



ACLU of Ohio  
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**SENT VIA EMAIL**

April 6, 2020

Director Ryan Gies  
Ohio Department of Youth Services  
4545 Fisher Road, Suite D  
Columbus, Ohio 43228

Director Kimberly L. Hall  
Ohio Department of Job and Family Services  
30 East Broad Street  
Columbus, OH 43215

Juvenile Judges

Court Administrators

Dear Director Gies, Director Hall, Juvenile Judges, and Court Administrators:

We are grateful for the transparency measures recently implemented regarding the COVID-19 virus for Department of Youth Services' correctional and residential facilities. We also appreciate the attention to additional [recommendations](#) regarding youth in detention and correctional facilities across our state. As the COVID-19 crisis continues to grow in Ohio, we have increased concerns regarding youth populations about whom we do not have similar information or assurances about precautions set in place to prevent and manage COVID-19. We write to you today to express concern and interest about **youth in shelter care, non-secure residential facilities, and all other community-based facilities part of the detention continuum**, and to encourage immediate steps be taken to ensure the safety of youth in these facilities.

We recognize that shelter care and non-secure residential facilities in Ohio vary greatly. While some facilities are small group homes, others are larger residential facilities. We further recognize that the mechanism by which some youth find themselves in such facilities differs and that youth may be held in such facilities due to an abuse and neglect allegation rather than a delinquency charge. While much of the research and literature published by health experts pertains to incarcerated individuals and their

increased risk during public health crises, we are concerned that many of the reasons for this enhanced risk similarly apply to shelter care and non-secure residential facilities. COVID-19 has spread quickly in other enclosed, non-secure facilities including nursing homes and cruise ships. Much like the experiences of youth in secure detention, youth in shelter care and non-secure residential facilities may also live in close quarters, be required to congregate in groups, and experience unsanitary conditions. Therefore, those in shelter care and non-secure residential facilities may also be denied the ability to abide by social-distancing directives, putting them at greater risk of contracting the virus. Further, we have reason to believe that some facilities are still requiring youth to congregate in groups for education purposes, a practice that puts youth, staff, and communities at greater risk.

To prevent the disastrous spread of COVID-19, we urge you to publicly share your emergency plan for addressing COVID-19 in shelter care and non-secure residential facilities in Ohio. Ohio should be transparent about policies to protect all systems-involved youth, not just those in secure detention facilities. We recommend that emergency policies include each of the following measures.

#### Recommendation: Population Reduction

1. Release of youth in delinquency proceedings: Judges should release all youth held in community-based, non-secure facilities for delinquency matters with community supervision, barring a credible threat to the safety of the youth if they are returned home.
2. Release of children in need of care and youth in abuse and neglect proceedings: where non-institutional alternatives can be utilized (i.e. therapeutic foster care, kinship care), youth should be immediately released to one of those alternatives.
3. Review upon admission: Before any youth is placed in a residential facility, the court and the placement agency should consider all alternative community placements and only send the youth to the residential facility if there is no other safe community-based alternative.
4. Transitional support: Create transitional support for young people to ensure that upon return to their community they have a place to live that can meet their basic needs, that will provide immediate and adequate medical care, and that can provide immediate access to Medicaid where appropriate.

#### Recommendation: Education

1. Youth and family pandemic education: Provide young people and their families accurate information. Provide both written and verbal communications to youth and their families on COVID-19, access to medical care, measures to protect themselves, and community-based supports.
2. Staff pandemic education: Provide all staff accurate information. Provide both written and verbal communications to staff on COVID-19, access to medical care, measures to protect themselves, and community based supports.
3. Educational continuity: All educational requirements shall be provided through distance learning. No youth should be required to congregate in groups in order to receive their education.

#### Recommendation: Programming and Social Connections

1. Maintain social connections: Isolation can be incredibly harmful to the mental health of young people. Youth must be able to maintain bonds with loved ones during this time. While in-person visits are suspended, all fees should be waived for calls and video visitation, and young people should be guaranteed access to communication with their friends and family.
2. Institute processes to replace programming: While volunteer and in-person programming is suspended, facilities should utilize remote enrichment programming with community providers and other available partners. Additionally, facilities should take immediate measures such as loosening restrictions on access to books and other materials to promote positivity and engagement for youth.
3. Telehealth: Facilities should develop and initiate plans to deliver programming through telehealth when possible to minimize risk to staff and youth.

#### Recommendation: Staffing Plans

1. Staffing plans: Regardless of how many staff stay at home because of the illness or choose not to go to work due to fear of contracting the illness, these facilities will need to continue functioning. There must be a plan for how necessary functions and services will continue if large numbers of staff miss work.
2. Staff retention: Every effort should be made to retain and support licensed and trained staff to address the intensified emotional health needs likely to be experienced by the youth. Staff that is adequately supported in their own physical and emotional health needs will be more equipped to meet the needs of the youth.

#### Recommendation: Hygiene

1. Basic hygiene: The most basic aspect of infection control is hygiene. There must be ready access in these facilities to warm water and adequate hygiene supplies, both for handwashing and cleaning.
2. Additional cleaning: Usual cleaning protocols must be upgraded to include daily use of disinfectants approved by the Environmental Protection Agency (EPA) as effective against the COVID-19 virus.

#### Recommendation: Screenings, Housing, Treatment

1. Screening and testing: Plans must include guidance, based on the best science available, regarding how and when to screen and test staff and youth in these facilities. These plans should include any and all staff, contractors and full-time employees, who have any interaction with facilities.
2. Housing: Plans should describe how and where youth in these facilities will be housed if they are suspected of being exposed to COVID-19, if they are at risk of serious illness if they become infected with COVID-19, or if they become infected with it.
3. Treatment: Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.

#### Recommendation: Data

1. Data collection: The collection of data regarding COVID-19 is a necessary part of the public health response. As with any contagious disease, data collection is critical to understanding and fighting the virus. These facilities are an integral part of the process. The same information that is tracked in the larger community must be tracked in these facilities.

Recommendation: Legal Contacts

1. Legal contacts: Continue free access to legal counsel, guardians ad litem, case workers, and potential placement individuals, through visits with full sanitary measures consistent with social distancing guidelines or through videoconferencing or teleconferencing.

Thank you for your careful consideration of our concerns and each of the recommendations provided. We need to work together to ensure that procedures are in place to keep all systems-involved youth safe during this pandemic. These actions are necessary to preserve the lives of youth, staff, and members of our communities. If you have additional questions or need more information on this urgent matter, please contact Claire Chevrier at [cchevrier@acluohio.org](mailto:cchevrier@acluohio.org) or 614.586.1972 ext. 114.

Sincerely,

ACLU of Ohio  
Juvenile Justice Coalition  
Children's Law Center  
Policy Matters Ohio  
National Association of Social Workers, Ohio Chapter  
Center for Children's Law and Policy

cc: Dr. Amy Acton, Director, Ohio Department of Health  
Lori Criss, Director, Ohio Department of Mental Health and Addiction Services  
Corey Shrieve, JDAI Coordinator, Ohio Department of Youth Services