



Ohio Judicial Conference

The Voice of Ohio Judges

Senate Judiciary Committee
Judge Lasheyl Stroud
Opponent Testimony on Senate Bill 216
February 8, 2021

Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, I thank you for this opportunity to submit opponent testimony for Senate Bill 216 on behalf of the Ohio Judicial Conference.

I am Judge Lasheyl Stroud of the Franklin County Court of Common Pleas, Division of Domestic Relations & Juvenile Branch. I have served as a judge since January 2021. I previously served as a Magistrate since 2013 and practiced law in the private and public sector since 2003. I also serve as a member of the Ohio Judicial Conference's Domestic Relations and Juveniles Law and Procedure Committees.

The Ohio Judicial Conference empathizes with the tragedy that led to S.B. 216. Although well-intended, we oppose the bill's strict custody and addiction treatment procedure, which would eliminate the court's discretion to address substance-exposed children on a case-by-case basis.

S.B. 216 would create a new definition of "substance-exposed infant," which includes a child under the age of twelve months that has been subjected to alcohol or drug abuse while in utero. Under proposed R.C. 2151.261, Children Services is required to conduct alcohol or drug testing on a mother or infant if they receive a report of an alleged substance-exposed infant. If either the child or mother tests positive, the agency must file a complaint with the juvenile court.

As a practical matter, applying the definition of "substance-exposed infant" to children up to twelve months of age means the bill could apply to mothers who may have consumed alcohol but have not breastfed or are no longer breastfeeding their infants. The bill would prevent Children Services from considering the circumstances of the mother's alcohol use. The agency and juvenile court would be forced to utilize their resources for cases where the infant was not actually exposed to alcohol or drugs. This could negatively impact the already overburdened foster care system. We recommend that the bill be more narrowly-focused on infants who were actually exposed to alcohol or drugs in utero or shortly thereafter.

Under current law, when a child has been exposed to alcohol or drugs, judges have the discretion to follow a similar hardline process, as required in the bill. Courts can even go further than what is contemplated in S.B. 216, when warranted by the particular circumstances of the case. The bill would prevent a court from tailoring a less intensive process for parents who the judge deems amenable to treatment. Many juvenile courts utilize existing programs, such as OhioSTART (Sobriety, Treatment and Reducing Trauma) or specialized dockets. OhioSTART is an evidence-informed intervention model that helps Children Services agencies bring together caseworkers, behavioral health providers and family peer mentors into teams dedicated to helping families struggling with co-occurring child maltreatment and substance use disorder.

Currently, over forty counties have START programs. Judges are concerned the bill would negate the systems they have created specifically to help parents and their children get back on track. We recommend building more judicial discretion back into the procedure for substance-exposed infants so courts can continue to use and improve upon their successful treatment options.

We thank you for the opportunity to present our concerns and suggestions for improving the bill. We also thank the sponsor, Senator Johnson, for meeting with the Ohio Judicial Conference and Ohio Association of Juvenile Court Judges to discuss our concerns. We look forward to working with him and members of this Committee on improvements to the bill. I am available to answer any questions you may have.