sunday at 6:00p.m. In addition, Parent A shall have time with the child each week from Wednesday at 5:30p.m. to 9:00p.m. The child shall be with Parent B the remainder of the time.						

Plan B						
M	T	W	Th	F	S	Su
Parents shall share time with the child for a seven-day period (alternating weeks). Week one: Parent A shall drop the child off at school Monday at 8:00a.m. and Parent B shall pick the child up at school at 5:30p.m. Week two: Parent B shall drop the child off at school Monday at 8:00a.m. and Parent A shall pick the child up at school at 5:30p.m. Repeat schedule weeks three and four. (Optional: The parent who does not have time with the child during the week shall be entitled to an overnight, normally to occur Wednesday from 5:30p.m. to Thursday at 8:00a.m.).						

## 14 to 18 Years

**Plan C:** The parents shall share time with the child during alternating fourteen-day periods. While scheduled to be with one parent, the child may have access to the other parent intermittently, as determined by the child’s school and activity schedules, as well as the child’s needs and desires.

Plan C						
M	T	W	Th	F	S	Su

Parents shall share time with the child on an alternating 14-day basis. Week one: Parent A shall drop the child off at school Friday at 8:00a.m and Parent B shall pick the child up after school. Week three: Parent B shall drop the child at school Friday at 8:00a.m. and Parent A shall pick the child up after school. (Optional: The parent who does not have time with the child during the fourteen day period shall have access as determined by the child's school and activity schedules, as well as the child's needs and desires.)

**Vacation:** Each parent shall have the opportunity to spend two, two week periods or up to one four week period for in town or out of town vacation. Each parent shall give the other parent thirty days written notice of vacation plans and an itinerary of travel dates, destination, and places where the child or parent can be reached. Telephone contact is recommended. If the child is in town during a four week vacation period, the non-vacationing parent may have one weekend (Friday at 5:30 p.m. to Sunday at 6:00 p.m.) if desired.

**Holidays:** See the “What to do about the Holidays” section of this booklet.

## WHAT TO DO ABOUT THE HOLIDAYS

Parents May:

1. Divide: Split the day or weekend (not necessarily equally) with both parents.

Sample parenting access plan language: Parent A shall have access on [specify holiday] from 9 a.m. to 2 p.m. Parent B shall have access from 2 p.m. to 8 p.m.

2. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years.

Sample parenting access plan language: Parent A shall have time with the child on [specify holiday] in all even years from 9 am. to 5 p.m. Parent B shall have time with the child from 9 a.m. to 5 p.m. on [specify holiday] in all odd years.

3. Substitute: One parent always has a specific holiday in exchange for another holiday.

Sample parenting access plan language: Parent A shall have [specify holiday] each year and parent B shall have [specify holiday] each year.

4. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that day or time.

Sample parenting access plan language: Parents shall celebrate [specify holiday] if it falls on the day they regularly have access.

5. Each parent celebrates his or her parent day with the child.

Holidays and days of special meaning have priority over regular access periods.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another.

## PARENT/CHILD ACCESS - LONG DISTANCE

Special considerations may arise when a parent moves a long distance away from his or her child, but close relationship between the child and the parent should be maintained. Access shall be provided throughout the year at regular intervals. Parents must consider the age and maturity of the child, school schedules and work schedules of other family members when deciding how often and how long visits should be. **Parents should refer to the developmental information provided in this booklet when creating long distance plans.**

Parents must also consider their financial ability to provide transportation and the cost/availability of childcare when children are visiting from out of town. If the Court has not allocated travel expenses in the child support order, parents should allocate these costs by agreement prior to finalizing any schedule.

Depending upon the actual distance between the two parents' homes, and the availability of transportation, there shall be a minimum of four access periods each year. Access shall occur in the summer, during the winter holiday season, during Thanksgiving or spring break, and on or near the child's birthday. If the child's birthday falls during one of the other scheduled access periods, a fourth access period shall be scheduled at another time. If logistically possible, twice-monthly visits should occur. If parents live within driving distance, they should each drive one direction or meet half way. Ideally, children under age eight should not fly alone.

As children approach age three, they become aware of holidays. Holidays can be a challenge to parents who live far apart. Parents must be flexible and cooperative so that the child can enjoy holidays with both of them. To avoid disputes, parents should schedule for as many religious, cultural or national holidays as are meaningful to the family. Parents should also include family birthdays and annual parent day celebrations.

### **What to do about holidays-long distance**

When parents live a long distance apart, all the options available for short distance plans are not available. Parents must consider the child's school and work schedules when arranging for holiday visits. Parents may:

1. Alternate: One parent has access on certain holidays in even years and the other parent has access in odd years. Holidays begin at 6:00 p.m. on the last day of school and conclude at 6:00 p.m. the day before school starts.  
Sample access plan language: Parent A shall have time with the child on [specify holiday] on all even years from 6:00 p.m. Wednesday to 6:00 p.m. Sunday. Parent B shall have time with the child for [specify holiday] on all odd years.
2. Substitute: One parent always has a specific holiday in exchange for another holiday.  
Sample access plan language: Parent A shall have [specify holiday] each year and Parent B shall have [specify holiday] each year.
3. Scheduled: Parents follow their regular schedule and celebrate the holiday with the child if they have access on that weekend. The weekend shall be extended to include the holiday.  
Sample access plan language: Parents shall celebrate [specify holiday] if it falls on or close to the weekend they regularly have access.

Parents may vary their choice or method for each holiday because one method may work well for one holiday, but not for another.

**Appendix D**

**Report of Recommendations for  
Standards and Model Curriculum for  
Mandatory Parent Education Programs in Ohio**

**Prepared by  
Supreme Court of Ohio  
Office of Dispute Resolution  
Special Committee on Parent Education**

**December 29, 1998**

**Members of the Supreme Court of Ohio  
Office of Dispute Resolution  
Special Committee on Parent Education**

The Committee is composed of the following members, all of whom are experienced in parent education in the following Ohio counties and have extensive experience working with families during and after divorce.

Jack Arbuthnot, Ohio University  
Athens County

Sally Brush, Beech Acres' Caring Institute  
Clermont and Hamilton Counties

Kathy Clark, Big Brothers/Big Sisters  
Marion County

Phyllis Hulewat, Jewish Family Service Association  
Cuyahoga County

Virginia Petersen, Children's Hospital Guidance Centers Divorce Services  
Franklin County

Susan Steinman, Children's Hospital Guidance Centers Divorce Services  
Franklin County

**Supreme Court of Ohio  
Office of Dispute Resolution  
Special Committee on Parent Education**

**Section 1: Statement of Mission**

The mission of the Office of Dispute Resolution Special Committee on Parent Education (Committee) is to develop a curriculum and set of standards for parenting seminars for divorcing and never-married couples that will be of the highest quality and provide the greatest benefit to parents. Included in the standards is a plan for the training and continuing education of the parent education facilitators. Parent Education Seminars are designed to introduce information to divorcing and never-married parents that will be of long-term benefit in preventing traumatic reactions to divorce in their children.

Although the divorce rate has risen, our society has not provided divorced parents with constructive models of shared parenting, or ready access to ideas about how to help their children through this crises. Prevailing research has shown that hostility between divorcing parents will have a significant effect on their ability to parent effectively and will result in emotional, relationship and behavioral problems for their children.

With increased numbers of children affected by divorce, a body of knowledge has developed which documents children's reactions to divorce at each stage of development. There is also a body of knowledge based on extensive research on how parents can help their children, as well as the effectiveness of early intervention with parents in the form of educational seminars. Although circumstances vary considerably for never-married parents, the need of those families to develop positive parenting relationships is critical as well.

Therefore, in order to prevent divorcing and never-married parents from doing unnecessary harm to their children, all never-married, divorcing and post-decree parents need specific education about helping their children through this change in their families.

The Special Committee met between January, 1997 and May, 1998. In preparing the curriculum and standards for training, the Committee reviewed curricula and standards from counties throughout Ohio and programs from other states throughout the United States. The Committee also reviewed literature and research on children of divorce as well as effective teaching tools that have been demonstrated to have long term positive effects.

## **Section 2: Recommendations**

In order to promote the healthy development of children after their parents' divorce and the ability of parents to co-parent their children as effectively as possible, the Committee makes the following recommendations:

1. Every county in Ohio should mandate Parent Education Seminars for all parents who file for divorce or dissolution who have children under the age of 18, for all parents filing a post decree motion concerning the children who have not attended a session in the last two years and for all parents seeking determination of companionship pursuant to an administrative determination of parentage. (Section 2: Administrative Recommendations)
2. Each presenter should have education, training and experience in family life education, family dynamics, domestic relations, marriage and family therapy, counseling, mediation, psychology, social service, child welfare, or a closely related field. (Section 2: Administrative Recommendations)
3. Each presenter must participate in a full day workshop to provide basic information on the curriculum, setting up, logistics, procedures, teaching techniques, and resource materials for parent education programs. Ongoing consultation and continuing education should also be required to maintain the standards for the program and to incorporate new research and information. (Section 4: Proposal for Training)
4. The Parent Education Seminars must provide parents with information on how divorce affects families and especially children. (Section 3: Purpose, Themes and Curriculum)
5. The Parent Education Seminars must provide parents with information on what adults need to do for themselves in order to help their children during divorce. (Section 3: Purpose, Themes and Curriculum)
6. The Parent Education Seminars must provide parents with information on resources available in their communities. (Section 3: Purpose, Themes and Curriculum)
7. The major themes of the Parent Education Seminars must include:
  - A. Families can be restructured for healthy functioning. They need not be destroyed.
  - B. Divorce is less harmful to children than exposure to unresolved parental conflict.
  - C. Families do not have to go through this change alone. There are resources to help. (Section 3: Purpose, Themes and Curriculum)
8. Monitoring for quality/evaluation needs to be an integral part of the program. (Section 2: Administrative Recommendations)

### **Section 3: Administrative Recommendations**

**Program Plan:** Each court must develop and submit a plan that includes the following:

- Program content

- Presenters

  - Qualifications

  - Training

  - Male/female pair or reason why that combination is not feasible

- Funding

  - List of expected expenses

  - Income source, including assessment for continuation funding

  - Plan for handling fees for indigent participants

- Security of participants

- Method to monitor attendance, including sanctions to be used for non-attendance

- Monitoring for quality/evaluation plan

#### **Qualifications of Presenters**

Each presenter should have training or experience in family life education, family dynamics, domestic relations, marriage and family therapy, counseling, mediation, psychology, social services, child welfare, or a closely related field. An advanced (Master's) degree is strongly recommended. Presenters are prohibited from soliciting program participants as clients in their private practices. An advanced degree in one of the mentioned areas is highly recommended.

