

March 29, 2022

Testimony of Gianine A. Germano regarding HB 419

Dear Committee Members:

I worked in the civil division of the Lake County Prosecutor's Office for 10 years. During my time as a civil prosecutor, I represented the Lake County Department of Job and Family Services ("JFS") and had significant involvement with adult abuse, neglect, and exploitation cases. These adults are some of the most vulnerable in our society. Throughout my time working with JFS on investigating these cases, attempting to work with law enforcement if the situation warranted, and litigating these cases in probate court, I noticed that the law was not very clear in situations where a mandatory reporter failed to report the reasonable belief that abuse, neglect, or exploitation is occurring. While the legislature has made great strides in expanding the list of those required to report these situations, the penalty for failure is not sufficient. Under the current law, a fine of not more than \$500.00 shall be imposed for such violation. That begs the following questions: Who imposes such fine? Who files a complaint, or a lawsuit, against the mandatory reporter? To whom does the fine get paid? If the fine is "not more than \$500.00" then how is it determined whether the fine should be \$500.00 or something less?

Researching the issue did not reveal any clear guidance. Prior to working in the civil division of the Prosecutor's Office, I was an attorney in the juvenile division prosecuting delinquencies and litigating juvenile abuse, neglect, and dependency cases. Mandatory reporters who fail to report juvenile abuse and neglect can be convicted of a misdemeanor of the fourth degree. Because there is a criminal violation associated with this, it is clear who has the jurisdiction to implement the penalty. Therefore, it seems like it would be an easy fix to have the same penalty associated with the failure to report adult abuse, neglect, and exploitation.

Many individuals have no issue with reporting juvenile abuse and neglect to their local department of job and family services. Recognizing and knowing to report adult abuse, neglect, and exploitation is a bit more difficult. Educating mandatory reporters, and having the ability to actually enforce the reporting requirement, is crucial to helping protect our beloved and vulnerable members of our community.

I fully support the proposed amendments to Ohio Revised Code section 5101.63 and 5101.99, and encourage this committee to pass HB 419. Thank you for your time.