



February 7, 2022

Opponent Testimony SB216
Senate Judiciary Committee
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Chair Manning, Vice-Chair McColley, Ranking Member Thomas, and Members of the Committee, this written testimony is on behalf of Franklin County Children Services (FCCS). FCCS is a children protective service agency dedicated to providing services to families and children; protecting children from harm and abuse; and finding temporary and permanent placements for the children placed in our care.

FCCS is writing to share our opposition to Senate Bill 216, Enact Dylan's Law. The law requires an unacceptable one size fits all approach to the treatment of drug positive infants that results in an unprecedented and unnecessary number of newborn infants being placed in agency care. The bill requires drug positive infants to be removed from their parents for a minimum six months and substantially limits the contact a mother and family would have with the child when placed into substitute care. Respectfully, not all families are the same. At times, and upon assessment of all relevant circumstances, FCCS is able to have drug positive children remain with their parents in their home under protective supervision while requiring the parents to access the drug treatment needed. Providing services to the parent, while allowing children to remain in their homes is consistent with the Family First Act, the entire premise of which was to redirect Title IV-E funding for additional qualified protective services so that children can remain in their home. In many cases, safety can be achieved without the traumatic emotional cost to the child that comes from a removal from the home.

The requirement of removal for six months violates a mother's fundamental rights to due process of law. It limits the juvenile court's options to determine removal and interferes with the mother's right to provide safe and appropriate care for her child. The requirement of the bill for limited visitation between mother and child punitively impacts the crucial mother/child bond which, while not only beneficial to child, could have ultimately contributed to and assisted in mother's recovery.

Historically, it was FCCS' practice to uniformly request removal for newborns who tested positive for drugs at birth, based upon that factor alone. However, FCCS made a very intentional turn away from that practice years ago. The agency and our State invested in actual holistic assessments of safety and risk, parents, and kin, identifying those factors that could mitigate risk, and reduce the need for the trauma of removal. FCCS is required to utilize these CAPMIS assessment tools. If and only if those tools assess a safety concern which cannot be remedied with a plan of safe care made together, by the family and agency, should removal of the child be considered.

These tools are not perfect. These practitioners are not perfect. The goal of SB 216 is just. But here, the end does not justify the means. SB 216 undermines the well-informed practice of completing individualized assessments for families. It violates not only the premise of the Fostering Connections Act, but also all modern kinship initiatives and widely accepted best practices that ensure the agency research non-custodial parents and relatives prior to court intervention. It certainly runs counter-intuitive to Family First, OhioSTART and all current legislative initiatives aimed at preventing children from entering the system and most significantly, would place an unprecedented number of infants into the child welfare custody system needlessly.

For these reasons, FCCS opposes SB 216 and urges the Committee to do the same. I am available to answer any questions you may have. Thank you.

Administration
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"Protecting Children By Strengthening Families."