

# ADAMS COUNTY COMMON PLEAS JUDGE

## BRETT M. SPENCER

Chairman Hillyer, Vice Chair Mathews and Ranking Member Galonski, as well as the balance of the esteemed Civil Justice Committee for the Ohio House of Representatives, I hope you will accept my gesture of profound appreciation for the privilege of addressing the Committee as relates to HB 283. My name is Brett M. Spencer, and I am currently serving a six year term as Common Pleas, Civil and Criminal Divisions, Probate and Juvenile Court Judge in Adams County, Ohio. I was elected at the general election in November, 2022, with my six year term commencing February 9, 2023.

I am here to answer your previous questions that the presenters before me were unable to address, such as 1) What are the thoughts of the current Judge; 2) Are the Supreme Court statistics accurate that the number of overall cases in Adams County have remained flat or even decreased since the 2010 exploratory Committee for consideration of a second Judge; and 3) Is there necessity of an emergency creation of a second Judge position without proper due diligence.

I will start with the thoughts of the current Judge. The reason this question is void of response is because not one of the presenters or written supporters of this monumental modification, ever reached out to inquire, observe or research the current status of Court operations. Unfortunately and disappointingly, State Representative Pizzulli has refused to speak with me, although requests nearing double digits have been made by me to the Representative. Mr. Bubb's suggestion to Ranking Member Galonski that he had not spoken to the current judge "since he returned from Florida", would have been accurate if his response was since 2004.

I stand before you on a day reserved for opponents to be heard. I am not certain if I am truly an opponent. If it is the intent and effect of HB 283 to appoint an additional Probate and Juvenile Court Judge, with me completing the balance of my term as elected by the people of Adams County, as Judge of the Civil and Criminal Courts of Common Pleas, as well as Probate and Juvenile Courts, then that is an issue of resolution solely for the Commissioners and the taxpayers of Adams County they serve. My only opposition is, if it is the intent and then effect of the sponsored legislation to retroactively change the 2022 ballot, modify the will of the Voters of Adams County, and strip me of Jurisdiction of the Juvenile Division, where my greatest passion lies, and the ability to change lives for the better of those less fortunate children exists, then my opposition has no boundaries. In essence, I challenge if my elected jurisdictions can be abolished retroactively. It appears to be dangerous precedence this Committee is asked.

In our Juvenile Court division, we have created and implemented the following innovative programs:

FAX  
(937) 544 - 8911

ADAMS COUNTY COURT  
110 W. MAIN STREET  
WEST UNION, OH 45693

PHONE  
(937) 544 - 2921

- 1) A first in the Nation Mental and Behavioral Health Campus was created in 2020 on the same floor as our Courtrooms, in collaboration with the Psychiatry and Psychology Departments of a major university, the University of Cincinnati, to provide immediate assessment, and immediate treatment if necessary, for mental and behavioral health issues for our Juvenile Court participants, as well as participants in our Adult Divisions. It is 63 feet exactly, from my Courtroom door to the Assessment Offices for immediate intervention and the development of hope for those suffering from Mental Health and Trauma issues. This one of a kind program was developed in coordination with the Adams County Health Department, as well as Dr. Marrett and Dr. Wagner of the University of Cincinnati. Our Court is the template for many Courts across the nation, who desire to replicate this program and its resounding success;
- 2) At the behest and beneficial assistance and support of the Supreme Court of Ohio, we created a Family Intervention Court in May, 2023, which has successfully reunited seven minor children with their now employed and drug free parents. Four of these children were in foster care, shuffled from house to house while in the custody of Children Services, and now are reunited and removed from the cost of foster care;
- 3) Our Juvenile Court operates a Courthouse classroom, and have for several years, where students either temporarily suspended or expelled, continue their education, per the provided curriculum of their home school, with tutoring on site. The classroom has the latest technological advances to achieve desired results. This continued educational ruler under a student of compulsory school age, insures they have the opportunity to advance their education through achieved credits. They also have access to our Mental Health/Behavioral and Trauma campus, which is one floor up from the classroom. Many students have achieved attainment of their diploma through this collaborative effort with our local school districts;
- 4) We created a kinship placement division in our Juvenile Courts at the beginning of 2023, to fill the void of children services workers, who through the increase of caseload and lack of adequate staffing, simply could not provide information of kinship placement options available to the Court at the initial hearings of desired removal by Children Services. The kinship placement software purchased can track down up to seven generations of possible kinship placements, in addition to up to date contact information. Further, the kinship placement division has the capability to secure criminal background checks as required before consideration of kinship placement. This newly formed division has significantly reduced foster placement, the costs associated with foster care, as well as expeditiously placed a displaced child in the comfort of a familial environment;
- 5) In 2022, we introduced the Court Appointed Special Advocate program (CASA), for the first time in the history of our County. We are thrilled with its progress, the assistance it provides to the Courts to receive an independent assessment of a child's needs, and the support of our county's citizens. This program is again a successful attempt to effectuate the required number of visits with displaced children per month, for a Children Services staff which is currently assigned twice the caseload of State recommendations;
- 6) Our Juvenile Court, through the extraordinary efforts of Court Administrator, Veronica Grooms, and our talented and devoted colleagues, has conducted two Foster Care Summits in the fall of 2022 and 2023, each attended by nearly 200 people, which is patterned off the Foster Care recruitment successes of The Chestnut Mountain Boys Ranch in Morgantown, West Virginia. These Foster Care Summits are a platform to recruit foster families, as well as volunteers to support those who take

the leap of being Foster Care families, often supported by our wonderfully philanthropic faith based community in Adams County, Ohio. A Boy's Ranch in Adams County for underprivileged youth is just a matter of time, as financial analysis, sustainability studies, and generous donors are actively and currently engaged towards this imminent goal. We intend to develop a young man in all disciplines, that a parent would want their daughter to marry.

