

Children Services Ombudsman Office Added to Abuse Reporting Measure

Gongwer article, May 6, 2021.

The House on Thursday took a step toward the creation of an ombudsman office for the state's foster care system, although a leading child welfare advocacy group asked lawmakers to go further with the language.

The proposal to create an arbiter of conflicts within the children services system, which has been the subject of biennial budget (HB 110) testimony, was amended into separate legislation on child abuse reporting (HB 4) during its fourth hearing before the House Families Aging & Human Services Committee. The bill remains in committee.

Chair Rep. Susan Manchester (R-Lakeview) said the amendment, adopted without opposition, also expands the pool of qualified home study assessors for the foster care system. It is supported by the DeWine Administration, she said.

However, Jermaine Ferguson, speaking on behalf of the Children's Defense Fund-Ohio, ACTION Ohio, and the Ohio Youth Advisory Board, asked the committee "to add more robust language to the amendment...."

He requested that the committee:

- Establish an independent and autonomous Youth Ombudsman Office outside of the Department of Jobs and Family Services.
- Define the powers and duties of the office.
- Explicitly state that the office be dedicated to youth and not serve both youth and caregivers.
- Mandate that current and former foster youth be involved in the design and operation of the office.

"The Youth Ombudsman office should not be housed in the DJFS because the agency is solely responsible for the state's supervision of the child welfare system. There is at a minimum an appearance of a conflict of interest because the ombudsman, staffing, operations, and the budget are directly influenced by DJFS," he said. "The Youth Ombudsman office should not serve both youth and the caregiver - there must be independent mechanisms that serve youth and the family caregiver to prevent any appearance of a conflict of interest."

Chair Manchester said the decision was made to house the office withing ODJFS based on precedent and the focus of state resources. Regarding some of the specifics requested by the witness, she said policymakers did not want to be too descriptive with the language.

The chair also noted that a \$1 million appropriation for the office mention by Mr. Ferguson and a subsequent witness had been removed by the House under the assumption that ODJFS could establish the program with existing resources. She added that HB4 does not include an appropriation for that purpose.

Rep. Thomas West (D-Canton) and other members questioned why the office should not focus on both youth and caregivers.

Mr. Ferguson said he's not saying caregivers should not be served, just that a separate independent office should be focused on youth.

Responding to a question from Rep. Tim Ginter (R-Salem), the witness said an ombudsman could initiate an investigation based on trends or when a youth or caseworker flags a problem.

Kim Eckhart, also with the Children's Defense Fund-Ohio, raised the same concerns with the amendment's approach by requesting the ombudsman office be independent and focused on youth.

She told Rep. Jean Schmidt (R-Loveland) her group had not done cost estimates for the program but was asking that its funding be used in specific ways.

Responding to Rep. Stephanie Howse (D-Cleveland), Ms. Eckhart said of the original funding proposal, "I would say it's an under-estimate," especially of there were two separate offices for youth and caregivers.

The witness opined that it would be feasible to use that funding for an independent office with a separate line item.