



Judicial Impact Statement

www.ohiojudges.org

Updated 2015

Prepared By Louis Tobin, Esq., Legislative Analyst

Parenting Time Enforcement

TITLE INFORMATION: To enact a section of the Revised Code to permit the parties to a court ordered parenting plan to seek, and courts to enforce court-ordered parenting plans through, certain specified remedies in lieu of contempt.

Looking for a Sponsor

IMPACT SUMMARY

This proposal will improve public confidence in the law, increase judicial discretion, and may slightly increase court caseload and court workload.

BACKGROUND

Under current law, judges with domestic relations and/or juvenile jurisdiction are responsible for allocating parental rights and responsibilities in a manner that is in the best interest of the child. In many cases, parents are able to agree to a parenting plan, the court issues an order adopting that plan, and the parents abide by the provisions of the plan without any problems. In other cases, when parents cannot come to an agreement, the court issues an order designating one parent as the residential parent and legal custodian and grants that parent primary responsibility for the care of the child or children. In this second set of cases, the parent who is not named residential parent and legal custodian will still be granted parenting time as long as the court finds that such time is in the best interest of the child.

In this second set of cases, disputes often arise between parents as to whether a parenting time order has been violated (e.g the custodial parent never dropped the child off, the custodial parent dropped the child off late). When these disputes occur, the non-custodial parent often comes to court to seek a remedy for the violation of the court order. The only remedy under current law is an action for contempt under section 2705.031 of the Revised Code. Actions for contempt, however, are costly, time consuming, and the outcome can be overly harsh when compared to the seriousness of the violation.

RECOMMENDATION

Ohio judges propose a parenting time enforcement statute for substantial violations of parenting time orders that, nevertheless, do not warrant punishment for contempt.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.