#### **Attendance Requirements**

All parents who file for legal separation, divorce, dissolution or seek companionship pursuant to an administrative determination of parentage who have children under 18.

Parents who anticipate filing or upon filing of a post decree motion who have not attended a session in the last two years.

Attendance should be the first official contact with the court before any court order is issued. Attendance required within 30 days of filing.

Proof of attendance at another parent education program of similar content would fulfill the attendance requirement.

Each county should mandate attendance for:

- Parents who attended a session more than two years ago

## **Sanctions**

Attendance at parent education program will be taken into account by the court when making parenting decisions.

No modifications of temporary or permanent order, including but not limited to, parenting time or child support will be accepted if there is not proof of attendance in the file.

Counties may institute other sanctions including community service, fines or jail time, if deemed appropriate by the judge.

## **Confidentiality**

Unless participants agree in writing, statements made by a participant during a parent education program are not admissible as evidence in divorce litigation.

No record should be made regarding participation in a parent education program, except a record of attendance and completion of the program as required by the county.

Presenters shall not disclose information regarding an individual obtained as a result of their participation in a parent education program.

Parent education presenters will not be subpoenaed or called as witnesses in court proceedings.

## **Length of sessions**

Sessions should be a minimum of 2¼ hours in length.

## **Monitoring for Quality**

Participants should provide feedback including evaluation of topics presented, quality of presenters, satisfaction and other issues. At fixed intervals following completion of a course, program personnel should conduct follow-up evaluations to monitor whether participants have successfully incorporated into their lives the tools and concepts learned during the program.

Presenters should review all evaluations after each session to look for appropriate program modifications. An annual periodic independent review should be conducted to monitor quality.

## Section 4: Purpose, Themes, and Curriculum Content Areas

### I. Purpose: To improve post-divorce parenting

- A. To provide information to parents about how divorce affects families and particularly children.
  - 1. To help parents recognize they have influence over how their children handle the divorce.
    - To encourage both parents to be involved and be responsible in post divorce parenting.
    - To help parents realize they can help their children work through divorce even if one parent doesn't see the children.
  - 2. To provide information about children's attitudes, feelings and experiences about divorce.
    - Different age children react differently.
    - Adult children have problems, also.
  - 3. To encourage parents to keep children out of the middle.
    - To help parents recognize the importance of reducing parental conflict.
    - To help parents see the need to understand the perspective of the other parent
- B. To provide information about what adults need to do for themselves to benefit their children.
  - 1. To help adults recognize their own needs for the benefit of their children during and after the divorce process
    - reassurance that their lives can be better.
    - reassurance that divorce doesn't have to be devastating to children.
  - 2. To teach adults about feelings
    - grief cycle (loss and change)
    - help people feel normal
  - 3. Introduce coping skills
  - 4. To tell parents how important it is to separate marital issues from parental issues and to develop a business-like co-parenting relationship.
- C. To provide information about resources and legal issues.
  - 1. To encourage mediation.
  - 2. To offer parenting options, e.g. shared parenting agreements, flexible arrangements.
  - 3. To correct common misperceptions about Ohio laws (e.g. children can no longer elect which parent to live with at age 12).
- D. What this program will not be doing:
  - 1. Will not be attempting to get parents back together. Focus on kids, not parents.
  - 2. Will not be providing legal advice.

## Major Themes for Parent Education Seminars

### A. Important information about divorce and families.

1. Families can be restructured for healthy functioning. They need not be destroyed.
2. Parents will be parents forever.
3. A business-like parenting relationship will help parents and children.
4. Divorce is an emotional process involving grief and loss for both parents and children. It is not just a legal event.
5. Parents have their own personal tasks to accomplish

### B. Important information about divorce and children.

1. The divorce itself can be less harmful to children than exposure to ongoing parental conflict during and after the divorce.
2. Children need both parents involved in their lives whenever possible.
3. Children rarely express their pain directly so parents need to look for the clues in their behavior.

### C. Families don't have to go through this alone.

1. Parents should address their own needs, so that they can address the needs of their children.
2. There are community, social service and mediation resources for both parents and children.

## Curriculum Content Areas for Parent Education Seminars

- I. Important information about divorce and families
  - A. Families can be restructured for healthy functioning. They need not be destroyed.
    1. Divorce statistics
    2. Rebuilding the self and the family  
Taking charge of one's life and learning to accept and like one's self is an integral part of the healing process.
  - B. Parents will be parents forever.
    1. Developing a parenting plan  
It is important for parents to think carefully about the needs of their children, as well as their own needs, when developing a parenting plan. They should consider the advantages and disadvantages of shared parenting and be prepared to change their plan as their children grow and their children's needs change.
    2. Issues for Parents
      - a. Residential Parents  
Residential parents often feel overwhelmed with the responsibility of being primarily responsible for the day to day lives and schedules of their children. They need to find support networks and encourage and welcome their co-parent to be as involved as possible.
      - b. Non-residential Parents  
Non-residential parents feel a terrible loss in not having their children live with them, but there are things they can do to remain a vital part of their children's lives and not just be a visiting parent.
      - c. Shared Residency  
Shared residency requires good cooperation between parents and sensitivity to how children manage the shift from home to home.
      - d. Single Parenting  
For a variety of reasons, one parent may be unavailable to co-parent effectively. Single parents need to structure supports in their lives and be attuned to their children's feelings of abandonment or rejection by their other parent.
  - C. A business-like parenting relationship will help parents and children.
    1. Learning new family roles  
Parents must learn to shift their relationship from that of being intimate partners to that of being business partners. Their business is raising their children.

2. Do's and Don'ts of co-parenting  
These are basic rules to help parents manage their relationship with each other. These include reaffirming love for children and not using children as spies or messengers.
3. Tips on communication  
The way parents talk to each other is critical in determining whether or not they will be able to negotiate the many issues parents will have to deal with as their children grow. Speaking from the "I" position is one example of a technique that reduces conflict. Active listening is important in good communication.
4. Importance of anger management  
Anger by itself not a problem. How anger is expressed, what is expressed and how others respond to it can be a problem. There are specific steps that parents can take to manage their anger more effectively.
5. Conflict resolution  
Parents disagree at times when they are married. They certainly disagree when they are not married. Developing skills to manage conflict and reach resolution is important for all divorced parents and children.
6. Psychological games parents and children play  
Just as children feel their lives are out of control, so do parents. To manage the emotional pain, parents sometimes manipulate their children to be messengers, spies or confidantes. This can be very difficult for children.
7. Visitation Guidelines  
Parents need to support time spent with both parents, be flexible with schedules as children grow and be respectful to each other. Each parent has an impact on how comfortable children feel with both their parents.
8. Co-parenting Styles  
Parents need to develop a new style of relating to each other. There are five basic categories of the kinds of relationships that develop between former spouses. These categories include Perfect Pals, Cooperative Colleagues, Angry Associates, Fiery Foes and Dissolved Duos. These styles are based on the work of Constance Ahrons and Roy H. Rodgers, Divorced Families: Meeting the Challenge of Divorce and Remarriage (New York: W.W. Norton and Co., 1989).

- D. Divorce is an emotional process involving grief and loss. It is not just a legal event.  
Every divorce involves loss. Mourning the losses of divorce is a critical turning point. It signals turning from the past and beginning to let go.

## II. Important information about divorce and children

- A. The divorce itself is less harmful to children than exposure to unresolved parental conflict.
1. Research has shown that children can show increased maturity, empathy and independence after their parents divorce if they are kept out of parental conflicts and given needed emotional support.
  2. Children who did well after divorce had a supportive family and a supportive social environment.
  3. Two other factors which influence a positive outcome over time are children who have a good relationship with one parent and who have a parent whose life improves after the divorce.
- B. Children need both parents involved in their lives whenever possible.
1. How, what and when to tell children about divorce  
The direction that the co-parenting relationship will take begins with how parents tell their children about the divorce. Therefore it is critical that parents tell their children in a thoughtful and planful manner.
- C. Children rarely express their pain directly so parents need to look for the clues in their behavior.
1. Psychological stages and tasks of divorce for children  
At a time when parents are their most vulnerable, they must be available to help their children who are going through psychological stages as they adjust to their parents' divorce. However, children do not have the resources to manage those stages without help from their parents. Children must acknowledge the reality of the divorce, disengage from the marital struggle, come to terms with loss, deal with anger and guilt and achieve hope regarding future relationships.
  2. Psychological games children play  
When parents divorce, children often feel that a terrible event has occurred that has a tremendous impact on them over which they have no control. To gain a sense of control over their lives and manage their anxiety, children sometimes try to manipulate their parents. This manipulation can include stirring up anger between parents or conversely trying to get their parents to reconcile.
  3. Reactions of children to divorce: Age and gender differences  
Children react to divorce differently depending on their ability to understand and cope with what they are experiencing. For parents to help their children they need to understand how children of different ages and genders react to divorce.

4. Children at risk for emotional difficulties  
All children experience stress during their parents' divorce. Some children are more at risk than others because of their own personality characteristics, the level of parental conflict and environmental pressure. Parents need to know the signs to look for to determine if their children are at risk for emotional difficulties.
5. Helping children through divorce  
When parents separate or divorce, children often feel they have no control over what is happening to them or to the security of their family. Parents can help children of all ages feel empowered through the divorce by involving them in appropriate decisions. Children might help decide their activities, the location of their possessions and/or how to decorate their space at each parent's home. Parents need to listen actively to their children's concerns.

