



# Children, Families, and the Courts



## Ohio Bulletin

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### Ohio's Child and Family Services Review

R. Lord, MSW Consultant, NCJJ

#### *Introduction*

The past years' editions of the Ohio Bulletin have focused significant attention on the Child and Family Services Review (CFSR) and Beyond the Numbers, Ohio's response to the court-connected findings of this federal review. In 2008, Ohio will participate in its second CFSR, offering a valuable opportunity to determine the impact of activities instituted to address the areas highlighted in US Department of Health and Human Services' January 2003 final report. Ohio, like every other state in the Nation, was found not to be in full compliance with the standards and outcomes required for the first CFSR. Since then, Ohio has invested considerable efforts in improving service delivery and outcomes, focusing on the permanency, safety and well-being of children and families, as well as the data collection process which drives decision-making in all of these areas. This edition of Children, Families and the Courts, Ohio Bulletin will present a national overview of the CFSR process, identifying the changes that have been made to the process as a result of state comment; briefly summarize Ohio's previous review and subsequent Program Improvement Plan (PIP); examine the schedule of events leading up to Ohio's 2008 CFSR; and, discuss Ohio current preparation efforts.

#### *Background*

In 1994, amendments to the Social Security Act authorized the U.S. Department of Health and Human Services, Children's Bureau (HHS), to establish a review process for state child welfare agencies. Congress intended this review to monitor and gauge states' compliance with state plan requirements for Title IV-B and Title IV-E of the Social Security Act. In 2001, HHS created the CFSR, an assessment process for:

- Providing feedback to states on performance and outcomes;
- Ensuring federal funds were being spent appropriately;
- Assisting states in becoming self-evaluating;
- Assembling data in order to inform national policy; and
- Emphasizing accountability, while highlighting the importance of maintaining continuous and sustainable improvement in the area of child welfare.

The CFSR required that each state implement a collaborative process which measured its conformity with explicit federal requirements for child protective, foster

care, adoption, family preservation and family support, and independent living services. The assessment examined both service outcomes and specified systemic factors that were thought to affect the ability of a state to achieve those outcomes. Each state was required to identify goals for improving its child welfare system which responded to the CFSR findings; each goal was detailed with an established purpose and framework, as well as the planned activities for achievement.

The CFSR was a two-phase process comprised of a Statewide Assessment and an onsite review:

1. The Statewide Assessment was a self-assessment, prepared by the state and submitted in the form of a written report. This provided an opportunity to examine state-driven data and qualitative information related to child welfare programs. Information was considered in reference to state programmatic goals and desired outcomes for children and families.
2. At the conclusion of the Statewide Assessment, an onsite review of the State child welfare program was conducted in three locations by a joint Federal-State team. Each site review included (1) case record reviews, (2) interviews

with children and families engaged in services, and (3) interviews with family services providers and foster caregivers, (4) interviews with community stakeholders, such as the juvenile court and community agency staff, foster families, caseworkers and independent service providers.

Both phases of the CFSR assessed the State’s performance in the context of three domains: safety, permanency, and child and family well-being. Seven desired outcomes were established for these domains. Conformity with the outcomes was measured by examining practices and the state’s performance in relation to federal standards established for the purpose of the review.

In addition to the seven outcomes, states also were assessed on the functionality of seven systemic factors: 1) Statewide Information System; 2) Case Review System; 3) Quality Assurance System; 4) Training; 5) Service Array; 6) Agency Responsiveness to the Community; and, 7) Foster and Adoptive Parent Licensing, Recruitment, and Retention.

The initial CSFR was completed in all 50 states, Puerto Rico, and the District of Columbia. At the conclusion of the process, any state found not to be in substantial

*CFSR Performance Measures: Domains and Outcomes*

DOMAIN	OUTCOME
Safety Outcome 1	Children are, first and foremost, protected from abuse and neglect.
Safety Outcome 2	Children are safely maintained in their homes whenever possible and appropriate.
Permanency Outcome 1	Children have permanency and stability in their living situations.
Permanency Outcome 2	The continuity of family relationships and connections is preserved for children.
Child and Family Well-Being Outcome 1	Families have enhanced capacity to provide for their children’s needs.
Child and Family Well-Being Outcome 2	Children receive appropriate services to meet their educational needs.
Child and Family Well-Being Outcome 3	Children receive adequate services to meet their physical and mental health needs.

conformity with CFSR measurements was mandated by Federal regulations<sup>1</sup> to develop and implement a Program Improvement Plan (PIP) outlining ways to improve its performance. By setting forth this strategic plan with specific goals and objectives, the state child welfare agency affirmed its accountability to federal requirements and demonstrated its commitment to continuous, sustainable improvement in the areas of safety, permanency, and well-being of children. States that did not achieve required improvements as agreed to through PIP negotiations with HHS were subject to penalties as prescribed in federal regulations.<sup>2</sup>

