

## **Divorce, Custody Filings Continue Decline; Unmarried Disputes over Children Climb**

The continuing decline in the number of cases filed in Ohio courts is seen in the 10-year low in actions for divorce and marital dissolution. Filings for custody, support and visitation are also down -- a trend that contrasts sharply with rising custody and visitation disputes between unmarried parents. As divorce actions track a parallel decline in Ohio marriage licenses, child-related lawsuits between cohabitating couples have increased by as much as 40 percent over the last 10 years.

Those facts emerge from a close study of the newly released 293-page *Ohio Courts Statistical Report* for 2013, the latest year for which figures are available.

The Ohio Supreme Court says total case filings at all levels of the state judiciary -- Supreme Court, appeals courts, Court of Claims, common pleas courts, and municipal/county courts -- fell 15 percent between 2004-13 and more than 3 percent in a single year, to 2.62 million cases in 2013.

The Supreme Court alone saw a 13 percent decrease in total appeals filed over the previous five years and a 6 percent decrease since 2012. Taken alone, merit cases were up by the same 6 percent, however.

Appellate filings nearly matched the average for all levels of the judiciary, dropping 15 percent since 2004 and nearly 4 percent since 2012. Court of Claims activity fell even more precipitously, for a 21 percent decline over five years and an 8 percent decline in 2013 alone.

The judiciary's most expansive jurisdiction, common pleas courts, reported separate figures for general, domestic, probate and juvenile divisions. Overall, trial courts filings fell 20 percent since 2004 and 7 percent since 2012. Foreclosure cases, which along with other civil actions constitute 87 percent of the common pleas docket, were down the sharpest. They rose steadily in the new millennium until 2010, when the trend reversed, yielding a 40-percent decline in 2013 compared to the 10-year high. With other civil and criminal filings also on the decline, the number of cases going to trial has dropped to 1.2 percent of civil actions and 2.5 percent of criminal actions -- both down by roughly a third since 2004. Ohio's trial rate is well below the U.S. average of 2 percent for civil and 5 percent for criminal cases.

Overlapping figures between domestic, probate and juvenile courts reveal a different trend. Marriage license applications in probate court and filings for divorce and dissolution in common pleas court have each dropped roughly 14 percent in the last 10 years. Divorces in families with children are falling faster than those without children, suggesting parentage may be motivating couples to work out their differences. Filings for custody, visitation and support are similarly down. Domestic violence has been and remains by far the most common legal complaint of married couples, though it too is dropping.

Meanwhile, the rise in juvenile court filings for custody and visitation by unmarried Ohioans is nearly twice the statistical drop in divorce, resulting in a 27 percent increase in child-related disputes since 2004. Taken alone, unmarried motions for permanent custody have spiked as much as 43 percent since 2010.

"The generally long-term upward trends in custody/visitation ... matters align with the downward trends in related case types heard in Ohio's domestic relations divisions. ..." the Court said. "Because divorces and

dissolutions are trending down, it is perhaps not surprising to see an increase in the volume of child support, custody and visitation litigation involving unmarried persons.”

Moreover, juvenile abuse, neglect and dependency filings, while declining in the first part of the millennium, have now risen 8 percent in the last four years.

The *Ohio Courts Statistical Report* can be read in its entirety at  
[www.supremecourt.ohio.gov/publications/annrep/13OCS/2013OCS.pdf](http://www.supremecourt.ohio.gov/publications/annrep/13OCS/2013OCS.pdf).

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