### **III. Families don't have to go through this alone.**

- A. Parents should address their own needs, so that they can address the needs of their children.
  1. Parents need to rework their identity as a single person and work out a balance between being a single person and a parent.
  2. Parents need to recognize their own contributions to the marital breakup and "make peace" with their ex-spouse.
- B. There are resources for both parents and children
  1. Legal Resources
    - a. How can legal resources be used effectively?
    - b. What is the impact of the adversarial approach on children?
    - c. What philosophy of law which encourages cooperation of parents?
    - d. How is shared parenting defined?
  2. Alternative Dispute Resolution
    - a. Definition  
Mediation is a process that allows parents to stay in control of their divorce and their family by enabling parents to negotiate their own parenting plan.
    - b. Differences between mediation and litigation
    - c. How and when to access mediation
    - d. Role of attorneys as consultants during mediation
    - e. Advantages of mediation  
The mediator is a neutral professional who helps the couple clearly define the issues and reach agreements that meet the needs of all family members. The mediator also helps parents communicate and develop cooperative parenting relationships.

3. Counseling
  - a. Goals of counseling  
These goals include helping in the decision-making process, reducing negative patterns and minimizing guilt and anger.
  - b. Pre-Divorce counseling  
This is counseling to help a couple decide whether to reconcile or how to proceed with the divorce.
  - c. Counseling once the decision has been made  
At this point, counseling can be helpful in getting parents started in helping their children and themselves through the divorce process.
  - d. Post-Divorce counseling  
Restructuring one's life, relationship building, single parenting, co-parenting and step-parenting are the issues dealt with in post-divorce counseling.
  - e. Divorce is a crisis  
All families in divorce can benefit from counseling and/or support groups. Parents do not have to wait until their children are demonstrating problems to consider either group or individual counseling for their children.
4. Local resources  
Local mental health, legal and mediation resources should be highlighted.

**IV. Special issues - The following issues may either be added to the seminar itself, included in the handbook, or distributed as separate handouts to be offered for parents to choose.**

- A. Children's Reactions to Divorce Over Time  
It is helpful for parents to know that as children grow their reaction to their parents' divorce changes.
- B. Dating  
There are critical guidelines to follow in order to minimize some of the possible negative reactions children may have to dating. These include limiting children's exposure to dates and being discreet with sexual behavior.
- C. Geographic relocation  
Moving children after they have lost so much in their parents' divorce can be traumatic. Parents need to consider the impact on their children of separating them from one of their parents before they decide to relocate.
- D. Long distance parenting  
Special issues need to be considered when one parent lives in another city. Despite the distance, parents can still be an integral part of their children's lives.

- E. If one parent is irresponsible or disappears  
Helping children deal with being abandoned by a parent requires special attention.
- F. Children of Gay/Lesbian parents  
Some parents divorce when one parent enters a gay or lesbian relationship. This can trigger parenting concerns that need to be addressed if parents are going to be able to develop a parenting plan.
- G. Domestic violence  
Domestic violence is an issue for many parents. Safety planning and making a responsible and careful parenting plan is critical.
- H. Effects on Children Who Witness Domestic Violence  
Being aware of potential reactions of children to witnessing domestic violence can help the children.
- I. If a parent has a mental illness  
Special parenting plans may need to be developed.
- J. If a parent is affected by substance abuse  
Protecting children when a parent has a substance abuse problem is important.
- K. Special needs children  
Children with special needs need special parenting plans.
- L. Issues for step-families  
Some parent will be entering new marriages or may be in new marriages. Co-parenting when there is a stepparent involved can be complicated. It is important for parents and stepparents to understand and respect each other's roles.
- M. Things to Talk about Before You Remarry  
When children are involved starting a marriage is more complicated. Good communication about issues ahead of time can make the marriage get off to a better start
- N. Stresses for Children in Stepfamilies  
Being aware of common stresses for children in stepfamilies makes it easier to deal with the issues.

This curriculum should be re-evaluated at least yearly to continue to make sure it is meeting the needs of the participants.

## Presentation Techniques

Adults learn in a variety of ways so it is critical that a variety of methods be used to achieve the goals of the seminar.

1. Lecture  
Material should be presented in a clear, concise manner using visual aids whenever possible. Lecture should allow for question and answer time, posing questions for parents to consider.
2. Role-plays  
Role-plays should be used to demonstrate concepts being discussed, such as how to deal with teenagers or the pain games. One example might be a teenager daughter complaining to her father about her mother. In the role-play, the father might get very angry with the mother to the point that the daughter gets upset. The audience could then be engaged in a discussion of what they observed and how the father might have handled the situation differently. The role-play is then repeated with the father managing his own feelings and encouraging his daughter to express her concerns directly to her mother. Each presentation should have 3 - 4 role-plays.
3. Videos  
There are a wide variety of excellent videos available that demonstrate the concepts being taught. Videos that show real families are more powerful than those that use actors.
4. Skill Building Experiential Exercises  
Practicing the skills and concepts being discussed is a powerful tool for helping parents integrate what they are learning and change behavior. A variety of exercises could be used depending on the size of the group. In large groups, participants could partner with the person sitting next to them to resolve a conflict that the presenters have designed. An example would be parents disagreeing on how to handle a child who is failing in school. After the partners have practiced resolving the conflict, the group as a whole could discuss options.

In smaller groups, participants could be in role plays, practice listening skills and making "I" statements or break up into small groups and coach each other on resolving conflict.

All of these techniques should be considered and implemented if possible to maximize the impact of the seminar.

## **Section 5: Proposal for Training of Presenters**

The purpose of this document is to propose a curriculum format and philosophy for the training of providers for Court mandated divorce education programs in Ohio. This proposal may serve as a working document for the Ohio Supreme Court's Special Committee on Parent Education on Program Training. From this committee's work, the Supreme Court may develop:

- a) training program standards (areas to be included in training),
- b) qualifications of providers,
- c) hours of training related to certification of providers,
- d) format and design of training program,
- e) suggestions for ongoing consultation, continuing education and resources for providers.

### **Purpose of Training**

The training to be recommended, required or provided by the Supreme Court will be designed to promote and assist the development of high quality parent education programs in the Ohio counties that do not yet have Court-mandated programs. If the Ohio State Legislature passes legislation mandating such programs statewide, training will likely be required. If there is no legislative mandate, such training can be available on a voluntary basis. It is important that the training be standardized and include certain key components. At the same time, potential providers should be encouraged to assess the particular characteristics and needs of the parent population they serve. The training program should encourage and assist providers in tailoring their programs to specific parent populations, court structure, logistics, and resources.

### **Training Program Design**

The proposed training program would consist of one full day workshop to provide basic information on the setting up, curriculum, logistics, procedures, and resource materials for parent education programs. This basic workshop could be offered in several different locations around the state. In addition to this initial workshop, the training staff would be available for phone consultation during the early stages of program development. Finally, an annual conference for Ohio providers would be held for three purposes:

- a) to provide the opportunity for peer consultation and support
- b) to provide updated information on parent education research, resources, and relevant local and state policy procedures to provide continuing education to upgrade existing programs

The initial training would be provided by several members of the Special Committee for Parent Education of The Ohio Supreme Court. These trainers are experienced program providers who are also experienced in providing training in divorce education. After the initial training, this special committee on Parent Education would serve as ongoing consultants, and maintain an updated resource and information library.

## Training Components

The following key components should be included in the basic training:

- A. Goals and Philosophy of Parent Education Programs
  - 1. Adult learning styles
  - 2. State and national program landscape
- B. Partnership with the Bench, Bar, and Community
  - 1. Mandate
  - 2. Developing relationship with Judge(s)
  - 3. Informing and developing relationships with domestic relations attorneys
  - 4. Communication of strategies
  - 5. Enforcement of mandate
  - 6. Public Relations
- C. Funding Mechanism
- D. Getting Started: Logistics and Procedures
  - 1. Choosing location
  - 2. Provider selection and training
  - 3. Registration Procedure for Parents
  - 4. Certificates for attendance
  - 5. Payment procedures
- E. Format and Design of Programs
  - 1. Length
  - 2. Single or multiple sessions
  - 3. Didactic and/or interactive
  - 4. Uses of videos
  - 5. Use of role play
  - 6. Use of visual aids
  - 7. Tailoring to parent population
  - 8. Questions
  - 9. Learning atmosphere
- F. General Curriculum
  - 1. Divorce statistics - social perspective
  - 2. Adult divorce experience
    - a) stages
    - b) grief and loss
    - c) psychological tasks
  - 3. Child's divorce experience
    - a) talking to the children
    - b) children's reactions by developmental stage
    - c) helpful parental behavior
    - d) psychological tasks for children
    - e) children at risk - guidelines for seeking professional help
    - f) positive responses
  - 4. Co-Parental Relationship
    - a) negative intimacy
    - b) pain games-children in the middle

- c) effects of parental anger and conflict on children
- d) business relationship around children
- e) communication and problem-solving strategies
- f) single parenting
- 5. Problem Solving
  - a) effects of legal adversarial approach
  - b) mediation
    - 1) definition/orientation
    - 2) differences between mediation and litigation
    - 3) how and when to access mediation
    - 4) goals/outcome of mediation-parenting plan
    - 5) role of attorneys
  - c) information about other resources (family counseling, support groups, divorce groups for children, reading, other informational resources)
- 6. Legal Issues
  - a) state law
  - b) define and discuss shared parenting
    - 1) definition
    - 2) benefits and stresses
    - 3) indications and contraindications
  - c) local legal issues/procedures
- G. Materials
  - 1. Handbooks for parent
  - 2. Resource directories
  - 3. Reading lists
  - 4. Videos
  - 5. Lending libraries
  - 6. Visual aids
  - 7. Additional resources for children
  - 8. Special issues handouts
- H. Use of Judges or other guest speakers
  - I. Monitoring for quality/Evaluation
    - 1. At site (exit evaluation)
    - 2. Follow-up
- J. Outcome studies
- K. Special Issues Curriculum
  - 1. Format for addressing
    - a) domestic violence
    - b) substance abuse
    - c) child abuse
    - d) mental illness
    - e) special needs children
    - f) gay and lesbian parents
    - g) single parenting (due to death of, abandonment by, incarceration of other parent)

- h) long distance parenting
  - i) dating
  - j) step-family issues
  - k) unmarried parents
- L. Looking for the future - Options for future programming
1. Children's programs
  2. Unmarried parents
  3. Post divorce changes in residential parenting
  4. Blended families

Proposal submitted by: Susan Steinman and Virginia Petersen  
Children's Hospital Guidance Centers Divorce Services

**Appendix E**  
**Information from**  
**Ohio Children's Access Visitation Coalition**

Centers in Ohio provide a wide variety of services. Most centers provide basic access services supervised visitation and supervised exchanges, but there are many additional services and combinations offered as well. Services offered at different Ohio centers include but are not limited to: supervised visitation; guided visitation; supervised exchange; parent, family and divorce education; parent coordination and parenting time enforcement; mediation; conflict resolution programming; parenting plan development; conflict resolution programming; parenting plan development; fatherhood initiatives; resource libraries; domestic violence prevention; counseling; community education programming; children's advocacy centers and multidisciplinary teams.

