

# NPO Ohio Parenting Time Report

8/29/2018

## I. Introduction

### A. About National Parents Organization

National Parents Organization (NPO) advocates for children’s true best interests after parental separation or divorce. We are working to improve the lives of children and strengthen society by protecting every child’s right to the love and care of both parents after separation or divorce. We seek better lives for children through family court reform that establishes equal rights and responsibilities for fathers and mothers. More information about National Parents Organization can be found at [NationalParentsOrganization.org](http://NationalParentsOrganization.org).

### B. Description of project

The Ohio Revised Code requires each Ohio court of common pleas to adopt “standard parenting time guidelines” for dividing children’s time between the parents when parents are living apart ([ORC 3109.51\(F\)\(2\)](#)). Courts are empowered to deviate from this guideline schedule based on a number of statutorily-specified factors. These guidelines serve as a baseline for establishing a parenting time schedule and, in most cases, are explicitly specified as a default schedule, to be imposed when parents cannot agree on a different schedule.

NPO believes that the county standard parenting time guidelines play a very significant role in determining the parenting practices of separated parents, perhaps especially when parents come to the court without legal representation.<sup>1</sup> While parents can have reasonable confidence that courts will approve most schedules that are mutually agreed to by the parents, the default schedules influence parental choices; furthermore, parental agreements are “made in the shadow” of these default schedules. NPO was motivated to undertake this detailed study because Ohio’s counties’ standard parenting time rules strongly influence the actual schedules parents follow and those parenting arrangements are instrumental in determining the well-being of children of divorced and separated parents.

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<sup>1</sup> Research shows that default options significantly influence individuals’ choices. See, for example, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, by Richard H. Thaler and Cass R. Sunstein, Penguin Books (2009).

The Ohio Parenting Time Rule Project is not an evaluation of Ohio counties' domestic relations courts' *actual patterns of awarding parenting time* or the actual behavior of parents, which sometimes diverges from court orders. Courts do not compile records of the frequency with which any given parenting time schedule is ordered. Accordingly, NPO has no means of knowing how frequently courts in *any* county order a default (or any other) parenting time schedule. NPO's Ohio Parenting Time Rule Project is an evaluation of the *default* parenting time rules that Ohio county courts provide.

### **C. Brief summary of results**

The results of the NPO review of Ohio counties' local parenting time rules are shocking. While a handful of counties have parenting time rules that are aligned with the best scientific research about child well-being when parents are living separately, *the vast majority do not*. For reasons explained below, the NPO study focuses on "ordinary parenting time", which we define as non-vacation, non-holiday time, and examines only the schedules that apply to "local" parenting time, for parents living in what the court considers close proximity. With respect to this ordinary parenting time, NPO has determined that:<sup>2</sup>

- Sixty-four of Ohio's 88 counties have a parenting schedule that allows the children only two overnights and 60 hours *or less* with one of their parents in a two-week period. This means that the children are with their non-residential parent less than 20% of the ordinary parenting time. None of these counties' schedules provide for the children to be with the non-residential parent on a school night. (One other Ohio county provides a schedule only slightly enhanced from this outdated model, by adding one additional overnight with the non-residential parent in a two-week period. This still accords the children just 20% of ordinary parenting time with one of their parents.)
- Thirteen Ohio counties provide default schedules that allow the children 4-5 overnights with the non-residential parent and substantially more time with the non-residential parent, between 25% and 30%.
- Only three Ohio counties provide default schedules that allow the children equal, or nearly equal, time with each parent.

## **II. Parenting Time and Child Well-being**

Divorce or separation of parents is an [adverse childhood experience](#), which can, if not handled properly, contribute to long-term health and behavioral problems for children. There is a large and growing body of scientific evidence establishing that, when parents are living separately, the best strategy for minimizing the risk to children is to ensure that both parents are kept fully engaged in the children's lives, including being directly involved with the day-to-day child care responsibilities. (See "[NPO Shared Parenting Research Resources](#)" for citations and links to some of the most recent, compelling research.)

What this research shows is that, while divorce is an adverse childhood experience, children of divorced parents who share physical custody to a very significant degree do not suffer long-term adverse effects. In

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<sup>2</sup> An earlier version of this report (8/27/2018) presented these results in a slightly different, and less intuitive, format.

fact, on all measures of child well-being, they score about as well as children of parents living together. And they score *much higher* than children raised in sole physical custody arrangements.

