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May 26, 2023

**Ohio Senate Finance Committee
Interested Party Testimony on House Bill 33**

Thank you, Chair Matt Dolan, Vice Chair Jerry Cirino, Ranking Member Vernon Sykes, and Members of the Senate Finance Committee, for the opportunity to provide interested party testimony on House Bill 33.

My name is Leah Winsberg, and I'm a Staff Attorney with the Children's Law Center, Inc. (CLC). Established in 1989, CLC is a non-profit legal service center protecting the rights of children and youth to help them overcome barriers and transition into adulthood, better advocate for their needs, and successfully contribute to society. As an organization that is committed to protecting the rights of children and improving the systems that serve them, I offer this testimony on the Department of Youth Services' (DYS) proposed budget for fiscal years (FY) 2024-2025.

For over 15 years, I have worked with children and youth and advocated for child policy and practice improvements in child welfare and justice systems. CLC recognizes that the fundamental differences between youth and adults require our youth-serving systems to promote and utilize adolescent development research in tailoring interventions and services to meet the needs youth. Eliminating the unnecessary use of incarceration and out-of-home placements, meeting behavioral health needs, and creating positive strength-based programs for youth are essential in facilitating positive outcomes. As such, CLC believes it is a priority for Ohio to invest in more humane and effective alternatives to incarceration within local communities. Research shows that in order to achieve the best outcomes for youth and the general public we need to use community-based, empirically supported intervention practices as an alternative to incarceration wherever possible.

RECLAIM Line Item 470401 Increases Are Needed to Serve Ohio's Youth.

HB 33 as originally introduced proposed a 19.6% increase from the FY22-23 budget to the DYS RECLAIM Line Item 470401. Sub. HB 33 as passed by the House proposed a \$10 million cut per year to the increased RECLAIM Line Item 470401. The increase is needed to provide critical funding to sustain daily operations for facilities housing youth, community programs that directly serve our young people, and to ensure promising practices can be developed and implemented by DYS.

We support DYS' proposal for additional funding in the RECLAIM line to create a team to provide Multi-Systemic Therapy (MST) to its youth. Several decades of research has established MST as a proven-effective intervention for youth with serious needs, including delinquent behaviors. MST is family-centered, incredibly cost-effective, and is touted nationally for providing sustained positive outcomes.

We further support DYS' proposal for additional funding in the RECLAIM line to create a subsidy grant database to track and engage with counties to ensure appropriate, timely, and effective use of their RECLAIM dollars. This database will be instrumental in ensuring DYS can engage in informed oversight of county use of funds that are allocated for prevention and intervention programming.

We recognize the need to allocate additional funds to ensure proper staffing in institutions, which include Juvenile Correctional Facilities (JCFs), Private Facilities, and Community Corrections Facilities (CCFs). Indeed, a well-trained, adequately staffed, and supported workforce ensures that the youth committed to DYS facilities are provided with programming, education, court-mandated treatment, recreation, and other services critical to their health, safety, wellbeing, and rehabilitation.

However, the vast majority of funding in the RECLAIM line is allocated for institutions, without a proportional (or any) increase to critical Community Programs—we believe this is a vital budget priority.

Increased Funding is Needed to Sustain Proven, Community-Based Programs.

HB 33 initially proposed a 19.6% increase in the RECLAIM Line Item, but within that only about 20% was allocated for community. The majority of funding is allocated to institutions (JCFs, CCFs, and Private Facilities) with only \$12,113,811 per year for Community Programs, which reflects no increase from the FY22-23 Budget.

Community Programs are vital for serving youth who engage in delinquent behaviors and preventing them from recidivating. The Community Programs line is responsible for funding *proven-effective* programming: Behavioral Health/Juvenile Justice (BHJJ) Initiative, Targeted RECLAIM, and Competitive RECLAIM. The same rationale underlying the need for increases to DYS facilities is true of community programming, which serves to prevent youth from entering such facilities. Just as DYS facilities and alternative institutions are facing serious challenges with recruitment and retention of staff to serve the most vulnerable and highest-needs youth, community programs serving justice-involved youth likewise face unprecedented workforce challenges.

