

Proponent Testimony on House Bill 406
House Government Accountability and Oversight Committee
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Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the committee, thank you for the opportunity to provide proponent testimony on HB 406, legislation to include forensic evaluators and providers of probate evaluations as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

I am one of approximately 350 psychologists nationally who are board certified in forensic psychology by the American Board of Professional Psychology. In that capacity I have completed or consulted on thousands of forensic evaluations in the last 25+ years. I am the Director of Forensic and Specialized Assessment Services at Netcare, where I supervise the Forensic and Probate departments, both of which would be directly impacted by HB 406. In those capacities, I have been threatened, stalked, and even assaulted by individuals whom I have evaluated. I recognize and accept the inherent risks taken when working to evaluate individuals who as a result of mental illness pose a threat to the safety of themselves or others, or meet legal criteria for incompetency or insanity. What I cannot understand or accept is why my home address would be available to such individuals, exposing my spouse and children to risks in our private lives.

HB 406 will remedy what in my view is a huge gap in the Ohio Revised Code that exposes individuals doing forensic evaluations and probate pre-screenings, and our families, to unnecessary risk of violence. The current provisions of ORC sections 149.43 and 149.49 allow for a variety of professionals to have their voter registration information exempted from disclosure under Public Records Law. Professionals (e.g., peace officers, probation officers, correctional employees) who routinely interact with individuals involved with the criminal justice system currently enjoy these protections. In our roles as forensic evaluators and probate pre-screeners we work with precisely the same population, many of whom have serious mental illness. Please understand that I am not asserting or implying that all individuals with mental illness are violent. Just the opposite. Most violence is not committed by people with mental illness, and most people with mental illness are not violent. However, a small percentage of individuals with serious mental illness do pose significantly higher risk, and it is these individuals with whom we often interact. Our assessments, which are used by courts to make decisions about legal issues, sometimes result in the individual's civil liberties being restricted. The way we see these decisions is often very different than the way evaluatees do. For example, when we file an Affidavit in Probate Court for involuntary psychiatric hospitalization, as we see it, we are protecting safety, be it the public or the person on whom we are filing. When we opine in criminal court that a defendant is competent or sane, as we see it, we are helping Judges make difficult legal decisions with expert analysis of mental health data. It should come as no surprise that in some cases these evaluatees, many of whom have seriously disordered thinking and judgment, look for someone to blame for a decision that they dislike, and we end up in the crosshairs.

Kendra's Law, Laura's Law, Marsy's Law – all of these and many others laws were enacted in other states after a tragedy and named for victims. HB 406 is a rare opportunity to take sensible preventive action. We don't need a Terry's Law or a Meredith's Law after a tragedy, do we? Laws should protect rather than expose citizens to risk, and should not require a victim to be insituted. I implore you to close this dangerous loophole in the law that exposes us and our families to unnecessary risk.

In closing I would like to thank Representative Lanese for her work on this bill, and ask the committee to vote yes on the legislation. Thank you for allowing me to testify in strong support of this legislation. I will be happy to answer any questions you might have.