This research confirms what common sense has always declared: *both* parents matter! We harm our children by placing one parent in a secondary role.

With respect to the value of shared physical custody, two sorts of cases deserve special discussion. Those unfamiliar with the research often believe that, while shared physical custody is best in many cases, it is not appropriate for infants and toddlers and also when parents are in conflict, including simply about whether to engage in shared parenting.

- **Shared Physical Custody of Infants and Toddlers:** Recent research endorses the value even to infants and toddlers of spending significant time with each parent, including overnights.<sup>3</sup> However, infants, toddlers, and very young children perceive time differently than do older children and need more frequent times with each parent in order to develop a strong bond.
- **Shared Physical Custody in Parental Conflict Cases:** Many people, unfamiliar with recent research, acknowledge that shared physical custody is beneficial to children when parents are able to cooperate closely and co-parent in harmony but believe it is inappropriate when parents are in conflict. Furthermore, failure to agree on shared physical custody is often taken as dispositive evidence that parents can't co-parent their children. Contemporary research undermines this view.<sup>4</sup> In fact, even when parents are in (non-violent) high-conflict relationships, shared physical custody is beneficial to children.

### III. Methodology and Limitations

#### A. Scope

NPO's review of Ohio counties' parenting time rules was restricted to what we call 'ordinary parenting time', which we define as non-vacation, non-holiday time. There are two reasons for this. First, including vacation and holiday time renders the analysis significantly more complex. But, much more importantly, the value of parenting time is not measured merely in hours or overnights. What is important in order for children to have a full parent/child relationship with both parents is for both parents to be engaged in the ordinary tasks of child rearing: providing meals, ensuring that homework is done, getting children ready for school, being involved in the children's routine activities. Holidays and vacations are, by definition,

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<sup>3</sup> See, for example, Warshak, R. "[Social Science and Parenting Plans for Young Children: A Consensus Report](#)," *Psychology, Public Policy, and Law*, 20(2014) No. 1, 46 – 67; and, Fabricius, William V. and Go Woon Suh, "[Should Infants and toddlers Have Frequent Overnight Parenting Time with Fathers? The Policy Debate and New Data](#)," *Psychology, Public Policy, and Law*, 23(2017) No. 1, 68 – 84.

<sup>4</sup> See the meta-analyses, based on scores of studies, provided by Dr. Linda Nielsen in these two articles: Nielsen, Linda. "[Joint Versus Sole Physical Custody: Outcomes for Children Independent of Family Income of Parental Conflict](#)," *Journal of Child Custody* DOI: 10.1080/15379418.2017.1422414; and, Nielsen, Linda. "[Re-Examining the Research on Parental Conflict, Coparenting, and Custody Arrangements](#)," *Psychology, Public Policy, and Law* 23(2017)2, 211-231.

exceptions to the ordinary rhythms of family life. To the degree that a child's time with a parent is restricted to these times, the parent is not fully engaged in the child rearing activities. Accordingly, NPO focused this study on ordinary parenting time.

Because the feasibility of parents sharing equally in the physical custody of their children depends on the distance between the parents' households, this study is restricted to an examination of the county court's rules that apply for parents living in close proximity, which is determined differently by different counties.

### ***B. Counties Age-Specific Parenting Time Schedules***

Forty-one of Ohio's 88 counties' standard parenting time schedules are age specific—providing different schedules for children of different ages. The age categories vary widely between these 41 counties. To compare the parenting time rules of counties with age-specific schedules with those counties with schedules that are not age-specific, NPO chose the age category that covered the broadest range of ages. In each case, we have indicated the age category that was used in evaluating the parenting time rule.

### ***C. Gathering Data***

NPO collected current local parenting time rules from each of Ohio's 88 counties. Often, these were available on the county court's website. For those counties that did not post their local rules on the Internet, NPO acquired copies from [the Ohio Supreme Court's page of local rules](#). In one case, the local parenting time rule was not available either from the county's website or the Ohio Supreme Court website. In that case, NPO requested and received a hard copy of the county's parenting time rule through the mail.

