

Ohio Senate
Judiciary Committee
May 22, 2018
Proponent Testimony on H.B. 283
David W. Haverfield, Director

Good Morning Chairman Bacon, Vice-Chairman Dolan, Ranking Member Thomas and members of the Judiciary Committee. My name is David Haverfield and I am the Director of Tuscarawas County Job & Family Services. Thank you for allowing me the opportunity to testify today in support of House Bill 283.

Most of my professional career has been dedicated to the work of child protection. First as an attorney representing parents and as a Guardian ad Litem, and later as an in-house attorney at Tuscarawas County Job & Family Services for 15 years.

House Bill 283 will be a welcome solution to a challenging problem that was manifested in the Ohio Supreme Court decision in *State ex rel. Allen County Children Services Bd. V. Mercer Cty. Common Pleas Court, Probate Div., 2016-Ohio-7382*. In that case, the Ohio Supreme Court held that the Probate Court has exclusive jurisdiction to approve an adoption of a child that was already subject to the jurisdiction of the juvenile court where a child protection case was already pending.

One thing that many years in a courtroom has taught me is that the court process itself creates confusion and uncertainty. This is only amplified when a case may be subject to involvement from two different courts in different counties at the same time. This has the potential to create confusion and uncertainty in a process that is already filled with high emotion and other challenges. This is particularly hard for the children whose future depends upon expedient resolution of the very issues this bill will address.

House Bill 283 provides a very clear process to determine which court will have jurisdiction. If a child protection case is pending in juvenile court, the consent of the juvenile court judge will be required to transfer the case to the probate court. This recognizes that each case is very different and requires a review by a court with the best information to decide whether transferring jurisdiction is best for the child in question. And in child protection cases, the juvenile court judge will have the best information gathered from not only the agency and parents, but a court appointed and neutral Guardian ad Litem.

This legislation will not make adoption more difficult or harder for families to achieve. Only in cases where a child is in the temporary custody of a public children services agency or under the protective supervision of an agency will this statute come into play. And, for those cases, it provides a clear and straightforward process to resolve jurisdictional issues and keep the focus where it belongs--on the best interest of the child. Thank you and I am happy to answer any questions you may have.