

Previous Ohio Foster Youth and Alumni Input Regarding Juvenile Court-Related Recommendations

The *Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB)* is a statewide organization of young people (ages 14-24) who have experienced foster care. The OHIO YAB exists to be the knowledgeable statewide voice that influences policies and practices that impact youth who have or will experience out of home care.

Alumni of Care Together Improving Outcomes Now Ohio (ACTION Ohio) is dedicated to improving outcomes for current and former foster care youth. ACTION Ohio initiatives include Thanksgiving Together and Three Days on the Hill.



Five Juvenile Justice Recommendations, as identified in the CST final report:

- 1. Identifying strategies to achieve greater accountability and increased communication with guardian ad litem programs.*
- 2. Reviewing and evaluating CASA GAL programs*
- 3. Support the Supreme Court of Ohio's recommendation to implement the child in need of Protective Services, which is the chips model.*
- 4. Strengthening guidance to reinforce the 12-month requirement for reunification and permanency.*
- 5. Support collaborative efforts to create and implement multidisciplinary legal representation for parents.*

1.) Greater Accountability for Guardians Ad Litem to Meet with Youth

GALs can only accurately represent the voices of youth whom they have met with and listened to... The OHIO YAB participated in email correspondence with the Ohio Supreme Court previously, to share that: "It would be wonderful if the CHIPS proposal could be expanded to increase the level of GAL requirements, so they are held accountable to meet with the young person far more than only once throughout the duration of the case."

During the January 2020 OHIO YAB statewide quarterly meeting, youth shared concerns related to GALs. Youth participants shared concerns about rarely, if ever seeing their GAL and having difficulties in getting their GAL to listen: "I thought the role of a GAL was to give us a voice. We lived this situation. It's not okay when your GAL doesn't get your voice out or undermines you."

Youth described why it matters to them so much to hear what is going on in court firsthand: “When they go to court without me, I hear my caseworker describe it, and my GAL describe it, and their stories don’t match up. Everyone has a different point of view about what happened in court. They aren’t on the same page. It’s important to be there in person, so you can hear all these different points of view with your own ears.”

2.) Putting Measures into Place to Ensure Youth Voice in Court

Juvenile courts in the state Ohio have jurisdiction over dependency cases in which adults stand accused of child abuse or neglect. They are entrusted to decide where children and teens placed, and under what circumstances child safety would be served by reunifying them with their biological homes, terminating parental custody, or emancipating them into young adulthood.

Members of the OHIO YAB have expressed the utmost respect for Judge Cubbon of Lucas for ensuring that youth voice is welcome in her courtroom and have praised Judge Puskarich for doing so as well. They proposed that this best practice should be operationalized throughout the state, and that this is vital to, as Jeremy Collier stated it, “Making sure the child’s voice is included in child protection.”

During OHIO YAB meetings, youth have repeatedly expressed a heartfelt desire to reach out and communicate directly with the judge to whom their case was entrusted.

- **Court vs. School:** Participating youth have described not being informed about their court dates, not being able to attend their hearings and being given the excuse that they would miss school.
 - Youth shared that, from their perspective, they were unable to concentrate in school that day due to being so worried about what would happen next in their personal lives: “They should let us go. Especially because this is an excused absence. It is well worth it to miss one day of school because my voice and input matter what it comes to my future.”
 - Youth stated that, “If you know you have court, you can go to school, but you’re really not there – because you are going to think about court all day.”
- **Risk of Emotional Harm:** Youth also mentioned being told that being at court might be too emotionally harmful for them.
 - Quote: “Court isn’t too harmful. I have already had to live with and experience all of this, and no one knows the situation better than me.”
 - One young person stated, “Not being able to go to court is more hurtful, because I’m not able to have a voice or hear what’s going on firsthand. How can I not have a voice in my own life?”