OCAVC members are working collaboratively to establish "Best Practices" for access services. These guidelines will serve to provide direction and standards for effective service provision. While each center will develop programs and procedures that are tailored to their own communities, OCAVC's "Best Practices" offer selected information and shares proven successes. We believe no one should have to "reinvent the wheel"! Topics include but are not limited to: operational techniques; intake procedures; referral processes; house rules; safety planning; child orientation; record keeping; termination/case closures; training and staffing.

All centers collect a wealth of information about the services they provide and the recipients of services. Information collected varies from center to center. OCAVC is developing a uniform reporting system to which centers will contribute their data. This will result in the development of a statewide data bank. From this data bank we will be able to track volume of service and client profiles. This information will be useful in planning and funding endeavors. Some of the information that will be included: number of visits completed and hours involved; number of exchanges completed and hours involved; number of mediation sessions completed; number of parenting education units offered; number of children and families served; referral source and volunteer hours.

The structure and operation of access centers in Ohio varies a great deal. A number of centers are private, non-profits that generate funds through special events and community support or contracting. Other centers are divisions of mental health organizations such as Catholic Charities or other existing social service providers. Other centers are operated by courts, ODJFS, or Family and Children First Councils. While many counties have been able to secure start up funding for centers and programs, many have concern and need for long term, on-going funding. Monies received through CSEA's Access and Visitation grants have been targeted and are certainly appropriate, but these are very limited and have an uncertain future availability. It is OCAVC's hope to assist in the creation of a more secure statewide funding process for access services.

## Ohio Children's Access Visitation Coalition

### **Mission Statement**

To educate service providers and professionals; promote public awareness; secure funding; establish guidelines or "best practices" for Visitation Centers in Ohio; and to support one another in our work by gathering and sharing information.

### **Offerings**

#### Consultation

OCAVC members make themselves available to assist other communities to develop new centers and programs. Both by hosting tours of existing facilities and on-site visits, OCAVC can help explore the need for and interest in a new center. Technical direction and support can be made available to make an idea become reality.

#### Training

OCAVC members may be able to assist new centers with staff, board and/or volunteer training.

#### Support

OCAVC provides support to centers through meetings, visits, phone contact, information sharing, etc. Members are also simply available with a listening ear!

**OCVAC's hope is to help create successful programs throughout the state.**

For further information contact:

President	Barbara Flood Patchworks House 42 Madison Street Tiffin OH 44818
Vice President	Peggy Sebolt Erma's House 1024 Brown Street Dayton OH 45409
Secretary	Mary Olesh Solace Center 1286 Elm Road NE Warren OH 44483
Treasurer	Carole McCracken Hope House 660 W. Earle Street Youngstown OH 44511

**Appendix F**  
**Experts and Stakeholders**  
Individuals who testified before the Task Force

Sanford Braver, Ph.D.  
Professor of Psychology  
Arizona State University  
Author “Divorced Dads: Shattering the Myths”

Gerard Clouse, J.D.  
Attorney, Sowald, Sowald and Clouse

Christine Coates, M.Ed., J.D.  
Mediator and Parent Coordinator  
Past President, Association of Family and Conciliation Courts

Robert Emery, Ph.D.  
Professor of Psychology, Director of Clinical Training  
Director of the Center for Children Families and the Law  
University of Virginia  
Author: “ Marriage, Divorce and Children’s Adjustment”

Judy Greenberger  
School Psychologist, Shaker Heights City Schools  
Ohio School Psychologists

Don Hubin, Ph.D.  
Professor of Philosophy  
The Ohio State University

Magistrate Eva Kessler, J.D.  
Chair, Domestic Relations Practice Area  
Ohio Association of Magistrates

Deborah Kline  
Association for Child Support Enforcement

Michael Lamb, Ph.D.  
Head of Section on Social and Emotional Development  
National Institute Of Child Health and Human Development

The Hon. Charles Loman III  
Judge, Montgomery County Court of Common Pleas, Domestic Relations Division  
Kids Turn Program

**Experts and Stakeholders**  
Individuals who testified before the Task Force

Hugh McIsaac, M.S.W.  
Executive Director  
Oregon Family Institute

Nancy Neylon  
Executive Director  
Ohio Domestic Violence Network

The Hon. Judith Nicely  
President  
Ohio Domestic Relations Judges Association

Kevin O'Brien  
President of the Board  
Parents And Children for Equality

Eileen Pruett, J.D.  
Director of the Office of Dispute Resolution  
Supreme Court of the State of Ohio

Nancy Rodgers, J.D.  
Vice Provost, Academic Administration  
The Ohio State University

Jeff Sherrill, Ph.D.  
Meers, Inc.  
Ohio Psychological Association

Michael Smalz, J.D.  
Statewide Attorney  
Ohio State Legal Services Association

The Hon. Leslie H. Spillane  
Judge, Butler County Court of Common Pleas Domestic Relations Division

Philip Stahl, Ph.D.  
Psychologist  
Author "Conducting Child Custody Evaluations: A Comprehensive Guide"  
and "Complex Issues in Child Custody Evaluations"

Tracy Ulstad, J.D.  
Ohio State Legal Services-NAPIL Equal Justice Fellow

**Experts and Stakeholders**  
Individuals who testified before the Task Force

The Panel of Teens was comprised of  
Holly Cowles, Kevin Libster, Greg Potts, and Betsy Richardson

Individuals who provided information for the Task Force

Paul Amato, Ph.D.  
Professor, Pennsylvania State University

Mary R. Cathcart  
Chair of the U.S. Commission on Child and Family Welfare

Hon. Linda Dessau  
Judge, Family Court of Australia

Mark Fine, Ph.D.  
Department of Human Development and Family Studies  
University of Missouri

Risa Garon, LCSW-C  
Director, Children of Separation and Divorce Inc.

John Gilchrist, J.D.  
Collaborative Family Law Council of Central Ohio

William Howe III, J.D.  
Gevurtz, Meashe, Larson and Howe  
Oregon Statewide Family Law Advisory Committee

Peter Jaffee, Ph.D.  
London, Ontario, Canada

William Kell, J.D.  
Professor, Cornell University

John Kydd  
Washington State Family Law Reform

David Manville  
Michigan Court Services Friend of the Court  
Wayne County, Michigan

## **Experts and Stakeholders**

### Individuals who provided information for the Task Force

Linda Miller, J.D.  
Collaborative Family Law Council of Central Ohio

Gary Newman  
Sandcastles Program for Children of Divorce  
Dade County, Florida

Hon. Alastair Nicholson  
Chief Justice, Family Court of Australia

Kathleen Sampson  
American Judicature Society

Andy Schepard, J.D.  
Law Professor and Editor Family Court Review  
Hofstra University

Judith Wallerstein, Ph.D.  
Judith Wallerstein Center for Families in Transition

Janet Walker, Ph. D.  
Newcastle Centre for Family Studies  
United Kingdom

## Appendix G

### Ohio Task Force on Family Law and Children Member Biographies

The Task Force Chair is **ROSEMARY G. RUBIN**, an attorney with a family law practice in Canton Ohio. After receiving her J.D. from the University of Akron, she practiced with the Stark County Legal Aid Society and served as a trust officer with the Central Trust Company. She has been an attorney for more than 25 years and has engaged in the private practice of law for the past 18 years. She has previously served as a member of the Ohio State Bar Association Board of Governors and has worked on the Specialization Board of the Family Law Committee of the Ohio State Bar Association. She is Past President of the Stark County Bar Association and is the past chair of their Continuing Legal Education Committee and Vice Chair of the Family Law Committee. The Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio, appointed Ms. Rubin to the Task Force.

The Vice Chair of the Task Force is **ROBERT WISTNER**, an attorney and court approved mediator in Columbus Ohio. After receiving his J.D. from Ohio State University, he worked for the Ohio Legislative Reference Bureau and as a law librarian at O.S.U. College of Law. Then, before entering private practice, he served as an assistant attorney general, and as a Franklin County assistant prosecuting attorney. He also has served as legislative counsel for the Ohio Academy of Trial Lawyers, and as Executive Director of the Ohio Prosecuting Attorneys Association. After more than 30 years in the private practice of family law, he retired from litigation to limit his practice to the mediation and arbitration of family disputes. He is an Ohio State Bar Association Certified Specialist in Family Relations Law, and is current Chair of the OSBA Family Law Committee. Previously, he also served as chair of the OSBA Legislative Drafting Subcommittee, which drafted the proposed Ohio Parenting Act. He is a past president of the Columbus Bar Association, the Franklin County Trial Lawyers Association, the Ohio Association of Attorneys General, the Columbus Metropolitan Library and the Dublin Chamber of Commerce. Mr. Wistner was appointed to the Task Force by the Ohio State Bar Association.