### ***D. Data validation***

The data collected were verified by two NPO researchers, working independently, and reconciling any discrepancies in their analyses. After the data were verified internally, NPO shared the data with the Ohio Judicial Conference and the Ohio Supreme Court. At NPO's request, the Ohio Judicial Conference shared the data with all Ohio county courts that handle domestic relations cases. NPO requested that these courts review the data to ensure the accuracy of the data on which NPO's evaluation would be made. Eight county courts responded to this request. In two cases, there were updated parenting time schedules that were either recently put into effect or soon to go into effect but had not been posted on the county court's website. NPO reviewed and verified—correcting where necessary—all data about which we received information from the county courts.

NPO is dedicated to ensuring the accuracy of the data on which its analysis and grading are based. Reports of errors or material changes in courts' local parenting time rules should be sent by email to the report's lead author, [Donald C. Hubin, Ph.D.](#) Online versions of this report and the online interactive map associated with it will be updated in a timely fashion.

### ***E. Criteria for Evaluation***

***Time and Overnights:*** The focus of NPO is on improving child well-being by promoting the true sharing of parental rights and responsibilities when parents live apart. Accordingly, the primary factors on which

NPO's evaluation is based on the time and number of overnights that children were accorded with the non-residential parent in a two-week period.

**Parental Equality - Language and Concepts:** In addition, though, NPO seeks to promote parental equality. Accordingly, our evaluation takes into account whether the parenting time rule uses language that denigrated one parent's status with respect to the children. Except in unusual cases, parents do not *visit* with their children and language that describes a parent's time with a child as 'visitation' is offensive and demeaning. It encourages the mistaken perception that one parent is the *real* parent and the other has a second-class status as a parent. We are long past the time when we should be conceptualizing post-separation parenting in this way.

More than a handful of county courts demonstrate that they have not really understood the research that led many states, including Ohio, to remove talk of 'visitation' when discussing time the child is in the care of a parent. Numerous local rules have statements such as:

- "Parenting time is a time for children to do things with the parent they do not reside with";
- "Companionship is a time for children to be with the non-residential parent"; or,
- "Parenting time is an opportunity for the nonresidential parent to spend time with and be involved in the activities of the children".

This avoids the use of 'visitation' language but does not engage in the conceptual change that the research supports. If one thinks the problem is only with the *word* 'visitation', it is easy to think of the change as a pointless nod to political correctness. In fact, the research is urging us to change the way we *think*—not simply the way we *talk*—about time children spend in the care of a parent.

Children have "parenting time" with *each* of their parents, not with only one. The contrast is not between *custody* and *parenting time* (understood as a euphemism for 'visitation'). The only contrast is between the parenting time of one parent and the parenting time of the other parent. Whether or not these periods are equal in length, they should be recognized by the law as being equal in the nature of the relationship and the parenting taking place.

**Age Sensitivity:** Research confirms the commonsense judgment that age-sensitive parenting schedules are appropriate. Infants and toddlers need more frequent time with each parent in order to bond with the parent. As children get older, their relationship with each parent can sustain longer periods apart. In light of the research supporting age-sensitive parenting schedules, NPO considers it a positive factor when a county's parenting time rule is *appropriately* age sensitive.<sup>5</sup>

Some counties' parenting time schedules were *minimally* age sensitive, with very crude age categories.<sup>6</sup> This is not the sort of age-sensitivity that is supported by research on child well-being. Furthermore, being

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<sup>5</sup> Again, see, for example, Warshak, R. "[Social Science and Parenting Plans for Young Children: A Consensus Report](#)," *Psychology, Public Policy, and Law*, 20(2014) No. 1, 46 – 67; and, Fabricius, William V. and Go Woon Suh, "[Should Infants and toddlers Have Frequent Overnight Parenting Time with Fathers? The Policy Debate and New Data](#)," *Psychology, Public Policy, and Law*, 23(2017) No. 1, 68 – 84.

<sup>6</sup> For example: Franklin County (birth - 18 months, 18 months - 18 years); Hancock County (birth - 14 years, 14 years - 18 years); Harrison County (birth - 6 months, 6 months - 18 years); Highland County (birth - 1 year, 1 year - 18 years);

appropriately age sensitive does not mean depriving one parent of significant parenting time with young children. Doing so is not supported by research on outcomes for children.

