

Ohio House of Representatives



State Representative Bernadine Kennedy Kent

Sponsor Testimony

House Bill 638

Good morning Chairman Manning, Vice Chair Rezabek and Ranking Member Celebrezze. I am both honored and excited to have the privilege to speak before you this morning on House Bill 638.

H.B. 137, which would require peace officers to act as mandated reporters in the State of Ohio, was born from the suffering of five child victims, who were neglected, terrorized and repeatedly physically and sexually assaulted within their home. I am here today to introduce H.B. 638, also born from the same child victims. H.B. 638 would extend the period of limitations for any criminal offenses involving a minor as the victim.

Currently law dictates the period of limitation for a violation that involves or indicates abuse or neglect of a child under eighteen years of age or of a child with a developmental disability or physical impairment under twenty one years of age shall not begin to run until either of the following occurs: (1) The victim of the offense reaches the age of majority, or (2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring

or has occurred, has been notified that abuse or neglect is known, suspected, or believed to have occurred.

I have spent years advocating for child victims of rape and abuse and continue to do so; and, in this case and others, some children services and law enforcement officials are notified, but treatment, protection and justice gets denied for various reasons - victims considered less credible based on such criteria as economic level, race, gender, sexual orientation or based on the age of the child or on an official's own personal biases, political favors owed or blind loyalty; often to the reported child victim's permanent detriment.

My direct advocacy for child victims of abuse that included the reporting of repeated physical and sexual assault is not a **“personal vendetta”**, **“a political circus”** or the **“misuse of taxpayer dollars”** as the leader of the Democratic caucus recently stated in an April 23, 2018 Dispatch article. I am the trusted **“adult”** child victims as young as 3 years old chose to tell; however, it is these types of statement that are dismissive of the sexual assault of impoverished children of color, who should matter just as much as any other #metoo victim, that further increases the need for H.B. 638.

Although there are many caring, dedicated and hard working peace officers within the Columbus Division of Police and caseworkers within Franklin County Children Services, as you will see from an excerpt from a video deposition that I am about to play, there are situations where personal biases can directly affect whether child victims of reported neglect and abuse receive justice before their statute of limitation runs out.

In this video, you will hear a lieutenant, who was head of the Columbus Division of Police's Family Crime Unit and who was being defended by the City Attorney Office's Chief Litigator at the time, without hesitation or humanity, admitting in a deposition under oath in a court of law that he is arbitrarily sending violent child abuse reports to his **"junk mail"**.

Equally distressing, when I reported my initial concerns for these child victims, who could not self-protect, to a Franklin County Children Services caseworker via email on May 31, 2012, the response of the caseworker to his supervisor the day after receiving the emailed report with the subject of **"Safety Assessment"** was verbatim the following:

"I received this email yesterday from the child advocate. I read it I don't think I can do anything with it. I am concerned that the child advocate is going to use this open case to present evidence that is not in our intake referral and make us look bad. I know that she is willing to run to our legal department quick. I wanted to keep you informed and ask what would you do in this situation."

To date, these reported child victims have been denied treatment, protection and justice. I have also investigated and identified five additional child victims of sexual assault, whose perpetrators have neither been adjudicated, arrested, charged, nor taken before a grand jury; yet, the statute of limitation for the horrific crimes committed against them is ticking.

Sadly, in considering the passage of H.B. 638, legislators will have to think the unthinkable of

some public servants charged with ensuring the safety and protection of children. H.B. 638 would take out the provision under the statute that requires the statute of limitation to start running once the child abuse and neglect is reported to a public children services agency or a peace officer.

The statute of limitations would not begin to run until the victim of the offense reaches the age of 18 and/or 21, at which time child victims may be better prepared to exercise their rights under the Ohio Constitution; better prepared to address their childhood abuses resulting from growing up in a toxic, turbulent and violent environment; and better prepared to challenge those who view the lives of certain child victims as less valuable.

Thank you again for your time Chairman Manning, Vice Chair Rezabek and Ranking Member Celebrezze and fellow committee members. I am happy to take any questions that you may have.