Another young man described having to 'crash' his own court hearings in order to be there to share his voice. He had to walk into court unannounced in order to be heard. He shared that, once he was able to actually be in court firsthand, **“Your word can matter greatly to a judge.”**

3.) Maintaining the Legal Definitions of Abuse, Neglect and Dependency

The OHIO YAB has also previously been in touch with the Ohio Supreme Court regarding the need to maintain the legal definitions of abuse, neglect, and dependency.

a.) CHIPS History: In 2020, we spoke with Denise St. Clair, who shared that, when CHIPS was initially proposed in 2005, the cornerstone was child protection. The intent was never to remove the definitions of abuse, neglect or dependency. In fact, at the time, the Ohio Revised Code did not have the robust and clear-cut definitions of abuse, neglect and dependency that it has today, and the recommendation was to create clear and consistent definitions.

b.) Why Clear-Cut Legal Definitions Matter

In 2020, Ohio foster youth and alumni went to great lengths to advocate for a young person to be removed from an abusive placement. It was the Ohio Revised Code definitions that finally made it possible for the young person to attain physical safety. The young person himself directly referenced how what he was experiencing in his kinship care exemplified:

- **Abuse**, which is defined in the state of Ohio as, “A child who exhibits evidence of physical or mental injury other than by accident.” ~ *Ohio Revised Code 2151.031*
- **Neglect**, which refers to: “A child who is abandoned by the child's parents or who lacks adequate care because of the parents' failure to provide care.” ~ *Ohio Revised Code 2151.03*
- **Dependency**, which refers to: “A child who is without adequate parental care, such as to warrant the State assuming the child's guardianship for the child's protection.” ~ *Ohio Revised Code 2151.04*

Without those legal definitions, the young person would have remained in immediate danger. Because of those definitions, he is currently safe and protected. This courageous young man listed specific examples of abuse, neglect and dependency (a.k.a. abandonment) that he had experienced.

In closing, he stated, **“After coming forward and advocating for myself and opening up about these family secrets, I have put myself in danger and subjected myself to further abuse if I am returned. All I want is permanency in a safe loving foster home where I can attend school and heal. My entire life, people have made decisions for me and I have never had a voice. I am begging you today to listen to my story, hear my voice, and I thank you for taking the time to consider what is in my best interest.”**

In the words of one of our OHIO YAB Young Ambassadors, “There is nothing so terrifying and soul-shattering than to be a young person experiencing neglect, abuse or abandonment, to try to speak out about it, and to have your voice not be heard. I know this from personal experience. When I was a child, I used to wish that somebody, anybody, would stop by my house and witness the abuse that my siblings and I were experiencing – but it never happened. It took two years of self-advocacy on my behalf to get my siblings and I to safety.”

c.) Child Protection Must Remain the North Star

Politics and fields of study can often experience a *pendulum swing* from one extreme to another. The OHIO YAB and ACTION Ohio are keenly aware of the Family First Act, and its focus on keeping children safely with their families. However, the key word is “safely,” and the cause of child protection must never be abandoned.

Governor DeWine shared powerful quotes during his 11/20/20 press conference regarding reformations to foster care in the state of Ohio:

- *"Foster youth's health and safety needs to remain the North Star... The children/teen's rights need to come first."*
- *"We have to do better for these kids. The child's rights need to come first. These are tough decisions, but we need to focus on children."*

While Ohio foster care youth and alumni are fully on board with efforts to work in a restorative way to assist families who are able to heal with help, the bottom line is youth safety. Thanks for understanding and sharing our North Star of making sure that young people are not entrusted to abusive and neglectful placements.

Each and every juvenile court judge and magistrate is in a position of great power to safeguard young people from further abuse while making placement decisions regarding their case. Youth voice is integral to ensure that young people do not remain in (or are not sent back to) unsafe placements. Judges and magistrates play an integral role in making that happen.

d.) Cognitive Dissonance Undermines Youth Resiliency

The OHIO YAB and ACTION Ohio have been in existence since 2006. Through the years, we have witnessed, experienced and hear countless stories from current and former foster youth about trying to talk with biological family members about abuse, neglect and/or abandonment that took place, and having that family member lie or make excuses.

This is due to *cognitive dissonance*, which is a psychological term describing the uncomfortable tension that results from (a.) engaging in behavior that conflicts with one’s beliefs and self-concept or (b.) experiencing something that conflicts with everything the person previously “knew” about the world.