**Parental Equality - Transportation:** Fifty-four of the counties' local rules specify that the transportation of the children as they move between their homes with each of their parents is to be shared equally. Eight counties' rules specify that transportation is to be shared equally except for short evening periods, when the non-residential parent is responsible for picking the children up and returning them. Twelve county rules do not explicitly specify which parent is responsible for transportation. Unfortunately, 13 counties have rules specifying that the non-residential parent is responsible for *all* of the transportation to allow the children to receive the care and companionship of each of the parents.<sup>7</sup>

NPO believes that both parents have a responsibility to facilitate their children's opportunity to enjoy time with each parent. While it might be reasonable to have a parent provide all transportation for short, midweek parenting time in those cases where that parent does not exercise this time at his or her own home, it is inappropriate to impose on one parent only *all* of the responsibility for the exercise of parenting time.

**Parental Guidance:** The Supreme Court of Ohio has published a useful guide to help divorcing parents construct a parenting time schedule that will work for their family, [Planning for Parenting Time: Ohio's Guide for Parents Living Apart](#). NPO considers it a desirable feature of a county's parenting time rule to include a reference to or significant text from this pamphlet in order to assist parents in creating their own parenting schedule

**Explicit Gender Bias:** One criterion for evaluation was applicable to only one of Ohio's counties' parenting time rules. Van Wert County's "Standard Rules for Residential and Non-Residential Parents and the Allocation of Certain Parental Rights and Responsibilities" (revised 1/1/07) is a disturbing outlier. It scores in the worst category of each other criterion (time and overnights; use of 'visitation' language, absence of age-sensitivity, etc.) with the sole exception that it provides that transportation shall be shared equally by the parents. In this, it has a small handful of companions. But the Van Wert local rule was the only one in which NPO found *explicitly gendered language!* The rule says, "The *father* shall have visitation as follows ..." (p. 65) and "The *mother* shall retain the child/children as follows ..." (p. 66). If there was ever a justification for such explicitly sexist language, that day is long past. This is a violation of the Constitution's guarantee of equal protection of the laws and is in clear contradiction to [Ohio Revised Code §3109.03](#), which specifies:

When husband and wife are living separate and apart from each other, or are divorced, and the question as to the parental rights and responsibilities for the care of their children and the place of residence and legal custodian of their children is brought before a court of competent jurisdiction, *they shall stand upon an equality as to the parental rights and responsibilities for the care of their children and the place of residence and legal custodian of their children*, so far as parenthood is involved. ([ORC §3109.03](#), emphasis added)

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Knox (birth - 2 years, 2 years - 18 years); Pickaway County (birth - 12 months, 12 months - 18 years); Shelby County (birth - 12 years, 13 years - 18 years); Washington County (birth - 2 months, 2 months - 1 year, 1 year - 18 years).

<sup>7</sup> These counties are: Adams, Carroll, Holmes, Licking, Meigs, Miami, Montgomery, Noble, Ottawa, Sandusky, Shelby, Washington, and Wyandot.

### **F. Counties with Multiple Schedules and No Default**

Seven Ohio counties<sup>8</sup> have parenting time rules with multiple schedules, none of which is indicated as the default for children of a given age. For these counties, NPO has declined to provide an overall grade for the county's parenting time rule. To understand why, one must recall the nature of NPO's Ohio Parenting Time Rule Project.

[As was indicated earlier](#), the Ohio Parenting Time Rule Project is not an evaluation of the parenting schedules that are actually awarded by courts. Ohio courts do not collect aggregate information on actual parenting time orders. Because this project evaluates the *default* parenting time schedule and these seven counties do not have such a default schedule, a grade for these counties' local parenting time rules would be meaningless and potentially misleading.

In a number of counties with multiple schedules, the quality of the schedules varies widely—some providing equal or nearly equal parenting time and some providing only the old standard “every other weekend and one evening a week” model. As a guide to readers, NPO has, when possible, indicated a grade that each of the schedules in these seven counties would receive if it were a default schedule.<sup>9</sup>

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<sup>8</sup> These counties (with the number of schedules they provide for children in the same age category) are Belmont (3), Fayette (2), Franklin (4), Highland (2), Mahoning (5), and Warren (2).

<sup>9</sup> In several cases, it is impossible to assign such a grade. For example, Mahoning County's first option is a “make your own schedule” option. This unique approach to providing a parenting time rule—and especially the decision to list this option first—might well be a desirable strategy to encourage parents to reflect on what will work in their individual case. But, of course, it is impossible to evaluate this option on the time and overnight criteria that is the primary basis of NPO's evaluation.