**MARK S. INZETTA** is serving as Treasurer of the Task Force. He currently is Assistant General Counsel for Wendy's International, Inc in Dublin. Prior to that, after receiving his J.D. from the University of Akron, he engaged in the private practice of law at Robertson & Ross in Canton, Ohio. He has served two, two-year terms on the Ohio Child Support Guidelines Council and is the Chairman of the Children's and Parents Rights Association. He has also been the president of the North Canton Jaycees and served on the board of directors for the North Canton Chamber of Commerce. Mr. Inzetta was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**DOUGLAS M. BRILL** is an attorney and mediator, practicing family law in Elyria, Ohio. He received his B.A. from Ohio State University and his J.D. from the University of Toledo. He has been engaged in private practice, specializing in family law, for the past twenty two years. He serves on the Lorain County Family Law Committee and the Ohio State Bar Association Family Law Committee, where he has been on the Legislative Drafting, Legislative Review and Parenting Act Subcommittees. He is a former delegate to the Ohio State Bar Association Council. He is a fellow in the American Academy of Matrimonial Lawyers. He is also an Ohio

State Bar Association Certified Specialist in Family Relations Law. He served on the committee, which drafted the Ohio Parenting Act and is a frequent presenter for Ohio Continuing Legal Education programs. He is a trustee of the CSA Healthcare System and is President of the Westshore Osteopathic Foundation. Mr. Brill was appointed to the Task Force by the Ohio State Bar Association.

**THE HON. NANCY DRAKE HAMMOND** is Judge of the Fayette County Court of Common Pleas, Probate and Juvenile Divisions. She received her J.D. degree from the Ohio State University, College of Law. She has been a legal aid attorney, a public defender, and an assistant prosecuting attorney and has engaged in the private practice of law. She has been a member of the Ohio Board of Tax Appeals. She is a member and past chairperson of the Ohio Supreme Court Board of Commissioners on Character and Fitness. She is chairperson of the Ohio Judicial Conference's Committee on Alternative Dispute Resolution. She was appointed to this Task Force by the Ohio Association of Juvenile and Family Court Judges.

**THE HON. DIANA FESSLER** is a state representative from the 43<sup>rd</sup> district. She has a degree from Wright State University. She has previously served on the State Board of Education from 1995-2000 and is a former midwife and author. Representative Fessler is currently active in the United Conservatives of Ohio, Education Writers Association, Farm Bureau, Miami County Township Association, National Association of State Boards of Education, Tippecanoe Historical Society, Miami County Republican Women's Club, Huber Heights Republican Club, Miami County Central Committee, and the Roundtable Executive Committee of Citizens for Community Values Ohio. In 1998 Rep. Fessler received the Eagle Forum Pro-Family Eagle Award and the Constitutional Convention Pro-Family Award.

**THE HON. ERIC D. FINGERHUT** is the state senator from the 25<sup>th</sup> district. He is a senior fellow at the Federation for Community Planning and holds a bachelor's degree from Northwestern University and a J.D. from Stanford University School of Law. He has recognized for his outstanding leadership by the Ohio Educational Center and was named the Legislator of the Year by Ohio Advocates for Mental Health in 1999. In 2000, Senator Fingerhut was given the Families First Award from the Centers for Families and Children and the Ohio Hunger Hero Award from the Ohio Association of Second Harvest Food Banks.

**THE HON. JAMES L. FLANNERY** has been a Domestic Relations judge in the Warren County Court of Common Pleas for the past 13 years. After receiving his J.D. from the University of Cincinnati School of Law, he served as the Warren County Prosecuting Attorney. He is a sought after speaker, having taught many courses on domestic relations to attorneys and judges. He is a Past President of the Ohio Association of Domestic Relations Judges and has served as the Vice Chair of the Committee on Family Law and Procedure for the Ohio Judicial Conference. Judge Flannery was appointed to the Task Force by the Ohio Association of Domestic Relations Judges.

**JOHN GUIDUBALDI** is a Professor of School Psychology, Education, and Counseling at John Carroll University and Professor Emeritus from Kent State University. He was previously a Professor at Kent State University. Dr. Guidubaldi holds a Masters in School Psychology from Kent State and a Doctorate in Education and Human Development from Harvard University. He is a licensed psychologist and licensed clinical counselor. He is a past president of the National Association of School Psychologists, a former commissioner for the U.S. Commission of Child and Family Welfare, former editor of The School Psychology Review, and former editor of

Highlights magazine's Newsletter of Parenting. A distinguished researcher, he was the director of the nationwide NASP-KSU study of divorce and child adjustment and co-director of a nationwide study in China on divorce and child adjustment. He has been the Director of the Father Involvement Research Project in Akron and Cleveland. Dr. Guidubaldi was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**THE HON. WILLIAM HARRIS** is the state senator from the 19<sup>th</sup> district. Sen. Harris has a degree from the University of Arizona and is a retired major from the U.S. Marines Corps. He is a member of the Ohio Automobile Dealers Association, Ashland Area Chamber of Commerce, Director of the Huntington National Bank, former trustee of Samaritan Hospital, former chairman of the Ashland United Way Campaign, and past Vice President of the Buick National Dealer Council. In 1996 he received a Watchdog of the Treasury Award and an AmVets Legislative Award.

**MARIE HILL** has been the Manager of Mediation Services at Beech Acres' Mediation Center in Cincinnati for the past 11 years. She holds a Master of Arts from Marquette University and a Masters in Education, specializing in counseling, from Xavier University. She has published booklets and articles on marriage communication, mediation and parenting after divorce. Her trainings in basic mediation and divorce and family mediation have been approved by the Academy of Family Mediators and the Supreme Court of Ohio. She is a practitioner member of the Academy of Family Mediators and an approved consultant. Ms. Hill is past Vice President of the Ohio Mediation Association and a founding member of the Mediation Council of Greater Cincinnati. Ms. Hill was appointed to the Task Force by former Governor George Voinovich.

**THE HON. JOHN HOFFMAN** has served for nine years as a judge in the Stark County Common Pleas Court, where he is a past presiding judge of the county and is currently the senior judge in juvenile court. He received his J.D. from Case Western Reserve and engaged in private practice before taking the bench. He is a Trustee of the Ohio Domestic Relations Judges Association and a member of the National Council of Juvenile Justice as well as the Ohio Juvenile and Family Court Judges Association. He sits on the National Council of Juvenile and Family Court Judges, and is a member of their legislative committee. He is also a guest lecturer for the Ohio Judicial College. Judge Hoffman was appointed to the Task Force by the Ohio Domestic Relations Judges Association.

**THE HON. CHERYL KARNER** has served as a judge for the past 12 ½ years in the Domestic Relations Division of the Court of Common Pleas in Cleveland. Judge Karner received her J.D. from the Northwestern University School of Law and practiced family law in Cleveland before taking the bench. She serves as Chairman Elect of the Ohio Judicial Conference. She was a member of the Ohio Supreme Court's Domestic Violence Task Force. Judge Karner has also served on the Continuing Legal Education committee of the Family Law Section of the American Bar Association. Judge Karner is a Past- President of the Ohio Association of Domestic Relations Judges and previously served as a member of the Child Support Guidelines Commission. A popular lecturer, Judge Karner has presented on family law topics for the National Judicial College, the Ohio Judicial College, and numerous bar associations. Judge Karner was appointed to the Task Force by the Ohio Association of Domestic Relations Judges.

**THE HON. THOMAS LOUDEN** received his bachelor's degree in education and his J.D. from Ohio Northern University. He is a member of the Ohio State Bar Association and the Florida State Bar Association. He has been an assistant attorney general and Delaware City Prosecutor, and had a private law practice. He has served as the Delaware County Probate and Juvenile Court judge since 1979. He is a past president of the Ohio Association of Juvenile and Family Court Judges, Delaware County Bar Association and the Delaware County Heart Association. He was a member of the Ohio Department of Youth Services Advisory Council and the Delaware-Morrow County Mental Health Board. Judge Loudon has received numerous awards for his work with children, including: the National Council of Juvenile and Family Court Judges Award for Outstanding Probation Program in 1992; the Foundation for Improvement of Justice Award for In-Home Services in 1995; and the Kendall I. Lingie Community Resources Award for Community Service Programs in 1997. In 2001, Delaware County Juvenile Court was recognized as a model juvenile court in Juvenile Justice Update. Currently, Judge Loudon is serving as a trustee for the Ohio Community Corrections Organization and is a member of the Ohio Supreme Court Rules Advisory Committee.

**MAGISTRATE DENISE HERMAN MCCOLLEY** works in juvenile and domestic relations courts in Henry and Fulton Counties. She has a Masters in Education from Bowling Green State University and a J.D. from Ohio State University. She has been a teacher, Solicitor of the Village of McClure, a mediator and engaged in the private practice of law. Magistrate McColley is a member of the Ohio State Bar Association, and the Family Law and Dispute Resolution Committees, and has chaired the Dispute Resolution Committee's Continuing Legal Education and Public Education Subcommittee. Magistrate McColley is a past member of the Ohio State Bar Association Council of Delegates. She is a member of the Association for Conflict Resolution, the Ohio Magistrates Association and the President-elect of the Association of Family and Conciliation Courts. She chairs the Conference Committee for the AFCC. She is the founder, Past President and former member of the Board of Trustees of the Center for Child and Family Advocacy. She is a Past President of the Henry County Bar Association and a founder and past member of the Henry County Court Appointed Special Advocates/Guardian Ad Litem Board of Trustees. Magistrate McColley was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**FREDERICK MEISTER** is an attorney and mediator in Columbus Ohio. He holds a Masters in Guidance and Counseling and a J.D. from Ohio State University. He has taught in the public school system and engaged in the private practice of law. He has served on the OSU Drug Free Schools In-Service Project Advisory Committee and the City of Bexley Board of Education. He belongs to the Ohio Mediation Association and the Academy of Family Mediators. He is a member of the American Bar Associations Sections on Family Law and Alternative Dispute Resolution and the Ohio State Bar Association's Family Law Committee. He is a member of the Franklin County Trial Lawyers Association and has previously chaired the Family Law Committee of the Columbus Bar Association. Mr. Meister is a sought after presenter in the areas of divorce taxation, ethics, mediation, custody, visitation, and other related topics. He has presented for Ohio Continuing Legal Education Institute, the Ohio Academy of Trial Lawyers, Franklin County Trial Lawyers Association, the Columbus Bar Association, Ohio State University, Professional Education Systems, Inc., and Children's Hospital. He is also an Ohio State Bar Association Certified Specialist in Family Relations Law. Mr. Meister was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**GREG MOODY** is the Interim Director of the Ohio Department of Jobs and Family Services.

