

Ohio v. OCCFSA



Supreme Court Case: Ohio v. OCCFSA – Striking Down HB 338

Supreme Court Hearing on Ohio House Bill 338

Date: March 17, 2025

In a courtroom at the United States Supreme Court, the fate of Ohio’s House Bill 338—which allows for the indefinite extension of child support for disabled individuals beyond the age of 18—hangs in the balance.

The bill, which has ignited national controversy, stands accused of violating the constitutional rights of

fathers, particularly Aboriginal (Black) men, by creating a system of financial entrapment that disproportionately impacts them.

On one side, Senator Amelia Westbrook (Independent, Ohio), acting as lead counsel for the petitioners, represents a coalition of fathers wrongfully charged with child support, many of whom were later found not to be the biological fathers of the children in question. Her arguments are bolstered by years of data showing systemic inequities in Ohio's child support enforcement, particularly against Black men, who have been forced to pay child support even in cases where paternity fraud is later revealed.

On the other side of the aisle, Senator Patricia Greene (Republican, Ohio) stands as the chief defender of HB 338, arguing that the state's commitment to supporting disabled individuals into adulthood is paramount. She asserts that the bill is an important safety net for vulnerable individuals who might otherwise fall through the cracks. Her defense will hinge on the state's interest in providing long-term care and support, though critics argue that the bill lacks safeguards to prevent the exploitation of fathers.

Today, the nine justices of the Supreme Court will weigh in on one of the most contentious child support cases in recent history, with far-reaching implications not only for the state of Ohio but for the nation. At the heart of the debate is a question that strikes at the core of American family law: Where does the line between providing support for disabled children and protecting the constitutional rights of fathers begin and end?

As both sides prepare to make their opening statements, the room is thick with tension. The justices are poised to ask tough questions, and the stakes couldn't be higher. If HB 338 is upheld, it could set a precedent for extending child support indefinitely under vague claims of disability, but if it is struck down, it may unravel years of state legislation aimed at supporting disabled individuals. Both legal teams know this decision could redefine parental rights, equal protection, and the limits of state power in family law for years to come.

The time has come for the Court to hear the case of Ohio House Bill 338, where fathers seek justice, and the state defends its laws in the name of care for the vulnerable. The battle for fairness, accountability, and constitutional protection begins now.

On April 15, 2025, the U.S. Supreme Court convened to hear the pivotal case, *Ohio v. OCCFSA*, which centered on the constitutionality of HB 338. The case brought forward by Senator Amelia Westbrook and Senator Heather Graham, acting as lawyers for the Ohio Child Custody and Fair Support Act (OCCFSA), focused on the abuse of the child support system through the extension of payments for individuals with disabilities past the age of 18. The arguments in the Court highlighted the broader constitutional issues of due process, equal protection, and financial exploitation.

Opening Statements:

Senator Amelia Westbrook (Lawyer for OCCFSA):

“Your Honors, HB 338 overextends Ohio’s child support obligations and directly violates the constitutional rights of fathers, especially from marginalized communities. By forcing indefinite child support payments for adults with disabilities, without robust legal safeguards, the state effectively allows itself to financially exploit fathers, especially those who are wrongfully accused. We must strike this law down to restore fairness in our legal system and end state-sanctioned financial abuse.”

Ohio State’s Attorney General, Marcus Harrington (Defender of HB 338):

“Your Honors, the state has a compelling interest in ensuring that children, particularly those with disabilities, continue to receive financial support after they turn 18. Many disabled individuals cannot provide for themselves, and extending child support beyond adulthood is necessary to ensure their well-being. HB 338 simply reflects the state’s responsibility to care for its most vulnerable citizens.”

Debates:

Chief Justice Laura Abbott (Leading the Court):

“Senator Westbrook, are you suggesting that there is no legitimate state interest in supporting disabled adults through extended child support? Doesn’t the Social Security Act and ADA justify protections for disabled individuals?”

Senator Amelia Westbrook:

“Justice Abbott, the state’s interest in protecting vulnerable individuals should not come at the expense of due process and fair treatment under the law. While the ADA ensures protections for disabled individuals, HB 338 creates a financial loophole, allowing parents—particularly fathers—to be locked into payments indefinitely, without any mechanism to challenge the validity of those disability claims. Ohio Revised Code Section 3119.30, which governs child support, provides no protections for fathers when disability status is misrepresented or exaggerated. This opens the door for fraud.”

Justice Daniel Rodriguez (Skeptical of the OCCFSA):

“But, Senator Westbrook, doesn’t the extension of support under HB 338 align with Ohio’s legitimate state interest in protecting its disabled population, particularly if those adults are incapable of self-sustenance? Shouldn’t we prioritize the well-being of these individuals, even at the cost of extended child support?”

Senator Heather Graham:

“Your Honor, the state’s argument presumes that the disability status of these adults is legitimate in all cases, but we’ve already seen rampant fraud in Ohio’s child support system. Under 42 U.S.C. § 654, child support must be administered equitably, and the Family Support Act of 1988 mandates that child support be terminated at the age of 18 unless the child remains in school or has a legitimate disability. The problem with HB 338 is the lack of due process for fathers. They have no recourse to challenge the disability claim or verify the ongoing necessity of payments. In cases where paternity is in question, Ohio continues to wrongfully charge fathers without adequate legal protections. This is a direct violation of the 14th Amendment’s Equal Protection Clause.”

Justice Evelyn McKinnon (Supporting HB 338):

“But Senator Graham, isn’t the risk of harm to disabled individuals—those truly unable to support themselves—more significant than the risk of minor financial exploitation? Should we endanger their survival over the fear of a few fraudulent cases?”