## IV. Results

### A. Map with grades

This map is a link to a web-based interactive map with details on the elements of each county's parenting time rules that are relevant to NPO's evaluation and grading. If the link opens with a map that doesn't show the names of all of the counties, please enlarge the map in the display window.



**B. Grades**

Below are all of the counties listed by the grade NPO assigned to their local parenting time rule.

<b>A</b>	<b>Ashtabula</b>	<b>Tuscarawas</b>		
<b>A-</b>	<b>Jefferson</b>			
<b>B+</b>	<b>(none)</b>			
<b>B</b>	<b>(none)</b>			
<b>B-</b>	<b>Guernsey</b>			
<b>C+</b>	<b>Athens Clermont</b>	<b>Cuyahoga Lake</b>	<b>Licking Morgan</b>	
<b>C</b>	<b>(none)</b>			
<b>C-</b>	<b>Butler Erie</b>	<b>Hamilton Logan</b>	<b>Richland Scioto</b>	<b>Vinton</b>
<b>D+</b>	<b>Pickaway</b>	<b>Portage</b>		

<b>D</b>			
Adams	Fairfield	Lucas	Preble
Allen	Fulton	Marion	Putnam
Ashland	Gallia	Medina	Ross
Auglaize	Geauga	Mercer	Sandusky
Brown	Greene	Miami	Shelby
Champaign	Hancock	Monroe	Stark
Clark	Hardin	Montgomery	Summit
Clinton	Harrison	Morrow	Trumbull
Columbiana	Henry	Muskingum	Union
Coshocton	Holmes	Noble	Washington
Crawford	Huron	Ottawa	Wayne
Darke	Jackson	Paulding	Williams
Defiance	Lawrence	Perry	Wood
Delaware	Lorain	Pike	
<b>D-</b>			
Carroll	Madison	Seneca	
Hocking	Meigs	Wyandot	
<b>F</b>			
Van Wert			
<b>Counties with Multiple Schedules for the Same Age Group, No Default</b>			
Belmont	Franklin	Knox	Warren
Fayette	Highland	Mahoning	

### Grading of Individual Schedules in Counties with Multiple Schedules

	NPO Grade	Guide	Visitation Language?	Age Specific?	Age Categories	Hours/2Weeks	Overnights/2Weeks	Transportation
<b>Belmont County</b>								
Option 1	D	No	Yes	No	n/a	54	2	Shared equally
Option 2 (6y-12y)	C-	No	Yes	Yes	b-3m; 3m-3y; 3y-5y; 6y-12y;13y-18y	80	4	Shared equally
Option 3 (6y-12y)	n/a	No	Yes	Yes	b-3m; 3m-3y; 3y-5y; 6y-12y;13y-18y	n/a	n/a	
<b>Fayette County</b>								
Option One	D-	No	Yes	No	n/a	48	2	Shared equally
Option Two	D-	No	Yes	No	n/a	56	2	Shared equally
<b>Franklin County</b>								
Plan A	A	No	No	Yes	b-18m; 18m-18y	168	7	Shared equally
Plan B	A	No	No	Yes	b-18m; 18m-18y	168	7	Shared equally
Plan C	C+	No	No	Yes	b-18m; 18m-18y	100	5	Equally except mid-week
Plan D	D	No	No	Yes	b-18m; 18m-18y	54	2	Equally except mid-week
<b>Highland County</b>								
Highland	D	No	Yes	Yes	b-1y; 1y-18y	54	2	Shared equally
Option Two	C-	No	Yes	Yes	b-1y; 1y-18y	78	3	Shared equally
<b>Knox County</b>								
Option One	C+	No	No	Yes	b-2y; 2y-18y	93	5	Shared equally
Option Two	C+	No	No	Yes	b-2y; 2y-18y	102	5	Shared equally