I found solace, some humor and certainly pleasant surprise, when, immediately following the testimony of proponents Ward and Bubp before this honorable Committee, I exited Chambers and was promptly advised by staff, that via email from the Supreme Court, Adams County Juvenile Court had been selected as one of twenty Courts in the United States, and the only in Ohio, to participate in the 2024 "Rural Justice Collaborative", as a Court of Innovation and collaboration with agencies like Ohio Means Jobs, The Adams County Health Department, the University of Cincinnati Psychiatry and Psychology Colleges, our local schools, and many other agencies comprising our "Better Together" initiatives.

The above stated achievements of our Juvenile Court Division, through innovation, collaboration with our Community Partners, and sweat off the brow of our Juvenile Court and collective staff from all divisions of current jurisdiction, have created an environment where we can focus on the easier task of building a strong child, versus fixing the broken adult. The retroactive abolishment of my elected position as Juvenile Court Judge, would undoubtedly jeopardize the continuation and function of several, if not all of these programs, proven so beneficial to our troubled and trauma exposed population of youth. In addition, the staff of the Juvenile/Probate Divisions, who have been recognized by Sponsor Pizzulli and other proponents of HB 283, as highly talented staff, have no assurance that their valuable skill set would continued to be employed.

Much has been made about the 2010 exploratory committee formed to consider the addition of a second judge, with suggested reliance by this distinguished legislative committee, upon a discussion and facts, thirteen years old, in support of "emergency" legislation in the form of HB 283. The 2010 exploratory committee was initiated as a result of the opioid crisis, where Adams County, as the contiguous county to the West of ground zero, being Scioto County, was the home of a steep increase in various illegal activities, involving trafficking in prescriptions, entitlement fraud, and theft offenses to afford the opioids the defendants had become dependent upon. The Common Pleas Criminal Division timely processed the all time record number of criminal cases, never before experienced in the history of Adams County. Not knowing if the opioid crisis was a permanent phenomena, the Committee looked at the Morrow County template, where a second Judge was added, with Jurisdiction in all divisions. In 2011, as a result of an aggressive address of criminality by the then Prosecutor, Sheriff's Officers and the Court, the opioid overdose deaths dropped from 26 in 2010 to 1 in 2011. The Committee disbanded. In fact, the mention of a second judge in Adams County never surfaced during the 2022 campaign for Common Pleas, Probate and Juvenile Court Judge.

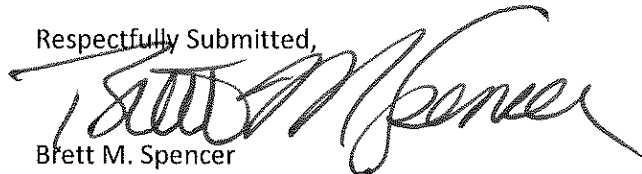
The compiled Ohio Supreme Court numbers provided by the Supreme Court to this Committee and to Sponsor Pizzulli, reflect little if any increase in cases from 2013 to 2022. This critical criteria was astutely noted by several members of this Committee when posing inquiries to testifying

proponents. Regretfully, none of the proponents were aware of the stark contrast in the actual numbers maintained by the Supreme Court of Ohio, when compared to proponents general assumptions. Total number of cases from all Court Divisions were down 12.5%, or 231 cases, from the high of 2013 to the close of 2022. Criminal cases were down 42.4%, or 88 cases, from 2013 to 2022. In 2010, the Common Pleas Criminal Division processed 396 cases, in contrast to the 120 cases indicted in 2022 by the recently retired Prosecutor, resulting in a 69.1% decrease in criminal cases required processed by our Courts. Juvenile Cases as well were down 11.6%, or 95 cases in 2022, when compared to 2013, and down 16.4%, or 147 cases in 2022, from the high ten year caseload in 2019 in the Juvenile Division. No case, any division, has been required dismissed as a result of untimely hearings or unavailability of the Court, again in stark contrast to the proponents suggestions.

Regardless of the passage of HB 283, or pause in action of this legislation, to allow a due diligence assessment of the future needs of Adams County, based upon actual documentation, observation and conversation, the Court will respond expeditiously in 2024 to the voiced concerns of the proponents for emergency action. The Court was previously unaware until testimony in these proceedings, that the County budget had increased to a very comfortable level of 18.5 million, with earmarked funds for Court expansion and Court services.

I thank this Committee, and I make myself available for your inquiries.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brett M. Spencer", written over a horizontal line.

Brett M. Spencer

Common Pleas, Probate and Juvenile Court Judge  
Adams County, Ohio