Senator Heather Graham:

“Justice McKinnon, the issue isn’t about minimizing support for those truly in need, but rather ensuring that the system isn’t weaponized against innocent fathers. For instance, in Ohio alone, we’ve had 88 Black fathers wrongfully charged for children they didn’t father, and they were never reimbursed. Extending child support beyond 18 only prolongs this abuse. Fathers should not have to suffer financial devastation while the state fails to enforce proper paternity verification or disability claims. We’re simply asking for due process and fairness before the state continues to drain the pockets of innocent men.”

State's Defense:

Attorney General Marcus Harrington:

“Your Honors, HB 338 reflects the reality that children with severe disabilities often require lifetime care, and it’s unreasonable to cut off support simply because they’ve reached adulthood. The Americans with Disabilities Act (ADA, 1990) obligates us to ensure that disabled adults have the necessary resources to live with dignity. The state has taken measures to prevent fraudulent claims, and HB 338 includes provisions to

verify ongoing disability status. Moreover, the Family and Medical Leave Act (FMLA) allows for paternity testing, ensuring fathers are not unfairly targeted. The state’s interest in protecting vulnerable disabled individuals must outweigh the risk of isolated abuses.”

Justice Paul Cunningham (Challenging the State’s Position):

“Attorney General Harrington, how do you address the serious concerns about fraudulent disability claims? The 14th Amendment protects individuals from unjust financial impositions. Should the state not be held accountable for failing to prevent wrongful charges? We’ve heard about dozens of cases where fathers were falsely charged, and this law risks exacerbating that injustice.”

Attorney General Harrington:

“Your Honor, I acknowledge that there have been cases of fraud, but those are exceptions, not the rule. The state has implemented new verification procedures under HB 338 to ensure that only individuals with legitimate disabilities continue to receive support. Furthermore, we have provided avenues for fathers to

challenge disability claims under Ohio Revised Code Section 3119.30, and these checks are in line with federal laws like the Social Security Act.”

Final Arguments:

Senator Amelia Westbrook:

“Your Honors, while the state claims to have taken steps to address fraud, it is undeniable that the system is inherently biased against fathers. The Family Support Act of 1988 sets clear limits on child support, and HB 338 undermines this federal law by extending support indefinitely, without ensuring adequate safeguards against wrongful charges. The fact that fathers can continue to be wrongfully charged even after DNA evidence disproves their paternity is a gross violation of due process. We are not asking the Court to eliminate support for disabled adults; we are asking for a system that doesn’t exploit innocent fathers and drain their financial resources indefinitely.”

Attorney General Marcus Harrington:

“Your Honors, the state’s compelling interest in ensuring the well-being of disabled individuals cannot be understated. While there may be isolated instances of abuse, HB 338 includes provisions to protect against fraud and provides necessary support to some of Ohio’s most vulnerable citizens. The state’s responsibility under the ADA and the Social Security Act mandates that we do not abandon these individuals when they turn 18. Striking down HB 338 would leave many disabled individuals without the financial means to survive, and the state’s mechanisms for protecting fathers from unjust charges remain intact.”

The Supreme Court Ruling:

After extensive debate, the U.S. Supreme Court ruled in a 5-4 decision to strike down HB 338, upholding the OCCFSA.

Majority Opinion - Justice Jonathan Price:

“While the state has a legitimate interest in caring for disabled adults, HB 338 creates an environment where financial exploitation of fathers is not only possible but highly likely. The lack of adequate safeguards against fraudulent claims, and the continued imposition of child support after the age of majority without due process, constitutes a violation of the 14th Amendment’s Equal Protection Clause. The law as written allows for indefinite financial exploitation under the guise of protecting disabled adults, which cannot stand under our Constitution.”

Dissenting Opinion - Justice Diana Collins:

“The state’s responsibility to care for its disabled citizens justifies the extension of child support beyond the age of 18. HB 338 is a necessary step to protect those individuals, and while the concerns over fraud are legitimate, the provisions in the law offer sufficient protection for fathers. The ADA and Social Security Act mandate the state's involvement in the well-being of disabled individuals, and striking down this law could leave many without the resources they need to survive.”

Conclusion:

The Supreme Court’s decision marked a significant victory for fathers’ rights and child support reform, emphasizing the importance of protecting individuals from financial exploitation. While the state’s interest in

caring for disabled individuals was recognized, the Court ultimately ruled that due process and equal protection must take precedence in the application of child support laws.

Speech by Dr. Bianchi, Lead Attorney for House of Mason Publishing

In front of the Supreme Court Building, Washington D.C.

"Good afternoon, ladies and gentlemen. Today, we celebrate not just a victory for fathers, but for all parents, regardless of gender. The Supreme Court's decision to strike down Ohio House Bill 338 is a victory for justice, fairness, and the constitutional rights of every individual who has been wrongfully burdened by an unfair child support system. For too long, both men and women have been subjected to a system that lacked the accountability necessary to ensure due process and equal protection.

As a woman, I know all too well the challenges of navigating a world where pay disparities and systemic biases exist. I have spent my career advocating for women in the corporate world, fighting to close the gap that holds us back. But today, this case extends beyond gender—it is about the fundamental right to fairness for all parents—fathers and mothers alike—who deserve to be treated with respect and dignity when it comes to their responsibilities and rights.

We have shown that the law must be just and equitable for all, regardless of the gendered assumptions society may make. This victory represents progress for both men and women, ensuring that child support laws are enforced fairly, without unjust burdens or biases. We are proud to have stood on the right side of history, and we will continue to fight for those whose voices need to be heard.”

(Dr. Bianchi smiles as the crowd applauds.) “This is just the beginning. The fight for justice never ends.”

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