**JOHN POLANSKI** is the Program Coordinator of the Ashtabula County Joint Court Mediation Project. He holds a Masters in Divinity from the Athenaeum of Ohio and a Masters in Education specializing in community counseling from Youngstown State University. He has previously worked as Coordinator of the Mahoning County Domestic Relations Court Mediation Services. He is a Past-President of the Ohio Mediation Association. Mr. Polanski was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**THE HON. DERRICK SEAVER** is the state representative from the 85<sup>th</sup> district. Rep. Seaver is a member of the Young Politicians of America, the founder and sitting chair of the Auglaize County Young Democrats, Region Four Director of the Ohio Young Democrats, a member of the Minster Civics Association, and the Auglaize County Democratic Executive Committee.

**BEATRICE K. SOWALD** is an attorney with a family law practice in Columbus. She received her J.D. from Ohio State University. She has worked as a staff attorney at the Legal Aid Society and served as a judge in Franklin County Municipal Court and Franklin County Common Pleas Court, Domestic Relations Division. She has been involved with the Columbus Bar Association, previously serving on the Board of Governors and the Professional Ethics Committee and is a member of the Family Law and Bankruptcy Committees and the Alternative Dispute Resolution Task Force. Ms. Sowald is a member of the Ohio State Bar Association, serving as a member of the Council of Delegates, and the Family Law Committee and past chair of the Professional Ethics Committee. She is a member and past treasurer of Women Lawyers of Franklin County. She is a Columbus Bar Foundation Fellow and past Trustee. Ms. Sowald is a member of Franklin County Trial Lawyers. She is a past member of the American Inns of Court. She is an adjunct professor for the Ohio State University School of Law, and lectures on domestic relations and business law for the Ohio Legal Center Institute. She has served on the Ohio Board of Bar Examiners, the Governor's Task Force on Credit for Women, the Governor's Commission on Child Support, the Board of Trustees for the Legal Aid Society of Columbus, the Ohio Statutory Child Support Guidelines Advisory Commission, and the Ohio State Bar Association Task Force on Lawyer Advertising. Ms. Sowald was the General Editor of Ohio Domestic Relations Law in 1987, 1992 and 1997. In 1993, Ms. Sowald received the Columbus Bar Association Professionalism Award. Ms. Sowald was appointed to the Task Force by the Ohio State Bar Association.

**THE HON. RONALD D. SPON** serves as a judge in the Richland County Court of Common Pleas, Division of Domestic Relations and Juvenile Court. He has a J.D. from Ohio Northern University College of Law, has been an assistant county prosecutor, and engaged in the private practice of law. He is active with the Richland County Bar Association and presents educational programs on Domestic Relations for them. He has also been a guest speaker at Regent University. He has published on the topic of Balanced and Restorative Justice, and lectured to the state of Colorado's Conference on Juvenile Justice on that topic. Judge Spon was appointed to the Task Force by the Ohio Association of Juvenile and Family Court Judges.

**SUSAN STEINMAN** is the Director of Divorce Services at Children's Hospital in Columbus. Dr. Steinman holds both an M.S.W. and a D.S.W. from the University of California, Berkeley. Previously, she served as the Director of the Joint Custody Project. She is a Commissioner on the Supreme Court of the State of Ohio Futures Commission and serves on the Franklin County

Domestic Relations Court Accreditation and Advisory Committee. Her book, *Helping Children Succeed After Divorce*, co-authored with Virginia Petersen, M.S.W., is the text used in the mandated parent education program for Franklin County, Ohio and in numerous court programs in the U.S. and Canada. Dr. Steinman was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

**MARCIA J. WEBER** is a clinical psychologist and the Children's Therapy Program Director for the Artemis Center for Alternatives to Domestic Violence. Dr. Weber holds a doctorate in psychology from Baylor University and has previously worked as Assistant Director of the Ellis Institute's General Services Clinic. She also has worked in a private practice as a psychologist. She has been a presenter at the Fourth International Conference on Family Violence and Children. Dr. Weber was appointed to the Task Force by the Hon. Thomas J. Moyer, Chief Justice of the Supreme Court of the State of Ohio.

### **Former Member Biographies**

**THE HON. YVETTE MCGEE BROWN** has been a judge in the Franklin County Court of Common Pleas, Domestic Relations and Juvenile Division since 1992. Before taking the bench, Judge McGee Brown was General Counsel for the Ohio Department of Youth Services and had been in private practice. She received her J.D. from Ohio State University. She was honored with the 2000 Champion of Children award by the Columbus Montessori Education Center and the Franklin County Department of Human Services. She has chaired a statewide focus group on child welfare, and served on the Ohio Department of Human Services Executive Committee and co-chaired their Child Care Task Force. She is also active in the Ohio Domestic Relations Judges Association and serves on the Executive Committee of the Ohio Juvenile and Family Court Judges Association. She also established the SMART (Student Mediation and Reduction of Truancy) program in Franklin County, which has been so successful that it served as a guide for statewide legislation on the same topic. Judge McGee Brown was appointed to the Task Force by the Ohio Juvenile and Family Court Judges Association.

**THE HON. PETER LAWSON JONES** is currently serving as a state representative and is a partner at Roetzel & Andress in Cleveland. He holds a J.D. from Harvard Law School, and has worked as a law clerk to Supreme Court of the State of Ohio Justice Ralph S. Locher. He served as President of Ohio Works, has been an instructor for Cleveland State University and Dyke College. He has also been a councilman in Shaker Heights, Ohio. Rep. Jones is the President of the Board of Trustees of the Metropolitan Strategy Group, Treasurer of the Harvard Law School Association of Northern Ohio, Treasurer of the Black Elected Democrats of Cleveland, Co-General Counsel of the Cuyahoga County Democratic Party and is on the Board of Trustees of the Cuyahoga County Bar Association. He is a member of the Board of Trustees for the Court Community Service Agency, and on the Advisory Counsel of the Greater Cleveland Chapter of the American Red Cross. He serves on the State Executive Committee of the Ohio Democratic Party. Rep. Jones has won numerous awards for his civic involvement.

**THE HON. W. DON READER** is a retired judge from the Ohio 5<sup>th</sup> District Court of Appeals. Prior to his term on the Appellate Court, he served for thirty years as a judge in the Court of Common Pleas, Domestic Relations Division in Canton. He received his J.D. from the University of Akron Law School. He is currently serving as the chairman of the Task Force on

the Investigation and Prosecution of Child Sexual Abuse. A recognized expert on all areas of family law, Judge Reader has testified before Governance Counsels in Montana, Colorado and Washington as well legislative bodies in New Jersey, Nevada, Florida, and Ohio. He has also testified numerous times before the United States Congress on family law matters. Judge Reader was appointed to the Task Force by .

**THE HON. RICHARD SCHAFRATH** was a state senator for the past fourteen years. He attended The Ohio State University. He sat on the Agriculture Committee and was Vice Chair of the Education Committee and Chair of the Committee on State and Local Government and Veterans Affairs. He is a member of the National Federation of Independent Business, President of the NFL Cleveland Browns Alumni Chapter, and a former member of the United States Air Force. He has been awarded the Watchdog of the Treasury, named National Federation of Independent Business Man of the Year, State Government Man of the Year and Veterans Man of the Year.

**THE HON. MICHAEL SHOEMAKER** is currently serving as a state senator. Before taking his seat in the Senate, he was a member of the House of Representatives for fourteen years and has been an educator and an independent business owner. He has a Masters in Education from Xavier University. He sits on the Agriculture, Education, Judiciary, State and Local Government and Veterans Affairs Committees. He also serves on the Judiciary Subcommittee on Civil Justice. He is a member of the Scioto Valley Habitat for Humanity and the Bainbridge Historical Society. He has received a Capital University Distinguished Service Award and a Career Education Association Lifetime Achievement Award.

**THE HON. CHERYL WINKLER** spent nine years serving the Cincinnati area community as a state representative. Rep. Winkler attended the University of Cincinnati. She served as the chairperson the House of Representatives Committee on Children and Family Services and sat on the Education, Housing and Public Lands, and Insurance Committees. She is a member of the Western Hamilton County Economic Council, the Bridge Town Civic Club, the Green Township Republican Club and the Hamilton County Republican Party. She has previously served as Green Township Trustee and as the Clerk of Green Township.

**PENNY WYMAN** is the Executive Director of the Ohio Association of Child Caring Agencies. She holds a Masters in Public Administration and an M.S.W. She has previously worked as a legislative aide, HEAP Outreach Coordinator and on the Board of Choices for Victims of Domestic Violence. She frequently makes presentations about advocacy and children and family services. Ms. Wyman was appointed to the Task Force by Governor Taft.

### Staff Biographies

**KATHLEEN CLARK** is the Executive Director of the Task Force. She holds an M.S.W. and a Ph.D. in Family Science from the Ohio State University. She has worked in the Marion County Domestic Relations Court as the Family Service Coordinator and as a divorce educator for Big Brothers Big Sisters. She is an instructor at Ohio State University. She also facilitates court-mandated children of divorce support groups. A trained mediator and therapist, Dr. Clark has designed and implemented 11 new programs for families in Marion County and facilitated school based support groups for children involved in the divorce process. She has previously served on the Supreme Court of the State of Ohio Task Force for Curriculum Development for Parent Education Programs. The Ohio State Bar Association gave her a Reiser Award for

designing and facilitating the P.E.A.C.E. program for divorcing parents. She has been published numerous times on the topic of divorce education and is a popular presenter at the Association of Family and Conciliation Courts in the areas of mediation, divorce education and the impact of divorce on fathers and children. She is currently a member of Association of Family and Conciliation Courts and the interest group coordinator for the AFCC's Policy and Legislation Interest Group.

**LISA DEGEETER** is the Assistant Director of the Task Force. She holds a J.D., cum laude from the University of Illinois. Ms. DeGeeter has worked with victims of violent crime and families involved in juvenile and criminal courts. She has served as an extern in the office of the Speaker of the House in the Illinois legislature, reviewing pending legislation. She has also conducted research on legal issues affecting children, including the Convention on the Rights of the Child and adoption reform. She is a member of the Association of Family and Conciliation Courts, the Ohio State Bar Association and the American Bar Association, including the sections on Alternative Dispute Resolution and Family Law. She has trained as a mediator and a Guardian ad Litem, and volunteers with the Court Appointed Special Advocates Program in Franklin County.