	NPO Grade	Guide	Visitation Language?	Age Specific?	Age Categories	Hours/2Weeks	Overnights/2Weeks	Transportation
<b>Mahoning County</b>								
Option A	n/a	Yes	No	Yes	b-6m; 6m-1y; 1y-3y; 3y-18y	n/a	n/a	Shared equally
Option B	A	Yes	No	Yes	b-6m; 6m-1y; 1y-3y; 3y-18y	168	7	Shared equally
Option C	C-	Yes	No	Yes	b-6m; 6m-1y; 1y-3y; 3y-18y	96	4	Shared equally
Option D	C-	Yes	No	Yes	b-6m; 6m-1y; 1y-3y; 3y-18y	72	3	Shared equally
Option E	A	Yes	No	Yes	b-6m; 6m-1y; 1y-3y; 3y-18y	168	7	Shared equally
<b>Warren County</b>								
Basic I	D	No	No	Yes	b-6m; 6m-12y; 13y-15y; 16y-18y	54	2	Shared equally
Basic II	C+	No	No	Yes	b-6m; 6m-12y; 13y-15y; 16y-18y	94	5	Shared equally

## V. Conclusions

Ohio courts are failing our children. Ohio law directs courts to choose a parenting time schedule that will be in the best interest of the children (ORC 3109.051). Research on child well-being when parents live apart indicates that, in the vast majority of cases, children do best when they enjoy at least 35% of their time and overnights with each parent. And, the more closely parenting time approaches approximate equality, the better children generally do.

In light of the best scientific research on child well-being, and given the role that default schedules play in determining actual parenting schedules, National Parents Organization concludes that Ohio has a very long way to go in order to achieve the goal of promoting children’s best interest. The overwhelming majority of Ohio counties have default parenting schedules that deprive the children of a full parent-child relationship with one parent. We now know that this approach to separated parenting is very seldom in the best interest of children.

Only three Ohio counties—Ashtabula, Jefferson, and Tuscarawas—have default parenting time schedules that provide the children with equal access or nearly equal to both parents. NPO congratulates these counties for aligning their default parenting time schedules with the best scientific research concerning the well-being of children whose parents are living apart.

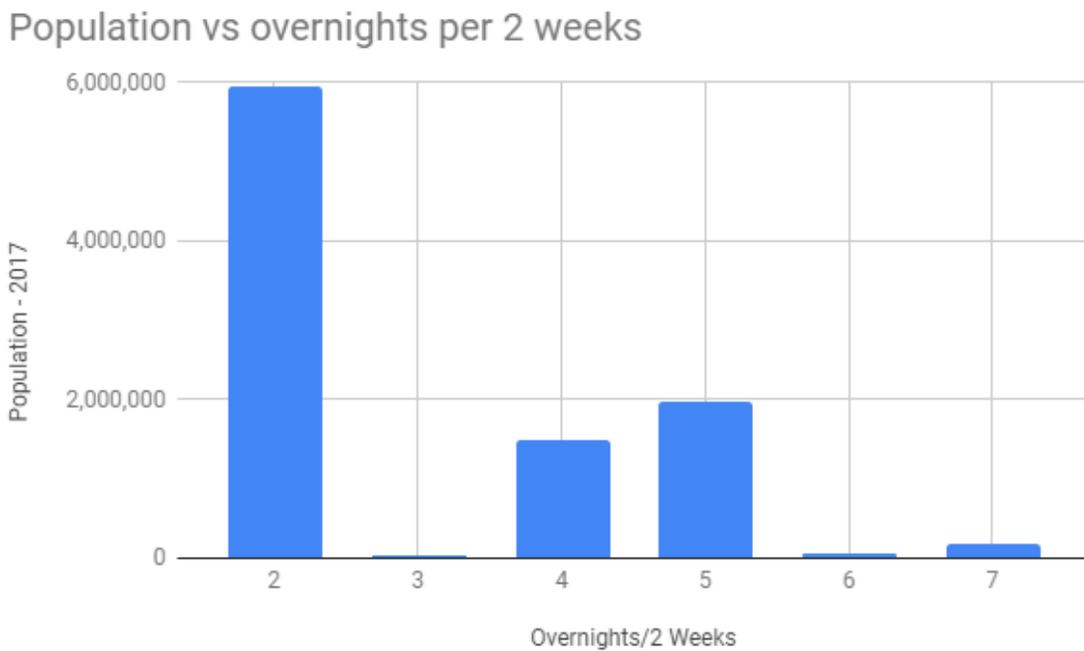
A handful of other counties are making some attempts to facilitate children’s ability to benefit from the active involvement of both parents, though to a lesser degree than Ashtabula, Jefferson, and Tuscarawas.

