



1855 E. Dublin-Granville Road, Suite 301
Columbus, Ohio 43229
Phone: 614-781-9651

Micaela Deming, Policy Director
Ohio Domestic Violence Network
Senate Bill 169, Senate Judiciary Committee
November 18, 2020

Written Interested Party Testimony for SB 169

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judicial Committee, my name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. I am here today representing 75 local domestic violence organizations across the state. Last year our programs served more than 82,000 survivors and their children across the state. Those victims needed shelter (9,045) or help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuild their lives after experiencing abuse.

We appreciate the effort to protect communications between survivors of violence and the advocates that work with them. We agree that this open communication facilitates critical safety planning, support, and advocacy for survivors of interpersonal violence and their families.

While we also appreciate the proposed amendments made to acknowledge that the domestic violence shelters and advocates have a unique position as it relates to the safety and long-term advocacy relationships with their clients, unfortunately there is considerable overlap between human trafficking, menacing by stalking, sexual violence and domestic violence. That makes the amended SB 169 more complicated and confusing for the courts, the prosecutors, the advocacy community, and, ultimately, the very survivors of domestic violence that we must – and will - continue to serve.

I want to provide a few quick examples of how confusing the application of amended SB 196 would be:

There are 22 dual programs in Ohio that serve both domestic and sexual violence survivors. If a survivor walks into or calls that program, they will not know whether their advocate has received sexual violence basic training courses as described in this bill or domestic violence basic training courses, which would exclude them from this bill. The advocate that they work with on Tuesday may not have privilege and mandatory reporting requirements while the advocate they call on Wednesday may. If that same survivor later goes to a different shelter that is not a dual program, different rules again may apply to those advocates.



1855 E. Dublin-Granville Road, Suite 301
Columbus, Ohio 43229
Phone: 614-781-9651

Similarly, if a survivor begins receiving domestic violence victim advocate services and later discloses that sexual violence or stalking is also occurring, it is unclear whether or at what point the provisions in SB 169 would apply. According to a national Institute of Justice report, 40-45% of women in abusive relationships are sexually assaulted by their abusive partner, over half of those women were sexually assaulted multiple times. According to the CDC, two-thirds of female stalking victims were stalked by current or former partners and over 40% of men were stalked by partners. Women who are sexually assaulted or stalked by their violent partner are at a greater risk for homicide.

SB 196 as amended makes it harder to prosecute sex crimes and easier to open children services actions against survivors of domestic violence. (Appended to this testimony is additional background regarding this area of concern for our programs.)

Many of our programs, especially those serving Ohio's more diverse communities, are not in support of SB 196. Due to the confusion that it will cause, survivors who are concerned about the involvement of children services will be less likely to seek the safety of any shelter or advocacy program or will withhold details of their situation which makes safety planning more difficult.

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judicial Committee, on behalf of the Ohio Domestic Violence Network and our 75 member programs, I appreciate the opportunity to testify before you today and welcome any questions that you may have. Thank you.



1855 E. Dublin-Granville Road, Suite 301
Columbus, Ohio 43229
Phone: 614-781-9651

Appendix to Ohio Domestic Violence Network Interested Party Testimony for SB 196

Mandatory reporting chills meaningful access to critical safety services. Clients - of all ages - must be able to fully discuss their situations in order to get information about all of their options for safety. Many clients will choose to involve law enforcement or even children services in the hopes that those services will support their efforts to become safer. However, there are people in our communities that are disparately impacted by those services. Data show that children services removes more children of color and retains more children of color in the foster care system. While controversial, not all communities feel equally protected by law enforcement. If access to emergency shelter and critical safety planning and advocacy services requires a call to children services, already underserved communities will have one less place to go in their time of need.