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### *Ohio's First CFSR*

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In May 2002, HHS conducted Ohio's first on-site CFSR. Its findings were conveyed through a final report which provided direction for the state's "next steps" in regard to its PIP.<sup>3</sup> The highlights from Ohio's Key Findings Report are as follows:

- Ohio met none of the six national standards: repeat maltreatment, maltreatment in foster care, foster care re-entry, time to reunification, time to adoption and stability of placement.
- Ohio achieved substantial conformity for none of the seven outcomes.
- Ohio achieved substantial conformity for six of the seven systemic factors: statewide information system, quality assurance system, training, service array, agency responsiveness to the community and licensing, recruitment and retention of foster/adoptive parents.<sup>4</sup>

Ohio's PIP<sup>5</sup> focused on achieving positive outcomes for children and families by implementing the improvements recommended in the CFSR final report and initiating six strategies:

- Data: Ensuring ready access to data.
- Data Analysis: Establishing a method for conducting ongoing evaluations of program or policy impact.
- Policy: Setting forth clear expectations through the Ohio Revised Code, the Ohio Administrative Code, the best practice guidelines, the procedure letters, and the child welfare manual.

- Training: Standardizing training for caseworkers and supervisors to ensure that all new workers have the same basic knowledge about child welfare theory and practice; cultural competency; state and federal laws and rules; and, the impact of laws and rules upon practice.
- Agency Reviews: Ensuring that Ohio agencies meet a certain level of compliance with OAC rules through a case record review, as well as conducting on-site reviews with indicators that are based on national standards and that lead to the implementation of Quality Improvement Plans.
- Focused Technical Assistance: Providing expert assistance and evaluation to the Public Children Services Agencies (PCSA) with the highest percentage of noncompliance with core indicators.

### *Child and Family Services Review: Ohio's Second Review in 2008*

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HHS has notified Ohio's State child welfare agency, the Ohio Department of Job and Family Services (ODJFS), that the second round of CSFR will occur in Ohio in 2008 and that significant changes have been made to how states will be assessed for compliance with the national standards. Referred to as *Round 2*, the upcoming CFSR is intended to:

- Ensure that State child welfare agency practice is in conformity with Federal child welfare requirements;
- Determine what actually is happening to children and families as they are engaged in State child welfare services; and,
- Assist States in increasing their capacity to help children and families achieve positive outcomes.<sup>5</sup>

As in the Round 1 CSFR, the 2008 CFSR in Ohio will include two phases: (1) Statewide Assessment and (2) On-site Review (scheduled for August 18 – 22, 2008). The data being used to determine Ohio's compliance in both phases of the Round 2 CFSR captures the time period of April 1, 2006 through March 31, 2007.

## ***Statewide Assessment and Statewide Assessment Instrument***

Ohio currently is preparing its Statewide Assessment for submission in the spring of 2008. As in Round 1, each State must utilize collected data to self-evaluate its capacity and performance in improving outcomes for children and families engaged in child welfare services. The Statewide Assessment is used to:

- Guide site selection of the two additional locations for onsite review. The first location is set by HHS as the most populous county/city (Franklin County was chosen because the city of Columbus is the most populous in Ohio).
- Give the Onsite Review Team an overview of the State child Welfare Agency's organization, capacity and performance.
- Facilitate identification of issues that need additional clarification before or during the onsite review;
- Serve as a key source of information for rating the systemic factors;
- Enable States and their Stakeholders to begin identifying potential areas that need improvement and begin PIP planning early in the CFSR process;
- Educate and enlist the support of stakeholders in making program improvements;
- Inform stakeholders and the public about the progress made since Round 1.

HHS has established a *Statewide Assessment Instrument* to facilitate collection of the information considered critical to analysis of the state's performance. Ohio's final document will consist of five sections:

**Section I** contains general information about ODJFS.

**Section II** presents Ohio's data profiles for the safety and permanency outcomes (See Chart, page 2) and the federal data indicators established to measure outcomes. Performance on these indicators will be used to, in part, determine Ohio's achievement of substantial conformity. Round 2 includes additional contextual data that are new to the CFSR.

Profiles are developed by HHS from data submitted by States to national reporting systems. The data are drawn from the Adoption and Foster Care Analysis and Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS).

**Section III** provides a narrative assessment of Section II; an analysis of Ohio's performance in the seven outcome areas (see Chart, page 2) as established through the data profiles and any information in these areas the State presents as new since the first CFSR.

