



*Turning lives around one child at a time.*

### **Interested Party Testimony on Senate Bill 13**

I thank you for this opportunity to submit interested party testimony for Senate Bill 13.

I am Judge Linda Tucci Teodosio from the Summit County Juvenile Court. I have served as a juvenile judge since 2003 and have introduced programs for youth who are victims of human trafficking, for youth with co-occurring mental illness and/or substance dependence, for youth with developmental disabilities, and for parents that have lost custody of their children due to addiction

I am unable to attend personally for the hearing on this Bill on February 13, 2020 but would like to provide written testimony in support of Senate Bill 13. Although I support the concepts behind this bill, there are areas where it could be further improved to help juvenile human trafficking victims and juvenile courts. Although I am submitting testimony as an individual, the Ohio Judicial Conference supports these suggestions and would be happy to work with the sponsor on improvements to the bill.

#### **Appointment of Guardian ad Litem**

The Bill requires the appointment of a Guardian ad Litem (GAL), who is not the same person as the attorney for the child, in all “prostitution-related offenses” and in cases in which the child is a victim of human trafficking. The appointment of a GAL is important to fully protect the rights of youth in these circumstances. It has been my experience that parents and/or guardians of these children may often have a difficult time in understanding the dynamics of trafficking due to their lack of training and knowledge around trafficking. As a result, the parent and/or guardian may not be in a position to advocate for the best interests of their child, despite their best intentions. A GAL, especially those who have received training regarding the dynamics of trafficking can provide the Court with useful recommendations that will allow the Court to make decisions in the best interests of the child.

I would suggest that some thought be given to two areas that may be of concern to my fellow Juvenile Judges. First, most of us operate on a very tight budget and the additional costs of providing GAL’s to these children may be a hardship to many Courts. Secondly, there is a definite shortage of GAL’s that have received the training necessary to advocate for victims of human trafficking. Anything that the legislature could do to assist with funding for these two concerns would be appreciated.

#### **Hearing Requirement**

The current version of the bill allows a child, a parent of a child, a child’s attorney or a child’s guardian ad litem to file a “trafficking in persons-based petition” if a child is a victim of trafficking in persons and the alleged delinquent act is either a prostitution, soliciting or other similar charge or if the alleged delinquent act is related to the child’s victimization. Under the current bill, the Court has the ability may grant the petition without a hearing. If a hearing is set on the petition, the Court must give timely notice to the Prosecutor, who would then have the ability to object to the petition. I believe that these provisions are appropriate as both are consistent with the court’s authority pursuant to Juvenile Rule 9 to divert appropriate cases from formal court action. Further, it allows the State to have a voice in those cases where the Court is determining whether or not to exercise its authority to divert the case.



Recently, the Supreme Court of Ohio considered the juvenile courts' authority under Juv. R. 9 in the case *In Re. D.S.* The Supreme Court ruled that dismissal pursuant to Juv. R. 9(A) of a complaint of three delinquent charges of gross sexual imposition was not an abuse of discretion. The Supreme Court stated that "a full formal court proceeding... is precisely the kind of proceeding that Juv. R. 9(A) empowers a juvenile court to avoid—a review of the details of a sexual interaction between children under the age of 13. A juvenile court's primary concern is not always to determine culpability for acts that would be crimes if committed by an adult."<sup>1</sup>

Likewise, the juvenile court should maintain the discretion to divert cases into "Safe Harbor" under Juv. R. 9 and avoid a formal hearing that could re-traumatize a juvenile human trafficking victim. We recommend these hearing provisions revert back to the current statutory language that is silent as to whether an abeyance hearing is required before holding the complaint in abeyance.

I also fully support the provision that the statement made by the child throughout the course of the hearing are inadmissible in any subsequent proceeding against the child. This will best allow the child and/or their advocates to explain how the alleged offense is related to their status as a victim without sacrificing their constitutional right to not be a witness against themselves.

### **Extended Abeyance Period**

The substitute bill extends the law's current 270-day maximum abeyance period to a 360-day period while the child engages in diversion action. I fully support this extension because I and other juvenile courts have found the current timeframe too limiting in many cases because of the complex nature and trauma suffered by juvenile human trafficking victims. Currently, a judge has only 270 days to ensure that a juvenile victim of human trafficking has been diverted and is successfully receiving treatment before being required to make the decision whether to dismiss the charge or proceed to adjudication. This is simply not enough time. I suggest extending the time frame up to 18-months.

### **Removal of distinctions between minors**

The bill provides that there will no longer be a distinction between minors in the application of the State's Safe-Harbor provisions. It removes the requirement that compulsion be demonstrated for minors who are 16 or 17 years old at the time of the alleged offense and makes them eligible if their offense is one of those specifically delineated or if their offense is related to their status as a victim. Such an amendment would provide equal treatment for all of Ohio's children and bring Ohio in line with Federal law relating to human trafficking.

I am happy to discuss further clarification and improvement of this bill, if this Committee believes it is necessary. I thank you for your consideration and am happy to make myself available to answer any questions you may have.

Respectfully submitted,



Judge Linda Tucci Teodosio

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<sup>1</sup> *In Re. D.S.*, 2017-Ohio-8289 at ¶ 11.