



Senate Finance Committee

HB 110 – Interested Party Testimony

Thursday, May 13, 2021

Chairman Dolan, Vice Chair Gavarone, Ranking Member Sykes and members of the Senate Finance Committee, thank you for taking the time to listen to my testimony today. I have had the privilege of previously participating in virtual meetings with some of your offices.

My testimony outlines the policy stance of the *Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB)*, which is comprised of youth, ages 14 -24 who have experienced out-of-home care, including foster, kinship, adoptive and congregate care placements.

It reflects the convictions of *Alumni of Care Together Improving Outcomes Now (ACTION) Ohio* which is made up of former foster youth and allies who are dedicated to improving outcomes for the next generation.

We are deeply honored to partner with the *Children's Defense Fund-Ohio* in this advocacy effort as well. Our three groups have asked for specific provisions to be added to HB 110 that define the parameters of a Youth Ombudsman Office.

Today, I would like to share:

1. What we are asking for
2. Why existing resources are not working to address this need
3. Why it must be autonomous and able to operate independently of ODJFS
4. Why it must be dedicated to youth and not combined with an office for caregivers
5. Why the voices of those with “lived experience” in foster care need to be included in its design

1.) What We Are Asking For

Our ask is for a Youth Ombudsman Office that exists independently of ODJFS for the purpose of independently investigating complaints regarding youth experiencing abuse in biological, kinship, foster, respite, adoptive, residential and group home placements.

2.) Why This Office is Needed

‘Child protection’ means safeguarding children and teens from harm. Child protective services refers to efforts to prevent and respond to situations of abuse, neglect, exploitation and abandonment. Core principles of child protection include: *the child's survival and development, the best interests of the child, and empowering the voice of the young person themselves.*

And yet, throughout the state of Ohio, there are children and teens who are not protected. Ohio youth continue to report experiencing trauma due to prolonged abuse, despite their repeated efforts to share concerns with adults who did not take them seriously. This includes difficulties in contacting their caseworker or GAL, lengthy wait times when reaching out local child abuse hotlines, and lack of follow through on reports made directly by youth.

Over the past 15 years, members of the OHIO YAB and ACTION Ohio have witnessed a repeated lack of compliance with the *Preventing Sex Trafficking and Strengthening Families Act*, a federal law that requires agencies to provide a counseling session after youth ran away in order to find out why they went AWOL.

Ohio youth have reported being placed in unsafe placements and worrying if their current situation might lead to loss of life. Many have attempted to run away from those placements, only to be returned to them. When child or teen does lose their life in foster care, this case is reviewed by a Child Fatality Board and results are reported confidentially to the Agency Director and Board. These findings are often exempt from public records requests.

3.) Why This Office Must Be Able to Operate Independently of ODJFS

Lessons learned from other states indicate that, when the Ombudsman office is under the administrative control of the department responsible for the state's foster care program, this leads to direct conflicts of interest. In California, for example, this has led to the Ombudsman having no independent authority to recommend policy or program improvements. Instead, the department director controls all aspects of program operation.

The United States Ombudsman Association has outlined essential characteristics for this office, and "independence" is first on the list. International research highlights the need for independency, transparency, accountability and accessibility. To quote from one research article, *"Care should be taken in the use of the term 'ombudsman.' This term has come to be associated with accessible, independent and impartial review. If the word is used to describe systems that do not meet these basic criteria, there is a danger that the term will lose credibility. If used loosely, the term "ombudsman" could mislead the public, rather than protect them."*

*(Dolan, N. What Is an Ombudsperson? Global Diffusion, International Standardization, and Institutional Diversification. *Political Studies Review*; Nov2019, Vol. 17 Issue 4, p370-390, 21p).

4.) Why this Office needs to be youth-specific, and not trying to serve the needs of youth and adults at the same time?

Trying to serve both youth and foster parents creates an insurmountable conflict of interest in cases when a child or teen reports being abused by their foster parent. Lessons learned from other states are that when an Ombudsman office attempts to serve adults and youth, it ends up serving primarily adults. This includes websites geared toward adult professionals and complicated complaint forms - some of which need to be printed, filled out, and then scanned or faxed. In contrast, the *Texas Ombudsman for Children and Youth in Foster Care* specifically informs youth of their rights and lets them know how to submit concerns.

5. Why does this Office need to be designed by those with lived experience?

Consumer movements are based on the premise that consumers of a service should be involved in its design and delivery and evaluation:

- In youth-serving agencies, the young people are viewed as ‘passive recipients’ of programs, services, tools and resources.
- In contrast, empowering the voices of those with lived experience in the design, delivery and evaluation of this Office will help to ensure its:
 - a) Effectiveness: That it is not an Ombudsman Office in name only.
 - b) Autonomy: In order to truly fulfill its role in providing independent and impartial review.
 - c) Accessibility to Youth: Just as an attorney cannot serve as a defense attorney and a prosecuting attorney at the same time, so this Office cannot represent youth and adults simultaneously.

Thank you for your time. I would be happy to answer any questions.

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• Youth Serving Agencies	Empowering the Voices of Those With “Lived Experience”
Youth are viewed as the recipients of programs, services, tools and resources.	Consumers of a service deserve to have a voice in its design, delivery and evaluation

*Please see also: Bastian, C. The child in child protection: Invisible and unheard. Child & Family Social Work. Feb2020, Vol. 25 Issue 1, p135-143. 9p)