**Section IV** focuses on ODJFS characteristics and requires narrative responses for each of the systemic factors (See Page 2<sup>6</sup>). These responses are developed by analyzing data, to the extent available, and using external stakeholders' input. Any changes in policy, practice, and performance that have resulted from the implementation of Ohio's Round 1 PIP or other strategies initiated since Round 1 must be presented here.

**Section V** requires Ohio to assess its strengths and challenges and identify issues and geographic locations requiring further examination during the onsite review.

### ***Statewide Assessment Team***

States must form a Statewide Assessment Team that has broad representation both from within and outside the State child welfare agency. The Statewide Assessment document must be completed in collaboration with State representatives who are not identified as staff members of the State child welfare agency (external partners or stakeholders). Individuals chosen to take part should represent the sources of consultation required of the State in developing its Child and Family Services Plan (CFSP). This could include stakeholders such as court personnel; youth; staff of other State and social service agencies serving children and families; birth, foster, and adoptive parents; or, representatives of foster and adoptive parent associations. HHS recommends that teams include individuals who have the skills to serve as case record reviewers during the onsite review and to assist in developing the Program Improvement Plan.

### ***Data Quality Issues***

A Data Workgroup was formed to address data quality issues affecting Ohio's compliance with the current National Standards and the new data indicators for Round 2 of the CFSR. The Data Workgroup is being chaired by staff from ODJFS' Bureau of Automated Systems and the Bureau of Child Welfare Monitoring. The workgroup has been charged with the following task:

"Develop a mechanism to improve the quality of Ohio's AFCARS data elements related to the CFSR permanency data indicators for round one and round two of the review. It is hoped that improving the data quality of the AFCARS

## Ohio's Statewide Assessment Work Group

ODJFS formed eleven CFSR Statewide Assessment Work Groups to address Sections II and III of the Statewide Assessment process. The work groups named below formed in September 2008. Each was asked to craft comprehensive and data-driven responses to the following questions:

- **Safety Work Team:** How effective is Ohio in responding to incoming reports of child maltreatment in a timely manner; in reducing the recurrence of maltreatment of children; providing services, when appropriate, to prevent removal of children from their homes; and reducing the risk of harm to children?
- **Permanency Work Team #1:** How effective is Ohio in preventing multiples entries of children in foster care; providing placement stability for children in foster care; determining appropriate permanency goals for children on a timely basis when they enter foster care; and helping children return safely to their families when appropriate.
- **Permanency Work Team #2:** How effective is Ohio in determining appropriate permanency goals for children on a timely basis when they enter foster care and achieving timely adoptions when that is the appropriate goal for the child.
- **Well-Being Work Team:** How effective is Ohio ensuring that the educational, physical health and mental/behavioral health of children are identified in assessments and case planning activities and these needs are addressed through services.
- **Statewide Information System Work Team:** Is the State operating a statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care?
- **Case Review System:** Does the State provide a process that ensures that each child has a written case plan, to be developed jointly with the child, and the child's parent(s), that includes the required provisions? Does the State provide a process for the periodic review of the status of each child, no less frequently than once every 6 months? Does the State provide a process for Termination of Parental Rights (TPR) proceedings?
- **Quality Assurance System:** Has the State developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children? Is the State operating an identifiable quality assurance system?
- **Staff and Provider Training:** Does the State provide for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties? Does the State provide training for current or prospective foster parents, adoptive parents, and staff of State-licensed or State-approved facilities that care for children receiving foster care or adoption assistance under Title IV-E?
- **Service Array and Resource Development:** Does the State have in place an array of services that assess the strengths and needs of children and families, that determine other service needs, that address the needs of families in addition to individual children to create a safe home environment, that enable children to remain safely with their parents when reasonable, and that help children in foster and adoptive placements achieve permanency
- **Agency Responsiveness to the Community:** Does the State engage in ongoing consultation with consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies, and include the major concerns of these representatives in the goals and objectives of the Title IV-B plan?
- **Foster and Adoptive Home Licensing, Approval, and Recruitment:** Has the State implemented standards for foster family homes and child care institutions that are reasonably in accordance with recommended national standards? Does the State comply with Federal requirements for criminal background clearances related to licensing or approving foster care and adoptive placements? Does the State have in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children?

elements will lead to achieving substantial conformity of the three data indicators that Ohio has not achieved:

1. Reunification within Twelve Months of Placement
2. Foster Care Reentry
3. Achievement of Adoption within Twenty-Four Months of Placement.”