**EDEN MEIHLS** is the Psychological Intern. She holds a Masters in Education from Kent State University, and is working towards certification as a school psychologist. She has been a presenter at the American Psychological Association Conference and presented at the National Association of School Psychologists convention in April 2000.

**Appendix H**  
**Individual Statement Of**  
**John Guidubaldi, D.Ed., L.P., L.P.C.C.**  
**Added June 4, 2001, after Final Report was Approved by Task Force**

---

For the past two and one-half years, the Ohio Task Force on Family Law and Children has worked diligently to address one of the most complex and perplexing problems of our society—how to preserve healthy child rearing priorities when families are in turmoil. Task Force recommendations, incorporated in the foregoing report, have potential to improve some of the judicial procedures that affect the well being of both children and parents from disrupted families. Unfortunately, despite the worth of this extensive set of suggested changes, the work is far from complete and must be continued with legislative support. Acknowledging that volumes of past research document the severe inadequacies of the status quo and also that opportunities for Task Force input to the legislature are rare, Senator Schafrath’s earlier invitation to consider options broadly and ambitiously should be heeded. Children and families in Ohio and throughout the nation are clearly in an unprecedented crisis.

Historically and cross-culturally, the family unit has been the cornerstone of society. The mental health and social conscience of each generation depend on the diligent, altruistic exercise of good parenting in the one preceding it. Some revisionists promote the notion that our current crisis of family instability is not cause for alarm, since families have historically taken many forms. While it is true that family structure has been affected by historical events such as war and periods of mass immigration, no prior period in our history has experienced the level of deterioration of family life we are witnessing today. As Feldman recently described it, “The social revolution of the sixties liberalized policy, transformed attitudes, and ushered in no-fault laws. Now when a marriage foundered, there were casualties but no culprit”(2000, p.47).

Politically, the term “family values” has come to be identified with a conservative agenda, seen by some as an obstruction to freer forms of interpersonal intimacy. Those who hold this view typically support alternative lifestyles, including sequential monogamy, unwed parenting, and homosexual marriage, forsaking the “until death do us part” bonds of matrimony when either party is dissatisfied. As with any viable social movement, this one needed a noble banner to wave, particularly since freer adult lifestyles frequently meant onerous consequences for children. Convenient justifications were found in such politically timely rubrics as the accusation of oppression, the quest for individual rights, and the celebration of diversity. Today, the overly zealous application of these marital escape valves exonerates divorcing parties who have no real history of physical abuse or even the more amorphous and opportunistic claims of “psychological” abuse. Under no-fault laws, families can be disassembled by unilateral action without guilt, simply because a partner “feels” oppressed or unfulfilled.

As social stigmas have been erased and diverse lifestyles legitimized, divorce and unwed parenting have increased in overwhelming proportions. The numerical evidence is clear. For example, year 2000 census data show that the number of families headed by single mothers increased 25% from 1990 to the year 2000, and now includes more than 7.5 million households (U.S. Census Bureau). The Annie E. Casey Foundation, in its year 2000 report, cites trend data indicating that in Ohio, the incidence of single parenting was 17% worse in 1997 than it was in 1990. Surprisingly, according to a recent research brief from *Child Trends*, almost half (48%) of all births to women age 20-24 and 23% of births to women age 25-29 were non-marital in 1999. In a recent large-scale study of child support issues for the state of Ohio (Guidubaldi, 2000),

43.8% of 986 randomly selected child support cases from 42 counties were found to be in never-married households.

Perhaps as a response to the overwhelming numbers of divorced and unwed families, judicial practices have evolved that sometimes inadvertently encourage these nontraditional childrearing lifestyles. Rather than operating to preserve the institution of marriage or to promote shared parenting after divorce, divorce law has generally taken the road of expediency, opting for single mother-headed households in the vast majority of cases. Yet, this bias and its ancillary judicial practices have created a legacy of bitterness that typically precludes cooperative co-parenting. Furthermore, an examination of data from the National Center for Health Statistics (Kuhn & Guidubaldi, 1997) demonstrated that states with high levels of joint physical custody awards (over 30%) in 1989 and 1990 have shown significantly greater declines in divorce rates compared with others states in following years through 1995. Divorce rates declined nearly four times faster in high joint custody states compared with states where joint physical custody is rare. These results may indicate that social and economic motives for divorce may be reduced when continued shared parenting is mandated.

The Task Force has been dealing with the principle that children have a right to a meaningful relationship with each parent. To that end, we have suggested that parents submit parenting plans that maximize the opportunity for the child to enjoy the emotional support of both parents. We encouraged parent education to increase parents' sensitivity to the child's needs, including the need for frequent and positive interaction with the other parent. We also proposed that conflicts be resolved wherever possible through a non-adversarial mediation process. These are constructive suggestions that should be promoted by new legislation. However, my first conclusion is that we neglected to provide the necessary mandate to eliminate the prevailing bias toward sole maternal custody and monopolistic parenting practices that seriously erode the child's opportunity to maintain long-term significant parenting resources from their fathers.

Regardless of age or gender, children have routinely been subjected to these gender-biased conditions by court action. In my nationwide study of 699 families, done in conjunction with the National Association of School Psychologists, we found that 4 years after divorce, 50% of the children in sole maternal custody saw their fathers once or twice a year or less (Guidubaldi, 1988). This finding was verified in another nationwide study conducted by University of Pennsylvania sociologist, Frank Furstenberg (1991). Without a sound legal basis, the notion of maximal involvement of both parents relies on the good will of mothers and each court's insights about the benefits of continued co-parenting. Obviously these prerequisites have not been in evidence for millions of Ohio children throughout the past several decades.

A second major conclusion from my 30-year experience is that financial injustice, either real or perceived, is a major cause of long-lasting conflict. In resolution of financial matters, we continue to be guided by a system of inflated entitlements that often provides incentive to divorce, avoidance of marriage, and long-term unresolved financial conflict that interferes with cooperative co-parenting. Judicial precedents that attempt to equalize financial resources of both parents after divorce are based on faulty egalitarian notions that give little weight to the causes of divorce, appropriate credit for each party's prior contributions to the economic well being of the family, or efforts and sacrifices in the future generation of income.

We have relinquished to the Child Support Advisory Council all matters relating to financial child support, but several of these issues deserve our attention. For example, as noted by Ohio Appellate Court Judge Gwinn (1999), at the upper levels of income, child support

awards clearly represent thinly disguised alimony in that amounts awarded are far in excess of what is required for reasonable child support, and no accountability for the expenditure of funds is required. Issues of exorbitant or extended spousal support and unreasonably high child support payments are predicated on the assumption that a spouse (almost always the wife) or a child is entitled to be kept in the style to which they have become accustomed. This deep pockets orientation provides a windfall for the recipient with no obligation to provide anything in return.

Child support obligations are determined according to tables that are seriously flawed in their underlying loose-estimate assumptions, and based on averages that obscure different costs of child rearing according to age of the child or location of residence. Moreover, it is difficult for recipients of court-ordered awards to respond to the donor with gratitude, or respect on the part of children, when they have accepted the notion that these monies are their entitlement. The frequently found alienation of children from their non-resident fathers is exacerbated by this condition, in that this support continues regardless of behavioral compliance with parental rules, child's work ethic, or reciprocity of caring in the father-child relationship. From a child development point of view, more money is not correlated with better child adjustment.

In the case of spousal support, there is a prevailing assumption that a due bill is owed by the breadwinner at the culmination of marriage, regardless of who initiated the divorce, the cause of the divorce, or the degree to which the parties provided benefits to each other during the marriage. Only good providers are penalized in these cases, since those without the means to pay have little or no continuing financial obligation to ex-spouses, and only minimal and often insufficient support payments to children. Our group has also avoided discussion of spousal support even though the Ohio Bar Association is currently addressing that issue in committee. At the very least, I believe we should have examined the existing problems independently and offered our perspectives to the legislature. The major purpose underlying our appointments to this Task Force was to broaden the legislative advisory group. There are profound problems in spousal support and it is debatable whether the only voices heard by the legislature should be those of Ohio attorneys.

We had neither the time nor the collective willingness to resolve most of these problems, but I had hoped we could give guidance to the legislature on some of the more blatant injustices that have gone on for so long that they are perceived as legitimate. From an optimistic posture, if we could have agreed on some of the financial issues that impede cooperative parenting, our proposed legislation might have incorporated language that had the potential to remedy longstanding grievances at the root of bitter post-divorce relationships.

My third conclusion is that we gave no attention to the issue of prenuptial contracts. Yet, judicial respect for the decision-making authority of marital aspirants would seem to be a core requirement for resolution of financial and child rearing matters in the event of divorce. Rather than basing decisions on the adversarial and often irrational conditions prevailing at the time of divorce, fairer adjudication of both financial and child rearing matters could be accomplished by honoring agreements made at the onset of the marriage when commitments are defined cooperatively and with due regard for the rights of the other party. Attempts to undermine prior contractual agreements through legal manipulations should be deterred by judicial policy that protects the integrity of these agreements and implements them as intended. It is likely to believe that couples may increase their propensity to marry if they were provided assurances at the outset that their contractual obligations, mutually agreed upon, would be the foundation for problem resolution if needed in the future.

There are several other issues that the Task Force should have addressed that now may remain unresolved for a considerable time to come: (a) For example, little attention was given to the major problems of relocation, wherein one party is effectively entitled to unilaterally sever connections between the child and his or her other parent; (b) No attention has been given to the importance of grandparents' rights or the rights of the child to enjoy the rich emotional resources of both sets of grandparents; (c) No attention was given to one of the most significant new medical advances, DNA testing, which has the potential to rectify many prior injustices where parenthood was assumed without evidence. I believe that a policy of mandatory DNA testing is called for in order to ensure that 18-year financial obligations are rightfully assigned, to increase the father-child bond, and to eliminate the implication of insult when men are forced to request the test; (d) It should be noted here that a great deal of attention has been given in our society to a woman's right to choose. With a 34% unwed parentage rate, one should reasonably raise the question "Should a father also have a right to choose?" One could make the argument that forced parenthood involves many inherent problems beyond simply enforcing financial child support. Additionally, when the right to choose parenting is unilaterally given to women with assurances of support, a great many unwed births may be expected to continue; (e) No attention was given to the importance of effective liaisons with other community services that affect the welfare of children. Most notably among these are the extensive resources of the public school system that have not been harnessed into a cooperative arrangement with courts to further the adjustment of children experiencing family disruption. For example, we have tax-supported mental health personnel in schools who can monitor the adjustment of children five days a week, 180 days a year. This type of follow-through coupled with interventions of parent education, divorce group counseling for children, and other family supports should be integrated with court efforts on behalf of Ohio's families.

