

COVINGTON

1002 Russell Street
Covington, KY 41011
Phone: (859) 431-3313
Fax: (859) 655-7553
info@childrenslawky.org
www.childrenslawky.org

**LEXINGTON**

215 W. Short St., Suite 205
Lexington, KY 40507
Phone: (859) 253-3353
Fax: (859) 275-1115
info@childrenslawky.org
www.childrenslawky.org

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February 7, 2022

**SB 216 Testimony to the Ohio Senate Judiciary Committee
Opposition Testimony**

Thank you Chairman Manning, Vice-Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee.

My name is Leah Winsberg and I am a Staff Attorney with the Children's Law Center, Inc. (CLC). As an organization that is committed to protecting the rights of children and improving the systems that serve them, I offer this testimony in opposition to legislation SB 216, which will impact children and families in the child welfare system.

I have been involved in child policy and practice in social services, serving children in foster care, and in legal services, representing parents in child welfare proceedings. CLC believes the child welfare system should afford all children with a safe and permanent home and systems that support their success.

SB 216 seeks to mandate how Public Children's Service Agencies (PCSA's) respond to child welfare cases where a parent used alcohol or a controlled substance during the pregnancy. While well-intentioned, the provisions of this bill are likely to have unintended consequences that ultimately can be harmful for children.

This bill requires substance use during pregnancy be classified as "abuse" and mandates PCSA's file a formal complaint in juvenile court. If a court finds a child is "substance-exposed," the bill requires the court issue a "no-contact order" between the parent and child, to remain in place until the parent meets strict requirements. This requirement prohibits PCSA's from utilizing less-restrictive alternatives, such as safety planning, where appropriate. Mandating a no-contact order between the newborn and parent deprives the child of critical bonding and attachment time, even in supervised settings.

Removing a child from parents is a drastic intervention. Research shows that removal can cause profound and long lasting consequences for children. ¹ It is critical that the decision to remove a child from a parent be carefully weighed and decided on an individualized basis, rather than blanket mandates.

This bill mandates specific reunification services particular to "substance-exposed" infant cases. Additionally, the bill requires a court award legal custody of an infant to his or her father, if deemed fit, at adjudication, foreclosing the possibility of reunification or shared parenting with the mother even if she completes the

reunification requirements. This bill removes discretion from the PCSA and juvenile court to craft individualized case planning services and dispositional orders that meet the needs of the child and parent and are more likely to support a path for reunification.

Healthy and robust child welfare systems are centered on the needs of children and parents, keeping families together, and protecting children from harm. CLC believes children should have a safe and permanent home and should be placed in the least restrictive environment that facilitates contact with families whenever possible and appropriate. I urge you not to pass SB 216.

Thank you for your consideration.

Leah Winsberg
Staff Attorney

¹ Vivek Sankaran et al., *A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families*, University of Michigan Law School (2019) at: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3055&context=articles>; Shanta Trivedi, *The Harm of Child Removal*, University of Baltimore School of Law (2019), at: https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2087&context=all_fac

