

## Ohio's FY22-23 budget bill could pave the way to creating a Youth Ombuds Office that would protect and give voice to youth in the foster care system



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After years of advocacy by current and former foster youth, Ohio is on its way to developing an independent Youth Ombuds Office to protect the rights of children and youth in care by investigating and resolving reports brought by youth themselves. The office would act as a safeguard to ensure that youth have someone to call who will listen and advocate for them.

“When I was a child, I used to wish that someone would stop by our house and that they would find us. It never happened. My summers were filled with abuse and fear... By providing a venue where the voices of youth can be heard without fear of retribution, this office will ensure the safety of Ohio’s youth,” said Jonathan Thomas, the NW Ambassador of the Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB).

May is National Foster Care Awareness Month, and Thomas and other members of Ohio YAB, in partnership with CDF-Ohio and ACTION Ohio, are launching an advocacy campaign [AP1] to bring awareness to opportunities for our state to better support former and current foster youth as the state budget is being deliberated. The advocates are calling for provisions that clearly state that the office **should be dedicated to youth, independent from children’s services** and **designed by current and former foster youth**. The [Ohio YAB](#) is a statewide organization of young people (aged 14-24) who have experienced foster care. [ACTION Ohio](#) (Alumni of Care Together Improving Outcomes Now Ohio (ACTION Ohio) is dedicated to improving outcomes for current and former foster care youth.

The campaign kicks off with the release of the [Youth Ombuds Office Legislative Issue Brief](#) and [advocacy toolkit](#), followed by more than a dozen legislative visits with youth who have lived experience in foster care to explain the importance of this office. The campaign will ramp up in May during Foster Care Awareness Month will include testimony at Senate hearings on the FY22-23 budget bill. On May 17<sup>th</sup>, youth will present at the next meeting for the [Ohio Legislative Children’s Caucus](#), a bipartisan, bicameral caucus devoted to championing children’s issues.

“The voices and involvement of those with lived experience is key to making this office a success. My recommendation for an ombudsman goes beyond just having an independent agency/office doing the necessary investigations and advocating for youth. I believe that having someone working in this office, with the experience of going through foster care, is essential. While anyone can work to understand

what it is like to go through the system, there is no better expert than those that have directly experienced it,” said Jeremy Collier, former foster youth and current advocate.

Governor DeWine has stated that \$1 million in the FY22-23 biennial budget will be set aside in the Department of Job and Family Services to establish an Ombuds Office. This follows the Children’s Services Transformation Advisory Council recommendation to create an Ombuds Office for caregivers and youth in its 2020 report. However, the bill does not include a specific Appropriation Line Item (ALI) or earmark to designate this funding.

The advocacy campaign is focused on the short-term goals of including funding and adding provisions in HB110 that clarify three specific characteristics of the office

- Clearly state that the office will be dedicated to youth.
- Clearly state that the office will be independent from the Department of Job and Family Services.
- Clearly state that current and former foster youth will have a role in the design and implementation of the office.

The Youth Ombuds Office should be designed thoughtfully and carefully. In the next phase, there will be decisions about whether the office should be housed within the state government or as a private non-profit organization and what statutory authority it requires. Each of these decisions should be made with current and former foster youth input and additional legislation may be required to outline these decisions.

The advocacy campaign does not include recommendations about where the office should be located, but it does address the fact that it should *not* be housed within the Department of Job and Family Services. In the 21 other states that have ombuds offices, there is a wide variety of structures. In [Colorado](#), for example, the office was established in the judicial branch; in [Delaware](#), it is an agency of the court; and in [Alaska](#) and [Arizona](#), their offices are in the legislative branch. Other states have theirs located in the executive branch, but separate from the agency that oversees children’s services agencies. For example, in [Georgia](#), it is located in the budget office and in [Connecticut](#)

it is housed in the Government Accountability Office. In some states, a separate agency has been established, for example, [Rhode Island](#) has the Office of the Child Advocate. In some cases, like Colorado and [Maine](#), the government agency has statutory authority, but the service is contracted to a private non-profit organization. Only a few states have the office in their human services department, which is not recommended.

In Ohio, there are other examples of ombuds offices that serve the needs of specific groups. The Long-term Care Ombuds office is located within the Department of Aging and works to resolve problems related to the health, safety, welfare, and rights of individuals who live in long-term care facilities, such as nursing homes, board and care and assisted living facilities, and other residential care communities. The office contracts with 11 separate regional organizations, both nonprofit and governmental, who provide services.



People with disabilities also have been protected by a state ombuds office, which was formerly housed in the independent Legal Rights Service that has since become the nonprofit Disability Rights Ohio. Formerly outlined in OAC Chapter 5124-4 and ORC 5123.601, the statutory authority and procedures of the office provide insights into Ohio's evolving approach to protecting the rights of people who need advocates. This office benefits from robust federal laws and funding through the Developmental Disabilities Assistance and the Bill of Rights Act of 2000 through the Protection and Advocacy system (P&A) designated by the state's governor. Under the DD Act, P&As have the authority to investigate abuse and neglect in any setting where a person with intellectual or developmental disabilities receives services. Those advocating for a foster youth bill of rights and better protections for children in foster care could benefit from learning about this model.

One way to move forward toward an independent office dedicated to youth would be to use the initial allocation of \$1 million as part of a procurement process. Recently, the Ohio Department of Medicaid underwent a procurement process to establish the OhioRISE program to provide managed care for youth with complex behavioral health needs. The request for proposals, or RFP process, gave the administration an opportunity to define clear goals they want to accomplish, and then score the proposals in terms of how well they aligned with those goals. Providing current and former foster youth an opportunity to have input on the RFP and score the proposals would ensure that the office would actually meet the needs of youth. For example, if an organization proposes to hire former foster youth, create a 24-hour hotline, and institute trauma-informed training for all staff, then current and former foster youth would be able to evaluate that within a comprehensive scoring rubric.

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