

# children's defense fund ohio

## House Families, Aging, & Human Services Committee

### House Bill 4 – Interested Party Testimony

May 6, 2021

Chair Manchester, Vice-Chair Cutrona, Ranking Member Liston, and members of the House Families, Aging, & Human Services Committee, thank you for the opportunity to provide interested testimony regarding House Bill 4.

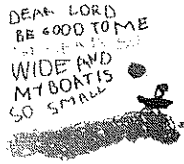
CDF-Ohio is a statewide non-profit organization which serves as an independent voice for all children. Our mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. We work to champion policies and programs that lift children out of poverty, protect them from abuse and neglect, and ensure quality education as well as appropriate and targeted access to resources to meet children's health and nutrition needs.

I am writing to encourage you to implement an Independent Youth Ombudsman Office to act as a safeguard to ensure that youth have someone to call who will listen and advocate for them, protecting the rights of children and youth in care by investigating and resolving reports brought by youth in biological, kinship, foster, adoptive, respite, residential and group home placements.

As others have testified, the \$1 million in the FY22-23 biennial budget bill, HB110, to establish an Ombuds is within the appropriation authority of the Department of Job and Family Services. One of the reasons cited is that other states have structured their offices within their Human Services department, notably the state of California. I would like to read from research prepared by the National Center for Youth Law to address reasons that California is rethinking that approach.

"California's foster care ombudsman is under the administrative control of the Department of Social Services, the very department responsible for the state's foster care program. This structure creates direct conflicts of interest—or, at the very least, the appearance of conflicts—because the department director controls all aspects of the program's operation and allocation of resources. This means the ombudsman has no independent authority to recommend policy or program improvements.

Moreover, the Department of Social Services director, in consultation with a committee of interested individuals, appoints the ombudsman to a four-year term; thus, the ombudsman reports directly to the person who oversees the foster care program. While this arrangement may limit internal conflicts, it is incompatible with the ombudsman's responsibility to ensure compliance with administrative actions, statutes, rules, and policies related to foster care services and the treatment of children under the state's care.



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Other ombudsman programs in California have greater independence from the entities they must regulate. For example, patients' rights services for mental health patients and their families are contracted out "to avoid the potential for a conflict of interest or the appearance of a conflict of interest..."; a private, nonprofit entity protects and advocates for the rights of persons with disabilities; and an inspector general oversees the Department of Corrections, including the Division of Juvenile Justice. The inspector general's office is a separate department that "shall not be a subdivision of any other governmental entity" and whose director is appointed by the governor, subject to confirmation by the state Senate. The inspector general is responsible for conducting investigations and audits as requested or upon his or her own initiative.

California should provide no less oversight of the agencies that care for abused and neglected children under its care than it provides for aged, disabled, and institutionalized persons in other state programs.

By statute, the Department of Social Services director also controls the foster care ombudsman's budget, including the hiring and reduction of staff. This limits the program's effectiveness. The director, for example, can restrict the salary or travel budget to an extent that the ombudsman cannot conduct proper investigations. The Legislature could resolve this problem by budgeting funds for, and distributing them directly to, the ombudsman's office."

One way that California's Ombuds Office is a model that we would like to follow is that was designed specifically for youth. In 1998, youth advocates from California Youth Connection (CYC) recognized the need for an agency that would advocate for the voices of youth in the foster care system. As a result of that advocacy, the California Office of the Foster Care Ombudsperson (OFCO) was created. The mission California Office of the Foster Care Ombudsperson (OFCO) is to advocate on behalf of foster children and youth regarding their care, placement, and services. The OFCO is an autonomous entity that is empowered to investigate and informally resolve complaints impacting foster youth, increase awareness about foster youth rights, and make recommendations to help support systemic change.

In line with recommendations by the United States Ombudsman Association, I am asking that HB4 be amended to establish the office as independent from the Department of Job and Family Services and designed specifically to serve youth. To that end, the name of the office would be the Youth Ombuds Office and serve as a separate entity from the Children Services Ombudsman Office, which would be a mechanism for caregivers. A Youth Ombuds Office cannot be effective without the direct and meaningful input by current and foster youth themselves.

Thank you again for your work on this critical issue and on behalf of Ohio's children.