Entry errors significantly contribute to noncompliance. In July 2007, the Workgroup notified 31 PCSA of data errors identified by HHS, asking for corrections. The PCSAs confirmed correction, setting staggered deadlines to conform with each counties’ SACWIS rollout.

The Workgroup continues to meet to address additional data-related issues and to complete data-analysis. Additional county staff will be asked to join the workgroup as the CFSR process moves forward in Ohio.

### ***On-Site Review***

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In the second phase of the CFSR, states are required to review a random sample of 40 foster care and 25 in-home cases pulled from three jurisdictions, one of which must be the largest metropolitan area. The two additional locations are recommended by the state and selected through negotiation between the State and HHS. The review is conducted on-site and, in addition to assessing case compliance with CFSR outcome measurements, interviews are conducted with involved children, parents and service providers. The CFSR Team also interviews both county- and state-level stakeholders, gathering a perceptual picture of Ohio’s strengths and weaknesses in the areas of services delivery and outcomes for children and families. Ohio’s onsite review will occur concurrently in the three locations August 18 through 22, 2008.

Ohio’s largest metropolitan area is Franklin County, making it one of the state’s three 2008 onsite review sites. ODJFS staff has begun constructing selection criteria for the two additional counties by consulting with other states further along in the process, such as Oklahoma and Minnesota. In addition to state-generated criteria, there is a federal expectation that the jurisdictions reflect performance results similar to those shown statewide through data profiles. Identifying the state’s recommended sites is a complex and important process which has numerous steps and includes consideration of a wide array of elements. Final selection of the sites will be negotiated between HHS and Ohio officials, a

process through which the State’s recommendations are weighed against various federal priorities and interests.

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## ***Preparing for Ohio’s Round 2 CFSR***

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Groundwork for Ohio’s 2008 CFSR began in February 2007 with a number of critical pre-planning activities. In addition to the document and data compilation and analysis that is required for each step of the CFSR, a significant amount of Stakeholder attentiveness and engagement is required in the process. Since Ohio’s Round 1 CFSR, ODJFS staff have traveled the state hosting informational sessions and offering participatory opportunities for a broad range of stakeholders.

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***The clearest lesson from the Round 1 CFSR is that that the review does not simply measure the public child welfare agency’s performance; it is an assessment of the collective community’s response to the children and families engaged in its child welfare system. Ohio’s successful performance in Round 2 rests upon the effective engagement of all stakeholders.***

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ODJFS and SCO have been active in conveying this message through *Beyond the Numbers* and other activities, such as caseload management and Judicial College courses. The majority of Ohio’s juvenile courts have responded enthusiastically, as documented in prior articles in this bulletin.

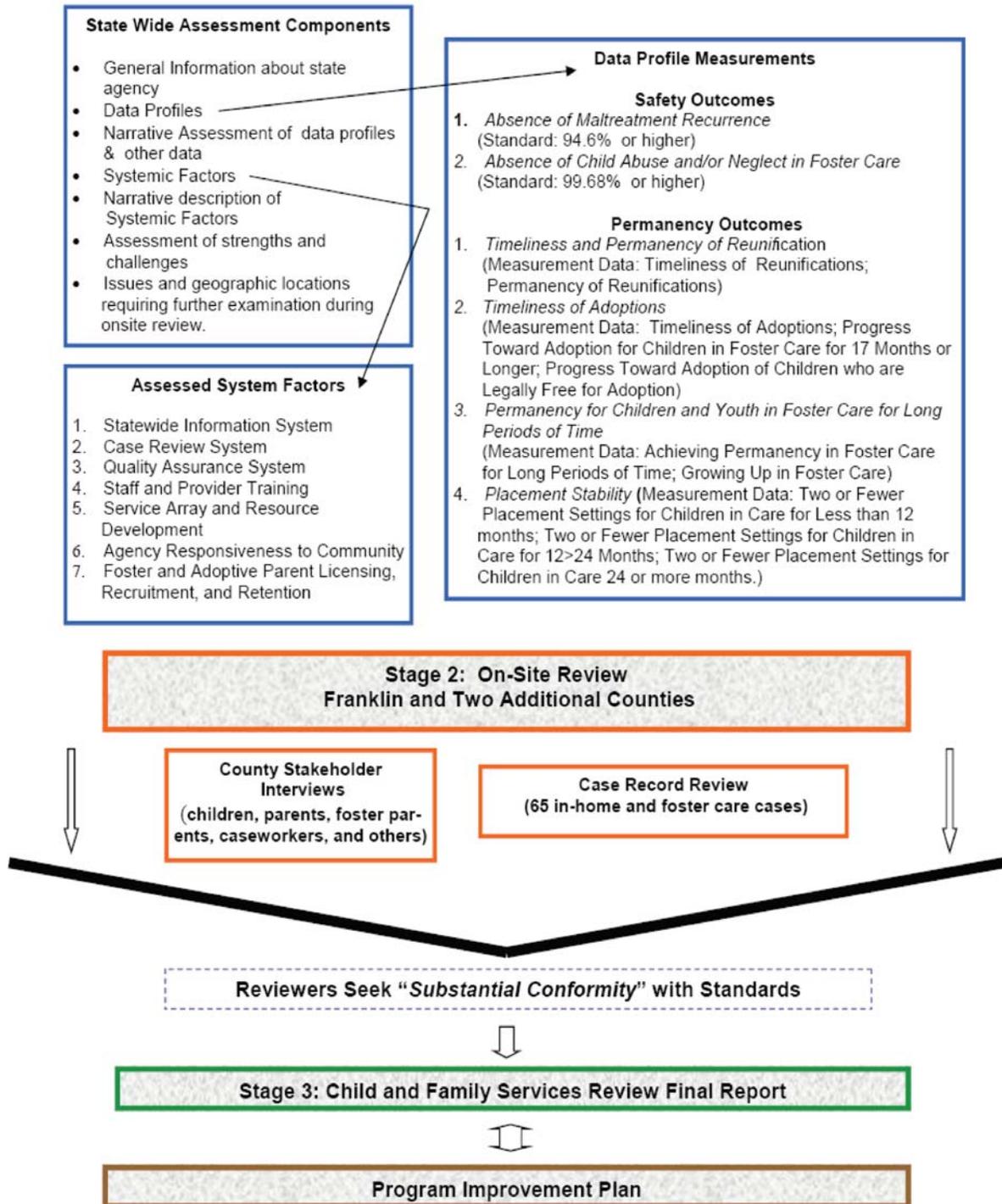
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## ***Conclusion***

