



Safe Children, Stable Families, Supportive Communities

House Criminal Justice Committee
Interested Party Testimony on Sub HB394
May 22, 2018
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The Public Children Services Association of Ohio (PCSAO) appreciates the opportunity to provide interested party testimony for HB394. PCSAO is a membership driven association of Ohio's county Public Children Services Agencies that advocates for and promotes child protection program excellence and sound public policy for safe children, stable families and supportive communities.

PCSAO has not taken a position for or against HB394. However, we oppose provisions added to the substitute bill that would allow guardians ad litem to file for, and courts on their own motion to, place a child in a planned permanent living arrangement (PPLA). We are concerned for two reasons. First, this is a significant policy change that we believe deserves a thorough examination on its own, rather than as an add-on to this juvenile law reform bill. Secondly, we believe this provision will lead to more youth being placed in PPLA and then emancipating from foster care without permanency and at risk for poor outcomes.

I want to acknowledge that PCSAO works closely with Rep. Rezabek on many issues related to children services. We appreciate his leadership and deep understanding and support for children and families served by children services and for the work of the county public children services agencies. We have had the opportunity to discuss PPLA with the Representative a number of times, and we have agreed to disagree on this issue.

What is PPLA?

Established by The Adoption and Safe Families Act of 1997, Planned Permanent Living Arrangements (PPLA) is a child custody status in which parental rights of the child are maintained and reunification and adoption efforts are not required. It is the least preferred permanency goal for children in out-of-home care.

In 2014, federal lawⁱ restricted PPLA to children age 16 and older. PPLA custody status is allowable if a court determines it to be in the best interest of the child and at least one of these criteria existsⁱⁱ:

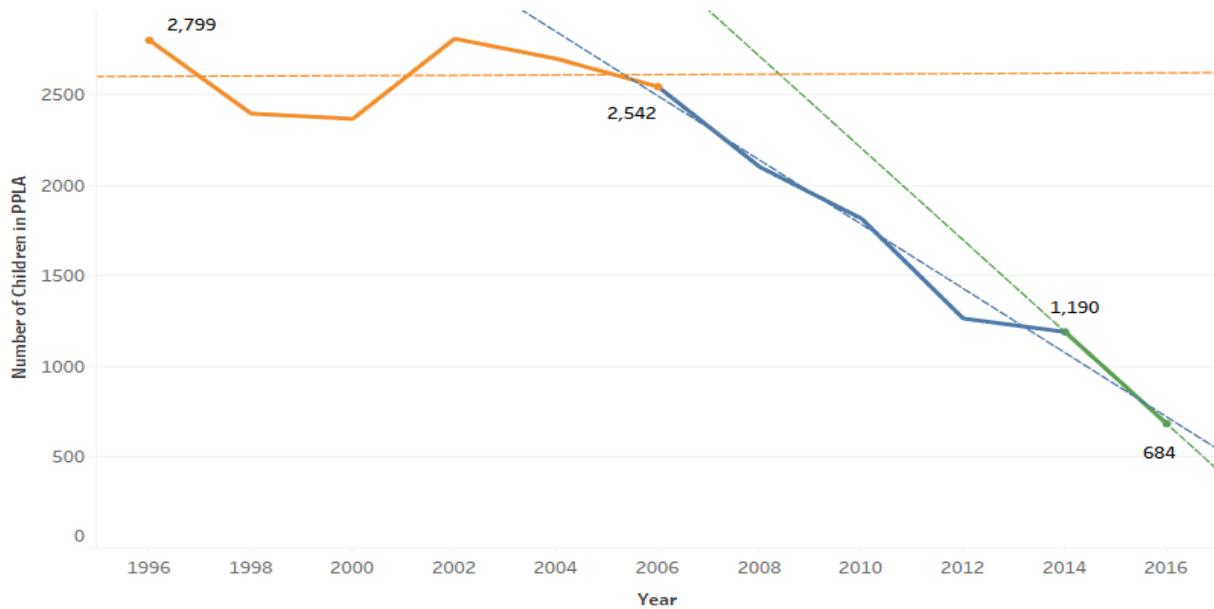
- The child is unable to function in a family-like setting and requires institutional care
- The child's parents are unable to provide necessary care because of mental or physical problems, adoption is not in the child's best interest, and the child maintains a good relationship with the parents
- The child is unable or unwilling to adopt to a permanent placement, and is preparing for independent living

In all cases, the child's custodial agency must recommend PPLA, and a juvenile court must then make a formal disposition based on the best interest of the child, as established by *In re A.B.* 2006-Ohio-4369. In this case, the Ohio Supreme Court ruled that a juvenile court is not authorized to place a child into PPLA unless a PCSA or PCPA specifically requests that disposition.ⁱⁱⁱ In Judge Lundberg Stratton's decision, she asserts that ORC 2151.353 (5) unambiguously states that an agency must request a PPLA disposition and that PPLA lacks the permanency envisioned by the legislature.^{iv}

The intent of Planned Permanent Living Arrangements (PPLA) is to prevent children from experiencing long term foster care. However, many children in PPLA still experience the typical outcomes of long term foster care, including aging out without permanency, leading to higher risk of homelessness, early parenting, unemployment, and incarceration. Without proper restrictions and necessary criteria, PPLA too often is a default disposition for children unable to find permanency through reunification or adoption.

Because of these concerns, over time, stronger criteria for placing a child in PPLA have been implemented and the impact is clear: restrictions have effectively reduced the number of children in PPLA and, therefore, reduced the number of children at higher risk of leaving the system without permanency.

Restrictions on PPLA Usage



- Adoption and Safe Families Act (1997) - PPLA is implemented
- In re A.B. 2006-Ohio-4359 (2006) - Ohio Supreme Court rules that juvenile court cannot place children into PPLA unless a PCSA or PCPA requests that disposition
- Preventing Sex Trafficking and Strengthening Families Act (2014) - PPLA can no longer be a permanency goal for children under the age of 16

Figure 1: Effect of major legislative and legal restrictions of PPLA on the number of children in PPLA. Dashed lines represent trend lines. Following each major restriction (in 2006 and 2014), the number of children in PPLA decreased. Trend lines show the projected number of children in PPLA under current policies. The trend towards less children in PPLA disposition improves with each additional restriction; the rate at which the number of children are placed in PPLA is falling dramatically.

For these reasons, PCSAO respectfully asks that Sub HB394 be amended to delete the PPLA provisions. This will allow this significant policy proposal to receive the examination and debate it deserves on its own. Thank you.

ⁱ “Preventing Sex Trafficking and Strengthening Families Act of 2014.” National Conference of State Legislatures, 6 Oct. 2016, www.ncsl.org/research/human-services/preventing-sex-trafficking-and-strengthening-families-act-of-2014.aspx.

ⁱⁱ *Planned Permanent Living Arrangements (PPLA) in Ohio*. Ohio Association of Child Caring Agencies, Inc., 2011, *Planned Permanent Living Arrangements (PPLA) in Ohio*, www.oacca.org/documents/OACCAPPLADiscussionPaper.pdf.

ⁱⁱⁱ Hornby Zeller Associates, Inc. Ohio Children in Planned Permanent Living Arrangements Trends and Outcomes. Ohio Department of Job and Family Services, 2007, Ohio Children in Planned Permanent Living Arrangements Trends and Outcomes, jfs.ohio.gov/ocf/PPLAReportJune2007_final.pdf.

^{iv} In Re A.B. 110 Ohio St.3d 230, 2006-Ohio-4359. Ohio Supreme Court. 2006. *Supreme Court of Ohio and the Ohio Judicial System*. Web.