



**House Families, Aging, & Human Services Committee
House Bill 4 – Interested Testimony
6 May 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.

My name is Jermaine Ferguson, and I speak on behalf of the Children’s Defense Fund-Ohio, ACTION Ohio, and the Ohio Youth Advisory Board. I am a former adoptive and foster youth who was emancipated out of the foster care system. I have also previously served as a Court Appointed Special Advocate (CASA) for Union and Delaware Counties.

House Bill 4 in its current form will strengthen the relationship between public children service and local law enforcement agencies through information sharing regarding cases of child abuse and neglect.

As a child, I lived in a very abusive household. Two of my siblings would occasionally run away from home and would interact with local law enforcement officers who escorted them back to our home. My siblings would tell law enforcement that they were being abused, but they were not listened to. Our parents formed a false narrative that the two siblings were unruly and “troubled youth.” Eventually, the same two siblings would become juvenile justice-involved youth and place in congregate care settings. At that time, law enforcement officers have not mandated reporters as they are today.

There were times when child protective services would conduct a home visit because of an anonymous tip from school. However, despite many inquiries throughout the years, caseworkers never found enough evidence of abuse to remove us, children, from the home. Our parents had trained us on how to answer questions about our scares, cuts, and bruises. Our home was clean, neat, and organized, and stocked with food. So it was very difficult to prove that physical or neglect abuse was occurring in our home.

If there was a mechanism established between the public children service and local law enforcement agencies to share information regarding reports of abuse and neglect, my siblings and I would have been spared a few years of physical child abuse.



When we were finally removed from our family home, we undertook what seemed to be a year of repetitive interviews with not only the local children's service agencies, but detectives with the County Sheriff's office, and medical doctors. Not only did I experience years of physical abuse, but the heavy task of relaying those experiences with specificity on too many occasions to too many people. My Ferguson parents are not serving 60+ years prison sentences because of their crimes against us children.

House Bill 4 will provide a mechanism to strengthen the partnership between law enforcement and public service agencies to increase information sharing in reported cases of abuse and neglect as well as alleviate the duplication of interviews with the child.

Now, I would like to speak an amendment that is under consideration to create a children services ombudsman office.

In November of 2020, Governor DeWine's Children Services Transformation Advisory Council published a report with 37 recommendations. One recommendation is to establish a state-level ombudsman to independently investigate and resolve complaints made by or on behalf of children and families involved with children's services.

We are extremely grateful to Governor DeWine and his administration for listening to current and former foster youth who have expressed the need for an ombudsman office. In the Executive Budget, \$1 million was allocated in the DJFS ALI 600450, titled Program Operations. However, HB 110 lacks any statutory language to prescribe how the ombudsman will be established and implemented.

In recent weeks, we learned that an amendment that will include statutory language will be added to HB 4. We are extremely grateful to Chair Manchester for meeting with us to discuss the amendment and for championing this effort.

We ask for this committee to add more robust language to the amendment that is being considered to be included in HB 4 that will do the following:

1. To establish an independent and autonomous Youth Ombudsman Office outside of the Department of Jobs and Family Services (DJFS).
2. To define the powers and duties of the Youth Ombudsman Office.
3. To explicitly state that the Youth Ombudsman Office be dedicated to youth and not serve youth and caregivers.
4. To mandate that current and former foster youth be involved in the design and operation of the Youth Ombudsman Office.



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Independent and Autonomous

According to the National Conference of State Legislatures, 13 states operate independent and autonomous Children's Ombudsman offices. To be independent, the Youth Ombudsman Office must be housed outside of DJFS.

Among the 13 states what have independent and autonomous Ombudsman offices, most have established the Office in another non-related agency of the executive branch for administrative purposes. Others have created a board or commission that oversees the procurement process to ultimately select a non-profit organization to operate the Ombudsman Office.

The Youth Ombudsman office should not be housed in the DJFS because the agency is solely responsible for the state's supervision of the child welfare system. There is at a minimum an appearance of a conflict of interest because the ombudsman, staffing, operations, and the budget are directly influenced by DJFS. A major component of the Ombudsman office is to make recommendations to DJFS to improve the child welfare system.

To be an effective and trustworthy office, the Youth Ombudsman must be able to investigate, resolve concerns, identify trends, and make recommendations to the DJFS, the Governor, and The Ohio General Assembly without the appearance of a conflict of interest between the Ombudsman office and the DJFS.

