

SB 216
Opponent Testimony
Laura Cash
Board of Directors
GRASP and Harm Reduction Ohio
February, 6, 2022

Members of the Judiciary Committee,

My name is Laura Cash. I am on the board of directors of the non-profit groups, Broken No More/GRASP, (Grief Recovery After a Substance Passing) and Harm Reduction Ohio. Broken No More is an educational and advocacy group. At Broken No More, we promote scientifically valid information for our members on substance use, addiction, drug policy, and the means to mitigate the harms of substance use for the individual and for society. GRASP has a Facebook page of over 13,000 grieving members and over 125 face to face grief groups who meet throughout the United States and Canada. I am also a mother whose son, Mark died unnecessarily of a heroin overdose on June 20th, 2014 after fighting with everything he had to overcome his addiction.

I would like to start by sharing a description of my son written by his wife a year after he died. "It is so hard to write about Mark, because feeling him was so much better. He was a handsome, charismatic man. I couldn't take my eyes off of him. He was a risky man, full of adventure and surprise. He was a loving man, and he made sure you knew how much he loved you through his loyalty, time and words. I miss his company. It didn't take much to enjoy time with Mark. We could enjoy the simplest of things. **I miss seeing him with our son, he was so involved and engaged.** I miss his logical conversations when I came home ranting after work. I miss how much he loved me, even when I worried that I was just the grossest woman that gained baby weight, smelled after work or whined too much, he loved me and showed it. I just miss him, all of him. **When our son, Maxwell, was born I watched this man become a father. He was so maternal in instinct. Whenever Maxwell moved, so did Mark - it's like they were magnetic.** I couldn't believe the role that Mark had organically fallen into when Maxwell came into our lives. Mark loved our son so much. You rarely got to see a panoramic view of all his beautiful teeth - but for our son. He was the best man he could be for Maxwell, all smiles. I still to this day wonder if I'll ever be as good of a mom as Mark was a father to our precious child. I feel so privileged to have known Mark, and to have been his wife."

Using drugs does not make you an abusive or neglectful parent just as not using drugs does not make you a present and engaged parent. * Senate Bill 216 (Dylan's law) suggests otherwise. I would argue to remove a child from a parent just because someone tests positive for substance use would be detrimental for said child especially when no visitation is allowed. I would also argue there are other medical conditions that make it difficult for people to parent their children but we as a society would never consider removing a child from a parent due to their prescription drug use and /or medical condition unless there was proof of abuse or neglect. Why is there a different standard for people who have substance use issues? It is due to the

stigma and false narrative of people who use drugs--“Good people don’t use drugs and bad people do.” Nothing could be further from the truth.

After talking with countless family members over the past seven plus years, I can say with all sincerity we are losing some of the best, the brightest, the most creative and loving individuals in our society. Those that would be wonderful parents if only we would give them the needed support they and their children deserve instead of continually punishing them. To have legislation that removes children solely based on a parent's substance use and not on how they parent would cause greater harm to said child as Shanta Trivedi found in her study of removing children from parents.

“2019

The Harm of Child Removal

Shanta Trivedi

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ABSTRACT

When the state proves or even merely alleges that a parent has abused or neglected a child, a court may remove the child from the parent’s care. However, research shows separating a child from her parent(s) has detrimental, long-term emotional and psychological consequences that may be worse than leaving the child at home. This is due to the trauma of removal itself, as well as the unstable nature of, and high rates of abuse in, foster care. Nevertheless, the child welfare system errs on the side of removal and almost uniformly fails to consider the harms associated with that removal. Only two jurisdictions require courts to consider the harms that will occur when a child is taken from her family. And while recent federal law recognizes the importance of family preservation and the negative effects of separation, it does not solve the problem by itself. This article is the first to comprehensively examine why the harm of removal should be a featured part of every child welfare decision. After doing so, it continues to analyze existing law and legal practices to demonstrate how consideration of the harms of removal can be built into existing legal frameworks to achieve the stated purpose of the child welfare system and truly protect our children.

https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2087&context=all_fac

On a personal note, my son's son, Maxwell was 2 ½ when his dad died and 7 ½ years later he is still trying to find ways to communicate with his dad. I cannot imagine the damage he would have experienced if his dad had been removed from his life.

Some of you might be questioning if my son loved his son so much why didn't he just stop his substance use. I would counter for the same reason his Crohn's disease and rheumatoid arthritis did not disappear due to the love of his son.

Instead of causing additional harm to these children why don't we consider providing services if needed to those who need extra support in parenting their children. The last thing a child needs is to be removed from a loving and engaged parent.

Thank you for your time and consideration,

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