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State Representative Joshua E. Williams
Ohio House of Representatives

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn, and fellow members of the House Judiciary Committee, thank you for the opportunity to testify in support of HB 211 today. I would also like to thank my joint sponsor, Representative Humphrey, for her work on this legislation.

National surveys show 10.9% of imprisoned mothers' children and 2.2% of imprisoned fathers' children are in foster care; many others are with relatives. Mothers' imprisonment far more often triggers out-of-home care because they were the day-to-day caregivers. Children entering foster care due to parental incarceration have distinct profiles and face heightened placement instability and justice system contact, particularly when services and visitation are limited. Child-welfare practice briefs note that incarcerated parents are less likely to reunify with their children.

House Bill 211's proposal is not unique to Ohio. Several states and the federal government take into consideration whether a defendant is the primary caregiver to a minor child.

Massachusetts requires courts to consider the defendant's status as a primary caretaker of a dependent child before imposing a sentence (unless the law mandates

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incarceration). They also requires that, if a defendant requests it, the court must make written findings about caregiver status and alternatives to incarceration.

Illinois, Oregon, Washington, Tennessee, Missouri, California, Louisiana (among others) have passed or are implementing caregiver mitigation / diversion laws that give parents or primary caregivers access to alternative sentences or require courts to weigh caregiver status.

At the federal level, the U.S. Sentencing Commission's guidelines generally discourage using dependent children as a mitigating factor in sentencing.

However, there is a "family circumstances" category in the compassionate release / sentence reduction guidelines that may allow consideration of caregiver or family burdens under some circumstances. For example, when incarceration would unduly disrupt dependent children or when another caregiver is incapacitated.

By requiring judges to consider caregiving responsibilities, we may reach outcomes that align with our states' values: keeping families intact, fostering accountability, and promoting rehabilitation.

House Bill 211 requires courts to consider whether an offender is the primary caregiver of a child when determining sentencing for a crime, further empowering our

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judges to use all the information they can while deciding the future for members of and families in our communities.

To be clear, this bill does not mandate leniency, nor does it remove judicial discretion. Judges will still have full authority to impose prison sentences when appropriate. It simply takes into consideration the impact of incarceration on dependent children.

Strong families are the foundation of safe, thriving communities. Yet children of incarcerated parents face significant disadvantages; they are more likely to enter foster care, struggle academically, and rely on public assistance. The emotional and psychological toll is substantial: these children are three times more likely to experience behavioral problems and depression, and twice as likely to suffer from learning disabilities, ADHD, and anxiety.

Beyond these internal challenges, children also face food insecurity, housing instability, and social stigma. These pressures compound and not only negatively impact our state's finances, but often result in what's known as intergenerational incarceration, a devastating cycle where children of incarcerated parents are more likely to end up in prison themselves. Helping to break this cycle is both a moral imperative and economic necessity of us, as legislators.

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And again, let me emphasize that judges will continue to have full discretion. This bill just ensures that primary caregiving responsibilities are part of the decision-making process when alternatives to incarceration are already on the table.

In closing, this bill is about aligning our justice system with state values, protecting children, promoting rehabilitation, and making smart use of our resources.

I want to thank my co-sponsor, Representative Humphrey, for his willingness to help tackle this bipartisan issue. Chairman Thomas, Vice-Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee, thank you for the opportunity to provide sponsor testimony on House Bill 211. I welcome any questions you may have.