In fact, our young people tell us that these evidence-based community programs are exactly what they need. Below are direct quotations provided by justice-involved youth in Ohio:¹

"Offer counseling and programs to try to help the kid. Not lock them up every time they get into trouble." - W.F.

"Sending them to prison is the law's only way to fix them. Why not try more programs to help re-create their minds and give them a future and see a better path in life because prison only helps build hate in the heart and mind." - D.I.

Community Programming Provides a Safer, More Effective Approach to Youth Delinquency.

Community programs are tasked with providing interventions to youth to ultimately avoid out-of-

¹ W.F. and D.I.'s quotations and others throughout this testimony are from CLC's Storytelling Project, featuring stories from youth who have gone through the bindover process and their families. Their full stories can be found in CLC's Publication *In Their Own Words*: <https://ohiobindover.wordpress.com/>



home placements and in lieu of sending youth to DYS facilities. We urge considering the budget through a lens of right-sizing community programs in conjunction with DYS facilities, given these programs are highly successful and cost-effective. Consider the following relevant data points:²

- The average length of stay for youth in a JCF is **16.4 months**—whereas the average stay in a CCF is **6.4 months** and the average program completion for BHJJ is **6.5 months**.
- The average cost of committing a child to a JCF for the average 16.4-month stay is **\$321,777** compared to an average cost of **\$5,200** for a child to complete BHJJ.
- The most recent recidivism rates for youth committed to a JCF were **13.9%** (after 1-year), **29%** (after 2 years), and **43.2%** (after 3 years)—whereas only **3.8%** of BHJJ youth were subsequently committed to a DYS facility.

Since their inception, congregate youth care facilities have provided poor public safety outcomes while exposing youth to maltreatment and abuses, and unconstitutional conditions. This is true nationally, despite genuine, dedicated efforts to improve such facilities. Ohio is not exempt from these challenges.³

"So I know from experience that they need to create more beneficial ways to help kids and stop locking them up. More connection with family instead of taking away the family. They seem to be ignorant minded when it come's to what is helpful for today's adolescents in this world. But that is my opinion on what desperately needs to change with the juvenile system." - B.C.

CLC attorneys have been the catalyst for a number of civil rights cases that helped to transform DYS to ensure better outcomes for children and safer facilities. CLC worked collectively with DYS to create a comprehensive approach, through a federal litigation settlement agreement, that included a long-term goal of closing large institutional JCFs and create a system of smaller, community-based rehabilitative programming.⁴

² Department of Youth Services Reports, *Monthly Fact Sheets* (May 2023), <https://www.dys.ohio.gov/static/About+DYS/Communications/Reports/Monthly+Fact+Sheets/DYS+Monthly+Fact+Sheet+May+2023.pdf>. Case Western Reserve University, Executive Summary: *An Evaluation of Ohio's Behavioral Health/Juvenile Justice Initiative* (August 2020), <https://case.edu/socialwork/begun/sites/case.edu.begun/files/2020-09/Statewide%20BHJJ%20Evaluation%20Executive%20Summary%202019.pdf>. Department of Youth Services, Reports, *Recidivism Fact Sheet*, <https://www.dys.ohio.gov/static/About+DYS/Communications/Reports/Recidivism+Fact+Sheet.pdf>

³ Channel 3, *Superintendent of Indian River Juvenile Correctional Facility in Stark County fired after investigation* (Feb. 17, 2023) <https://www.wkyc.com/article/news/local/stark-county/superintendent-indian-river-juvenile-correctional-facility-stark-county-fired/95-7fab4749-6d92-4af7-b819-b3f1d3b376cb>

⁴ Federal class action litigation originally filed in 2004 expanded in 2007 to include all facilities operated by or under contract with DYS to address system-wide conditions of confinement allegations. The comprehensive settlement agreement was approved in 2008 and the case was terminated in 2015. Children's Law Center, *S.H., et al. v. Stickrath* Fact Sheet (2009), <https://static1.squarespace.com/static/571f750f4c2f858e510aa661/t/57da9d7cb8a79b526cc10f6f/1473944957499/SH-v-Stickrath-Fact-Sheet-3-2.pdf>



DYS has made substantial improvements and continues to encourage counties to take innovative approaches to address and reduce delinquency through RECLAIM grants. DYS has appropriately increased utilization of the CCFs, ensuring youth receive treatment in smaller, more localized settings. Nevertheless, the historical challenges that persist in these types of facilities lend increasing support for the need to adequately invest in community-based alternatives.