Disturbingly, 64 of Ohio’s 88 counties have default parenting time schedules that fit the outdated “every other weekend and one evening a week” model, or are even worse. This affords the children practically no ordinary parenting time with one of their parents.

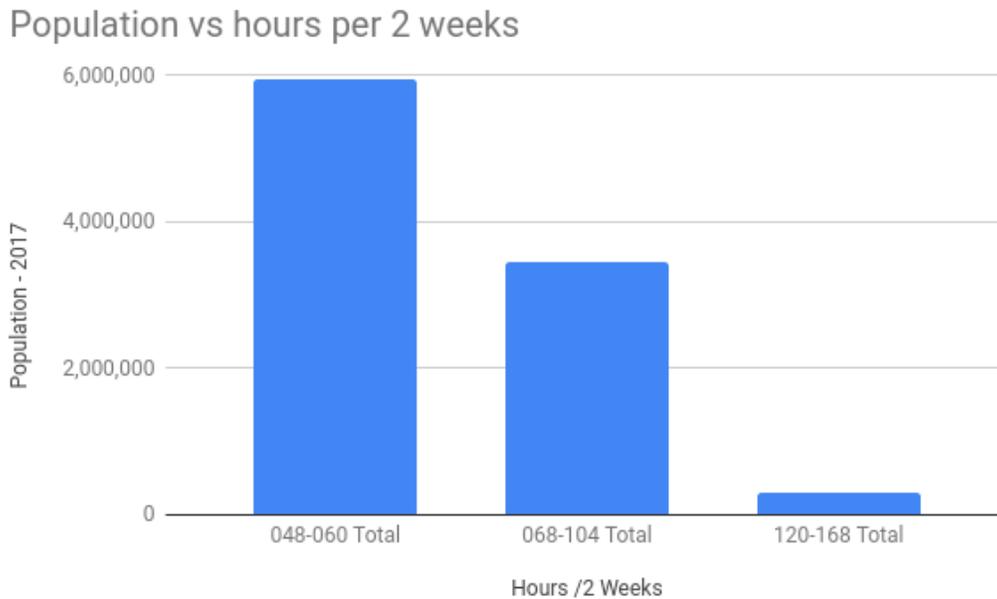
Counting the number of counties imposing various default parenting time schedules provides important information about how Ohio’s 88 county courts of common pleas address this issue—how many of them are adjusting their default schedules in light of the recent research on the well-being of children whose parents are living separately. It does not, however, provide a picture of how many Ohio families are subject to each of the different default parenting schedules. To address this question, NPO used the latest (2017) population [data from the U.S. Census Bureau](#).

Of the approximately 11.5 million Ohio residents, approximately 9.7 million live in counties with a single default parenting time schedule.<sup>10</sup> Of this number, almost 6 million are subject to default parenting schedule that accords children only two overnights and 60 or fewer hours in a two-week period with one of their parents. This means that more than 60% of Ohio’s families are, by default, subject to a parenting time schedule that is outdated, contraindicated by scientific evidence, and unjustifiably denies them a full parent/child relationship. Children in these families are, by default, denied any significant amount of ordinary parenting time with one of their parents.

At the other end of the scale, only about 2% of Ohio families—about 190,000 people—are living in counties that presumptively afford the children an approximately equal number of overnights and amount of time with each of their parents.



<sup>10</sup> Precise number are as follows, based on the U.S. Census Bureau’s 2017 estimates: Ohio population, 11,658,609; Ohio population living in counties with a single default parenting time schedule, 9,706,937; population subject to default parenting time schedule of two overnights and less than 60 hours in a two week period, 5,949,604; population enjoying a presumptive parenting time schedule of equal parenting time and overnights, 190,104.



For a system that claims to be aimed at promoting the best interest of children, and in light of the best current research on child well-being, this is a distressing result. Ohio can do better. Ohio must do better. We owe it to our children.

## VI. About the Authors

[Donald C. Hubin](#), Ph.D., is on the National Board of National Parents Organization and the Chair of the Ohio Chapter of NPO. He is a professor emeritus of philosophy at The Ohio State University and Director of the Ohio State University Center for Ethics and Human Values. Dr. Hubin is the corresponding author for this report.

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