I believe that these issues deserve consideration and hope that the legislature can address at least some of them. In no way is this addendum meant to diminish the conscientious efforts of our group. I believe our staff has diligently provided us with excellent input from knowledgeable speakers and extensive relevant written material. I further have come to appreciate the sincere efforts of most members of our group to find common ground that will benefit Ohio's children. Yet, the search for consensus sometimes obscures the larger picture and results in only limited conclusions. Our collaborative work has been merit worthy, yet there is much left to be done. These opportunities to make change are few and far between, but change is essential. Generations of our children have suffered, not only from the sins of their parents, but also from society's confusion and neglect.

## References

- Feldman, Ellen. (Nov. 2000). *Till Divorce Do Us Part*. American Heritage, pp. 38-47.
- Furstenberg, F.F. & Cherlin, A. (1991). *Divided Families: What Happens to Children when Parents Part*. Cambridge, MA: Harvard University Press.
- Guidubaldi, J. *Ohio Child Support Deviation Study: April 1996 – August 2000*. Included in Ohio's Child Support Guidelines Report to the General Assembly, March 2001, Ohio Department of Job and Family Services.
- Guidubaldi, J. (1988). *Differences in Children's Divorce Adjustment Across Grade Level and Gender: A Report from the NASP-KSU Nationwide Project*. In S. Wolchek & P. Karoly (Eds.), Children of Divorce: Perspectives in Adjustment. Lexington, MA: Lexington Books.
- Gwinn, S. WL 98110, *Bryant v. Bryant* (Ohio App. 5 Dist. 1999).
- Kids Count Data Book 2000: State Profiles of Child Well-Being. The Annie E. Casey Foundation.
- Kuhn, R. & Guidubaldi, J. *Child Custody Policies and Divorce Rates in the U.S.* 11<sup>th</sup> annual conference presentation of the Children's Rights Council, Oct. 1997, Washington, D.C.
- Terry-Humen, E., Manlove, J., & Moore, K.A. (Apr. 2001). *Births Outside of Marriage: Perceptions vs. Reality*. Child Trends Research Brief.
- U.S. Bureau of the Census, *Census 2000 (Initial Report)*.

## **Appendix I Selected Bibliography**

### **Books**

- Sanford L. Braver, Divorced Dads: Shattering the Myths (1998)
- E.M. Cummings & P.T. Davies, Children and Marital Conflict, (1994)
- Robert Emery, Marriage, Divorce and Children's Adjustment (2<sup>nd</sup> edition, 1999)
- J.R. Johnston & V. Rosenby, In the Name of the Child (1997)
- Mary Ann Mason, The Custody Wars (1999)
- Philip Stahl, Conducting Child Custody Evaluations: A Comprehensive Guide (1994)
- Philip Stahl, Complex Issues in Child Custody Evaluations (1999)
- J.A. Sweet & L.L. Bumpass, American Families and Households (1987)
- Judith S. Wallerstein, Julia M. Lewis and Sandra Blakeslee, The Unexpected Legacy of Divorce: A 25 Year Landmark Study (2000)

### **Articles**

- Paul R. Amato & B. Keith, Parental divorce and adult well-being: A meta-analysis, 53 Journal of Marriage and Family 43 (1991)
- Kevin D. Arnold and Jeff D. Sherrill, Directed Family Counseling: Structured Treatment for Conflicted Divorcing Families, The Ohio Psychologist, June 1998
- Shannon Brownlee, Biology of Soul Murder, U.S. News and World Report, Nov.11, 1996
- A. J. Cherlin, D.A. Bloom, & N. Bennett, Marriage Patterns in the United States, Discussion Paper No. 1147 (1985) (on file with Harvard Institute of Economic Research)
- A. J. Cherlin, F. Fursteinburg, P.J. Chase-Lansdale, K.E. Kiernan , P.K. Robins, D.R. Morrison, & J.O. Teitler, Longitudinal studies of effects of divorce on children in Great Britain and the United States, 253 Science (1991)
- M. Crosbie-Burnett & L. Newcomer, Group counseling children of divorce: The effects of multimodal intervention, 13 Journal of Divorce 69 (1990)
- B. J. Elliot & M.P.M. Richards, Children and divorce: Educational performance and behavior before and after separation, 5 International Family Law 258 (1991)

Joseph G. Feehan, Life after Daubert and Kuhmo Tire: An update on Admissibility of Expert Testimony, Illinois Bar Journal, March 2000

William Fabricius and Jeff Hall, Young Adults Perspectives on Divorce Living Arrangements, 38 Family and Conciliation Court Review 446, (2000)

V. Garvin, D. Leber, & N. Kalter, Children of Divorce: Predictors of change following prevention intervention, 61 American Journal of Orthopsychiatry 438 (1991)

Jonathan W. Gould and Philip M. Stahl, The Art and Science of Child Custody Evaluations, 38 Family and Conciliation Courts Review 392 (2000)

Rita Henley Jensen, Divorce-Mediation Style, ABA Journal, Feb. 1997

Victoria M. Ho, Parent Coordinators: An Effective New Tool in Resolving Divorce Conflict, 12 Divorce Litigation 55 (2000)

Donald C. Hubin, Parental Rights and Due Process, 1 Journal of Law and Family Studies 123 (1999)

Joan B. Kelly, Children's adjustment in conflicted marriage and divorce: A decade in review, Journal American Academy of Child Adolescent Psychiatry (August 2000)

Joan B. Kelly, A Decade of Divorce Mediation Research Some Answers and Questions, 34 Family and Conciliation Courts Review 373 (1996)

Joan B. Kelly and Michael E. Lamb, Using Child Development Research to Make Appropriate Custody and Access Decisions for Young Children, 38 Family and Conciliation Courts Review 297 (2000)

Michael Lamb, Kathleen Sternberg, and Ross Thompson, The effects of divorce and custody arrangements on children's behavior, development and adjustment, 35 Family and Conciliation Courts Review 393 (1997)

Hugh McIsaac, Changing the Paradigm: The Effects of Recent Family Law Legislation in England, Australia, and the United States, 16 Mediation Quarterly 165 (1998)

J. Pedro-Carroll & L. Alpert-Gillis, Preventative Interventions for children of divorce: A developmental model for 5 and 6 year old children, 18 Journal of Primary Prevention, 5 (1997)

J. Pedro-Carroll & E.L. Cowen, The children of divorce intervention program: An investigation of the efficacy of a school-based prevention program, 53 Journal of Consulting and Clinical Psychology 603 (1985)

J. Pedro-Carroll, E.L. Cowen, A.D. Hightower & J.C. Guare, Prevention intervention with latency-aged children of divorce: A replication study, 14 American Journal of Community Psychology 277 (1986)

J. Pedro-Carroll, J. Sutton, & A. Black, The Children of Divorce Intervention Program: Preventative outreach to early adolescence (Final Report) (1993)

C. Eileen Pruett, Dispute resolution: More than an alternative, Ohio Lawyer, Sept.-Oct. 1999

Daniel G. Saunders, Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations, National Electronic Network on Violence Against Women Applied Research Forum, August 1998

J.S. Wallerstein & J.R. Johnson, Children of divorce: Recent findings regarding long-term effects and recent studies of joint and sole custody, 11 Pediatrics Review 197 (1990)

Richard A. Warshak, Blanket Restrictions Overnight Contact Between Parents and Young Children, 38 Family and Conciliation Courts Review 422 (2000)

N. Zill, D. Morrison, & M. Coiro, Long term effects of parental divorce on parent-child relationships, adjustments, and achievement in young adulthood, 7 Journal of Family Psychology 91 (1993)

Laurence Zuckerman, Divorce and Family: She Wrote the Book, N.Y. Times, April 1, 2000

## **Reports**

ABA Center on Children and the Law, The Impact of Domestic Violence on Children, (August 1994)

The Supreme Court of Ohio Domestic Violence Task Force, Increasing Safety for Victims Increasing Accountability of Offenders, (Oct. 18, 1996)

The Supreme Court of Ohio Office of Dispute Resolution, Executive Summary of 12-Site Mediation Institutionalization Project, (Jan. 29, 1999)

The Supreme Court of Ohio Office of Dispute Resolution, Executive Summary, Trapping the Data: An Assessment of Domestic Relations Mediation in Maine and Ohio Courts

The U.S. Commission on Child and Family Welfare, Parenting Our Children: In the Best Interest of the Nation, (September, 1996)

Diane N. Lye, Washington State Parenting Act Study, (June 1999)

## **Other Materials**

Advisory Committee of the Conrad N. Hilton Foundation Model Code Project of the Family Violence Project, Model Code on Domestic and Family Violence

Christine A. Coates, Mediation-Arbitration for Post-Divorce Conflicts, (1999) (manuscript on file with author)

Early Intervention Mediation Project Executive Summary

Family Court of Australia, Research Project on The Australian Family Law Act, (September 12, 1999)

Maricopa County Self Service Center

<<http://www.superiorcourt.maricopa.gov/ssc/sshome.html>>

The Annie E. Casey Foundation, Kids Count Data Book 2000: State Profiles of Child Well-Being (2000)

Joan Raisner, New Vocabulary, Working with Never Married Parents, (1999)

Leslie Herndon Spillane, Excerpt from Spousal Support: The Other Ohio Lottery

Tracy Ulstad, Summary of Legal Services Survey, Feb. 23, 2000 (on file with Ohio State Legal Services Association)

Tracy Ulstad, Summary of Clerk of Courts Survey, Feb 23, 2000 (on file with Ohio State Legal Services Association)

Stephanie Walton, Child Support and Parenting Time Adjustments, National Conference of State Legislatures Issue Brief, May 2000