



Safe Children, Stable Families, Supportive Communities

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Opponent Testimony SubHB508

House Civil Justice Committee

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Chair Hillyer, Vice-Chair Grendell, Ranking Member Galonski, and Members of the Committee, my name is Mary Wachtel, and I am the director of public policy for the Public Children Services Association of Ohio (PCSAO). PCSAO is a membership-driven association of Ohio's county public children services agencies (PCSAs) that advocates for sound public policy, promotes program excellence, and builds public value for safe children, stable families, and supportive communities. Thank you for the opportunity to provide this interested testimony regarding Sub HB508.

PCSAO and its members have followed HB508 closely since it was introduced. While we identified some questions and concerns with the as-introduced version, in general alignment with other organizations who are here to testify today, we did not take a position on the bill. That changed with the introduction of the substitute bill. Our members have identified two issues in the substitute bill which will directly impact PCSAs and which we oppose:

- 1) Section 3109.0494 (B): This language gives courts the authority to order PCSAs to supervise visitation when a parent "unreasonably interfered in parenting time". There are no other restrictions or provisions the court would need to consider before ordering a PCSA to supervise this parenting time order. The current statutory scheme already provides a solution for that problem – permitting a party to file a Motion to Show Cause allowing the court to respond to a party's failure to follow court orders.

Contrast this to the current allowance under (E)(6) of [Section 3113.31](#). ORC 3113.31 limits the court's power to order the PCSA to supervise parenting time to only in circumstances of domestic violence and in specific cases where the court has determined that the child is in danger from the respondent and no other person or agency is available to provide the supervision. It also includes a provision by which the court can require the respondent to reimburse the agency for the cost of the supervision if the respondent has means to pay. This existing statute demonstrates that the General Assembly understands the primary focus of children services agencies is child safety.

The proposed language in Sub HB508 is contrary to that understanding; it would allow PCSAs to be ordered to provide supervised visitation with no finding of abuse/neglect or danger to the child. This is outside the scope of the PCSAs' primary focus and will divert already-stretched PCSA resources (staff, space, and funding) from our mandated work to keep children safe to providing supervision of visitation in situations where parents cannot cooperate.

- 2) Section 3109.0423 (C): This provision, which requires courts to consider whether a party "communicated false information to law enforcement, a public children services agency, or the court.....", creates a conflict with the confidentiality of PCSA records. PCSAs are required by law to maintain confidentiality of the reporting source, with an exception for law enforcement's need for investigative purposes. ([See Section 2151.421 \(I\) \(1\)](#)). There is no legal mechanism for PCSAs to disclose a referral source to a court for this reason.

The standard for a report is "**suspicion** of abuse, neglect, dependency." This provision could have a chilling effect on parents as reporting sources by implying that they must prove their suspicion is "true."

It is our understanding that these changes were included in the Sub Bill to address questions and concerns expressed regarding the bill as introduced. However, it is important to consider the unintended consequences of these provisions and the negative impact they will have on the ability of PCSAs to carry out their mandated work. For these reasons, we oppose Sub HB508 as is and respectfully request that these provisions be removed. Thank you.