We have unfortunately seen in our program directly how some children services agency involvement fails to serve domestic and sexual violence survivors. Some children are removed from a protective parent because of witnessing domestic violence, even after the protective parent has moved into the safety of shelter. We have also seen that in cases of sexual abuse by a parent, children services has taken action to support the parent accused of the abuse by the child and to discredit the parent taking protective action. Most runaway and homeless youth report being victimized prior to leaving their homes. These cases are difficult for everyone involved, especially the victims themselves. Removing the victim's access to an advocate because of mandatory reporting takes away critical information and access to safety for that victim.

Data Supporting ODVN's Concern of Making Advocates Mandatory Reporters

Domestic violence advocates in Ohio routinely assist on cases where domestic violence is happening in the home and impacting the children. The definition of what must be reported by mandatory reporters is vague under existing law and each county children services agency treats exposure of children to domestic violence differently. We also know that domestic violence and direct child physical or sexual abuse co-occurs in 65% of cases. See Center for Injury Research and Prevention. *Domestic Violence and Child Abuse*. <https://injury.research.chop.edu/violence-prevention-initiative/types-violence-involving-youth/domestic-violence-and-child-abuse#.XXJnrHt7mUk>. While those numbers are compelling, our programs see the disproportionate response of children services agencies in responding to reports of domestic violence with some children being removed permanently from a protective, non-abusive parent and others screening out reports.



1855 E. Dublin-Granville Road, Suite 301
Columbus, Ohio 43229
Phone: 614-781-9651

Research also shows that those who do make reports to children services, both professionals and nonprofessionals, make more reports on African American children than Caucasian children even though the rate of victimization is not related to race. Fluke, J.; Yuan, Y.; Hedderson, J.; & Curtis, P. (2002). Disproportionate Representation of Race and Ethnicity in Child Maltreatment: Investigation and Victimization. *Children and Youth Services Review*, 25(5/6). 359-373. See also: Casey Family Programs. *Disproportionality in the Child Welfare System: The Disproportionate Representation of Children of Color in Foster Care*. June 16, 2006.

Furthermore, “[f]requent contact with mandated reporters (e.g. public assistance caseworkers, police officers) is associated with increased likelihood of entry into the child welfare system for children of color.” Barth, Richard P.; Miller, Julie M.; Green, Rebecca L.; & Baumgartner, Joy N. (2000). *Children of Color in the Child Welfare System: Toward Explaining their Disproportionate Involvement in Comparison to their Numbers in the General Population*. Chapel Hill and Research Triangle Park, North Carolina: University of North Carolina School of Social Work, Jordan Institute for Families and Research Triangle Institute. Child Welfare League of America. *Children of Color in the Child Welfare System*. November 2005. For our domestic violence shelters and advocacy programs which offer critical programming for children, this data is of particular importance because it demonstrates that families of color would be disproportionately put into the children services system for seeking safety and supportive services than those families that do not engage safety services.

What is most concerning are the data regarding what happens to families of color once that referral to children services is made. “African-American children represent 45% of children in foster care, but only 15% of the U.S. child population. For children reported to CPS, the majority of Caucasian children receive support to remain at home, whereas the majority of African-American children receive foster care placement (Harris, Tittle & Poertner 2001; USDHHS, 1999). Once children are placed out of the home, studies suggest that children of color are less likely to return home and be reunified with their biological parents” (Wulczyn, 2000; Wulczyn, 1999; Courtney & Wong, 1996; McMurtry & Lie, 1992). *Children of Color in the Child Welfare System: Perspectives from the Child Welfare Community* – December 2003. The national numbers are nearly identical to Ohio’s population and children in children services custody as recently as July 2018. See *PCSAO Factbook*. 14th Edition 2019.

Current funding requirements and limitations for domestic violence programs strictly limit when reports may be made to children services and do not permit advocates to disclose race even in those circumstances. The domestic violence advocacy field has struggled with providing culturally humble and meaningfully accessible services to all survivors. Survivors of color know about the racial disparities in children services response in their communities. Adding advocates as mandatory reporters in Ohio will exacerbate existing racial disparities in those who engage services and ultimately have greater access to immediate and long-term safety.