

**Criminal Justice Committee
House of Representatives**

**Supportive Testimony
SB 100, Senator Spada, Sponsor**

**Crystal Ward Allen, Executive Director
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Good afternoon Chairman Latta, and members of the House Criminal Justice Committee. My name is Crystal Ward Allen and I am the Executive Director of the Public Children Services Association of Ohio. PCSAO represents the 88 public child protection agencies here in Ohio, working for safe children, stable families and supportive communities. While Sharmane Delgado, PCSAO's Master of Social Work Student Intern testified in support of SB 100 last week, I am here to respond to the committee's comments, questions and discussion regarding the importance of Ohio's child abuse, neglect mandated reporting law.

As you know, SB 100 was originally drafted in response to numerous incidents in the Catholic Church throughout the United States (and yes, instances in Ohio), where child abuse was known and not reported by those within the church. Most accounts I have heard indicated the church made internal efforts to assist the offending adult to reform. Unfortunately, too many stories have been revealed where the child victim was not offered protective and therapeutic services, and the offending adult was later in position to offend with new children and youth. While the Catholic Church has made many efforts to reform itself, it is clear state law in Ohio and other states needed clarification. The goal of SB 100 is to ensure protective and therapeutic services are provided to child victims, and that offenders are not left in position to offend again.

PCSAO appreciates the leadership of Senator Bob Spada to craft a thoughtful and careful bill. I'd like to address some specific issues discussed last week, and I would be happy to respond to any additional questions of the committee.

How does Ohio's Mandated Reporting Law work? (ORC 2151.421)

Because children are vulnerable and often unable to protect themselves, Ohio's reporting law is critical to identify child abuse and neglect, and put services in place to protect children. Each year, Public Children Services Agencies (PCSAs) investigate over 100,000 reports of Abuse, Neglect or Dependency. This number has remained fairly stable for the 8 years.

Mandated Reporters are child and family serving professionals (doctors, lawyers, educators, healthcare professionals, child care providers, etc.) They are required to make a report to the PCSA in that county, of any suspected child abuse or neglect, and provide basic information regarding the child, family and incident.

Upon receipt of the report, the PCSA has to initiate an investigation within 24 hours. We have rules guiding high priority cases, and shorter timeframes, dependent upon the immediate risk of harm to the child. Investigations are to be completed within 30 days, we send a written response to the mandated reporter as to completion of the investigation and whether services are being provided; we also send a written notice to the alleged perpetrator as to the outcome of the investigation (unfounded, indicated or substantiated). PCSAs work on two levels – one, an investigation as to whether the incident reported occurred, and two, an assessment of the ongoing risk to the child, and need for services. Excepting voluntary services, courts must authorize in-home protective services or out-of-home care.

PCSAs also receive and investigate reports of abuse or neglect from anyone, including children themselves, family members, neighbors, and others. While all children services records are confidential, the identity of the reporter is strictly confidential, and never revealed under any circumstances.

Why weren't clergy included in existing the Mandated Reporting Law?

Current ORC language includes as mandated reporters, "a person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion." I believe this language was originally drafted to generically include various religions as mandated reporters. However, it has been narrowly interpreted to apply specifically in cases where "spiritual treatment" occurred, whatever that is. The new language in SB 100 is much clearer, and will

have a more consistent application to ensure personnel of religious bodies are mandated reporters.

Should SB 100 Include Volunteers?

Other categories of Mandated Reporters are professionals or semi-professionals. Being a mandated reporter implies responsibility to recognize and report child abuse or neglect, and certain liabilities if suspected abuse is not reported. In addition, PCSAs respond with certain information to mandated reporters, that we expect to be held in confidence, and used only for the best interest of the child. While PCSAO supports all members of the general public in reporting suspected child abuse or neglect, the status of being a Mandated Reporter is not necessarily appropriate for volunteers that lack training or professional grounding.

Should existing Child Abuse, Neglect Reporting language within the Ohio Revised Code be amended?

In the many communities across Ohio, child abuse and neglect are viewed in differing ways. While injury to a child is consistently recognized as abuse, Ohio's strong home rule (and available local fiscal support – representing 52% of child welfare resources) dictates that Toledo respond to situations differently than Meigs county.

However, it has been recognized that greater consistency is desired, and under Chief Justice Thomas Moyer, a Supreme Court Subcommittee on Dependency, Neglect and Abuse has just been appointed to make recommendations regarding Ohio's various statutes and regulations related to child abuse, neglect and dependency: reporting, definitions, relationship to child endangerment and other sections of the criminal code, case law, etc. Members of the committee include judicial entities, child welfare, law enforcement, public defenders, prosecutors, and families. This committee is scheduled to begin meeting March, 2004, and complete its task by October 2005. PCSAO supports this effort and requests additional changes to the ORC be held, pending the recommendations of the committee.

Thank you for the opportunity to testify today. I would be happy to respond to any questions at this time.