Define the Powers and Duties of the Office

The Ohio General Assembly should add statutory language to define the powers and duties of the Youth Ombudsman Office. The basic function of the office is to receive, investigate and resolve concerns and complaints made by or on behalf of a youth involved in child protective services to include foster care, kinship, adoption, and congregate care.

The Ombudsman must be selected through a process designed to prevent partisan political appointments.

The office must have enforceable authority to request and review any information and records that are necessary to conduct a thorough and independent review of a complaint.



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Define the Powers and Duties of the Office

The statute should also provide confidentiality and anti-retaliation provisions so that children and adult complainants do not face repercussions. Typically, the person filing a complaint is still living with, under the supervision of, or associated with a person's, agency, or environment that the complaint is regarding, so confidentiality and anti-retaliation provision is required.

The Youth Ombudsman office must provide an annual report to the Governor, the Ohio General Assembly, and the general public that reports trends and recommendations for systemic changes to improve the safety of and promote better outcomes for children receiving child protection services.

The Youth Ombudsman office must communicate regularly with the youth or adult who contacted the office.

Youth Ombudsman Office Must Be Youth Centric

The Youth Ombudsman office should not serve both youth and the caregiver – there must be independent mechanisms that serve youth and the family caregiver to prevent any appearance of a conflict of interest. Minor children who are also involved in the child protective services system are extremely limited in their ability to access and navigate the various conflict-resolution tools that adults may easily deploy. Youth in foster and congregate care too often find themselves voiceless and alone in unsafe and unstable conditions. We must prioritize creating an Ombudsman office that only serves youth. We have spoken with many foster parents who have legitimate unresolved complaints and need a mechanism like the Youth Ombudsman office. However, it is our position that the Ombudsman office will be most effective in its singular focus of resolving youth's concerns.

Current and Foster Youth Involved in Design and Operations

The Youth Ombudsman office must be created and operate with the sole purpose of serving today and tomorrow's foster, adoptive, kinship, and congregate care youth. Individuals with lived experience must be involved in the design and the day-to-day operations to ensure that the Ombudsman staff adequately understand the various challenges foster youth face in care. The strength of this office will be in its accessibility and community outreach. If youth and mandated reporters do not know about the Youth Ombudsman office – the transformative impact will be severely hampered. We strongly encourage there to be a toll-free phone number that will answer during the weekends and evenings. A transparent and youth-centric website for the Ombudsman office will also increase accessibility and overall trustworthiness.



Foster Youth Bill of Rights

Many states have incorporated a Foster Youth Bill of Rights. There is typically a requirement for child protective agencies to provide youth with a printed copy of their rights which helps set the expectations between the agency and the child. In Texas, the Foster Youth Bill of Rights includes but not limited to (1) being told why the child is in care and where siblings are; (2) receive good care and treatment in the most family-like setting possible; (3) maintain a sense of normalcy; (4) informs the youth of appropriate and inappropriate measures of discipline, (5) who to contact if the youth have a complaint.

Texas' 2020 *Annual Report of the Ombudsman for Children and Youth in Foster Care*, states that they received 762 complaints in FY 2020. The number one reason - roughly 48% - of all inquiries and complaints by youth contacted the Ombudsmen was regarding the Foster Youth Bill of Rights.

The Executive budget under Section 2151.316 directs the DJFS to establish and enforce a foster youth bill of rights through the administrative rule-making process. Establishing a foster youth bill of rights is instrumental in having an effective Youth Ombudsman Office. We strongly encourage DJFS to follow Texas' example of providing printed copies of rights to every youth who enters into foster care and to have the contact information of the Youth Ombudsman Office included.

In closing, we are extremely grateful to Governor DeWine's administration for including the \$1 million to establish a Youth ombudsman office in the Executive Budget. We are grateful to Chair Manchester to continue to spearhead the effort to create an Ombudsman office.

We ask members of the Ohio Families, Aging, & Human Services to add more robust language to the amendment that is being considered to be included in HB 4 that will (1) establish an independent and autonomous Youth Ombudsman Office outside of the Department of Jobs and Family Services; (2) defines the powers and duties of the Youth Ombudsman Office; (3) explicitly state that the Youth Ombudsman Office be dedicated to youth and not serve youth and caregivers; and finally, (4) to mandate that current and former foster youth be involved in the design and operation of the Youth Ombudsman Office.

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 4I am happy to answer any questions, that you may have.