This is a Critical Time to Support the Increasing Needs of Adolescents in the Juvenile Justice System. Our system is at a critical inflection point given the COVID-19 Pandemic caused an unprecedented mental health crisis among youth.⁵ A variety of factors that increase the likelihood of youth engaging in delinquent behaviors were exacerbated by the pandemic. Thus, it's critical our funding be allocated to the most promising interventions that can mitigate risk factors for delinquency and recidivism and reduce the number of youths who might otherwise be committed to a DYS facility.

Youth coming to the attention of juvenile courts and committed to DYS have more complex needs given the disruptions caused by the pandemic. Predicted long-term impacts and reactions among adolescents include antisocial or disruptive behavior, aggression, and resistance of authority, and they may be at risk for developing persistent mental health disorders.⁶ DYS is seeing an increase in the number of youths committed to its facilities with more complex needs. In fact, commitments to DYS drastically declined since 2009 but starting in 2021, there has been a rapid increase in admissions. Under Director Ast's leadership, the length of stay has reduced from 18 months in the JCFs and more youth have been directly linked with CCFs that are better suited to meet the youths' needs and are, hopefully, closer to home.

Still, over 90% of detained youth have experienced trauma and in DYS a significant number of youth also have mental health needs—66% of males and 100% of females in DYS are on the mental health caseload.

"Our minds isn't fully developed so sometimes we make stupid decisions off of impulse. We don't think of the consequences untill after we've made our decision. The best way to handle these situations is to put the children in therapy untill they show progress.

A lot of the children that end up in situations like this has been through a lot of abuse and trama, like me. I grew up in foster care. I was raped while in foster homes and abused mentally and physically. I never reported these things cause I

⁵ From 2019-2020, emergency room visits for mental health increased by 24% for children ages 5-11 and by 31% for 12-17-year-olds. See Centers for Disease Control and Prevention, *Mental Health-Related Emergency Department Visits Among Children Aged <18 Years During the COVID-19 Pandemic* (Nov. 2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm?s_cid=mm6945a3_w#suggestedcitation.

Additionally, 70% percent of all public schools reported increases in the number of students seeking mental health services since the start of the pandemic. See Institute of Education Sciences, *2022 School Pulse Panel*, <https://ies.ed.gov/schoolsurvey/spp/#tab-7>

⁶ National Institute of Health, *The COVID-19 pandemic and its potential enduring impact on children*, Current Opinion in Pediatrics, 2022 Feb; 34(1): 107-115 (Dec. 17, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8728751/>



felt it was my fault. I know now that I wasn't the messed up one they where. I just hope that every kid that's going through the same thing that I went through get the proper treatment." - L.J.

With two of the three JCFs near full capacity, it is incumbent on our leadership to invest in effective interventions that are proven to reduce out-of-home placements and incarceration. We support funding to expand capacity at Paint Creek, cost-of-living adjustments at CCFs, and other financial supports to maintain quality alternative and private placements. But we also must acknowledge the current landscape—our young people faced destabilizing conditions during the pandemic and need more community-based support than ever to prevent them from being removed from their communities and placed in DYS facilities.

Given the pressing need for more behavioral health resources to address the impact of the pandemic on children, **our budget should reflect a corresponding and proportional increase to sustain these critically important community-based programs**, otherwise our facilities, and more importantly our children, will feel the future impact.

Thank you for your consideration and for the opportunity to submit testimony on the proposed DYS budget impacts for justice-involved youth. I am happy to answer any questions you may have.

/s/ Leah R. Winsberg

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