Abusive family members, or caregivers who allowed abuse to occur without protecting a child experience cognitive dissonance because they believe they are good people, and recognizing that harm has taken place pricks their conscience. They need to 'make it right' in their heads, and there are three responses they can choose:

- **Denial:** They can tell themselves that what they did wasn't wrong or that it never happened.
- **Excuses:** They can say that the child or teen deserved it.
- **Truth:** They can admit the truth and accept responsibility.

Likewise, young people who have experienced abuse, neglect and abandonment also experience cognitive dissonance as well. This creates an internal struggle, as the young person debates about whether to deny it happened, blame themselves, or recognize the truth that: "I was a child or teen who deserved to be protected. The fact that I wasn't is due to poor choices by another person. It is not a reflection of my worth."

The OHIO YAB and ACTION Ohio expressed concerns in 2020 that removing the definitions of abuse, neglect and dependency will:

- Make it more difficult to validate the truth of what a young person has experienced
- Make it easier for abusers to deny what happened and make excuses
- Increase the likelihood that children and teens will remain in or be sent back to unsafe placements

4.) Desire to Know More About CASA/GAL Recommendations and Toolkit

The OHIO YAB would love to have more information about the CASA GAL recommendation that is formally being evaluated by Ohio State's Government Resource Center and the GAL toolkit that is being finalized. The OHIO YAB reached out to the Ohio Supreme Court in 2021 to share that foster youth were reporting feeling voiceless and powerless when it comes to the judicial process.

Youth expressed the desire to know their court dates, be transported to attend, and/or know how to write a letter to their judge or magistrate, so that their voices can be heard. They also expressed the need to know the identity of their GAL, how to contact them, and who to reach out to if they don't hear back from their GAL. At the time, we considered doing a pilot project, focusing on peer mentorship but were unable to move forward due to lack of capacity. **The work that the potential peer mentors had been hoping to do could (and should) be done by GALs on a regular basis,** such as:

- **Explaining the youth's options and inviting questions:** Making sure the young person fully understands available options and provide time for the young person to ask questions and think things over. For example, for a young person who is deciding whether to be adopted, they need to be informed about the legal significance of the decision and possible outcomes.

- **Court hearing basics:** Informing the young person about what to bring to court, what to wear, what to expect, who will attend and their roles, and how long the court hearing will take. Explaining what some of the legal jargon means. This will help the young person prepare for court participation in advance and visualize the experience ahead of time.
- **Writing out their thoughts head of time:** Supporting the young person in writing an outline of their thoughts and questions in order to prepare for court. Doing this in advance before the hearing gives them a chance to think deeply and ask questions before the heightened emotional time of hearings.
- **Methods of sharing their voice with the court:** What options are available to them for the upcoming hearing? Will they be attending in person, participating virtually or able to have a sidebar with the judge? Do they wish to write a letter to their judge or magistrate, and if so, what is the process to make sure that letter is received?
- **Debriefing after the hearing has taken place:** Scheduling a virtual post-meeting to help the young person process what happened, and their emotions. Ensuring that the young person understands what was ordered and why. Giving them time to share the impact they are experiencing based on the court's decision.

Our hope is that the future toolkit will include these details, and that there will be a level of accountability (including financial accountability) to ensure that GALs prioritize these tasks.

5.) Ohio Foster Care Youth and Alumni Could Help Train GALs

When the prior pilot project was being explored, Ohio foster care youth and alumni had discussed training scenarios, to help youth feel heard, rather than powerless and alone.

Sample Scenario #1:

- *A young person says: "I don't want to be adopted by this family."*
- *What the young person might mean: "I'm worried that if I'm adopted, I won't be able to see my siblings anymore."*
- *Listening to their fears, talking through pros and con's and helping them to communicate proactively with the judge about who they want to stay in touch with...*

Sample Scenario #2:

- *A young person says: "I'm ready to exit foster care at age 18. I'll be fine on my own."*
- *What the young person may mean: "In foster care, I was never able to make decisions for myself."*
- *Listening to their frustrations, talking through pro's and con's and sharing how Bridges operates and what extended foster care could look like...*