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Throughout this complicated process of preparing for Round 2 of the CFSR, Ohio has maintained consistent forward momentum. Although there are many tasks yet to be completed, OCF continues its steady progress and commitment to the process. At the conclusion of the Review, the extent of improvements Ohio has made to its service delivery and outcomes; the permanency, safety and well-being of children and families; and the data collection process will be revealed and systemic impact of the 2003 Program Improvement Plan measured.

*Stage 1:  
Statewide Assessment in Collaboration with  
Agency's External Partners and the Children's Bureau*



## *2008 CFSR Ohio Timetable*

### **January 2008**

HHS regional office and Ohio's team: Current status of data issues; How does Ohio plan to disseminate information on the Statewide Assessment, Final Summary of Findings, and PIP.

### **February 12, 2008**

HHS Planning Call: Discuss data profiles for Statewide Assessment; Review composition of Statewide Assessment Team; Discuss SACWIS-related issues.

### **March 2008**

Ohio and HHS regional office begin developing the Statewide Assessment.

Identify the HHS central and regional office staff on the Federal Review Team.

HHS and ODJFS discuss site selection and case types (e.g. in-home services) to be included in sample.

### **April 3, 2008**

HHS Planning Call: Discuss overall review planning process; Statewide Assessment, Data issues; Involvement of external representatives; State Review Team Members; Automation needs of the reviewers; Schedule for State Team Member training.

### **May 2008**

Submit draft Statewide Assessment to HHS.

Select samples for on-site review.

### **June 2, 2008**

HHS Planning Call: Discuss onsite review schedule and process; Finalize State Review Team.

### **July 2008**

HHS identifies consultant reviewers assigned to Ohio for ODJFS review and approval.

Initiate site assignments and team pairing.

HHS regional office presents Preliminary Assessment of the Statewide Assessment to HHS Central Office.

HHS Planning Call: Discuss approved Statewide Assessment and how to use information to prepare for the onsite review; Discuss Ohio's promising practices to be listed on HHS website; Identify individuals and organizations to be involved in PIP development, implementation and monitoring; Set schedule for reviewing PIP interim drafts; Discuss final review schedules; Review stakeholder interviews; review debriefing and exit conference procedures; finalize logistics.

Training of State Team members by HHS.

Ohio appoints members of the PIP development team and decides if any additional information should be gathered during the on-site reviews.

### **August 2008**

Final preparations for the review.

**On-site review August 18-August 22, 2008. (Case record review and stakeholder interviews – state/county level).**

### **September 29, 2008**

HHS Planning Call: Review key findings of the review; Review timelines for transmitting the Final CFSR report; Discuss preparation of the PIP; Discuss any data issues.

ODJFS receives courtesy copy of CFSR Final Report.

### **October 9, 2008**

HHS transmits approved version of Ohio's CFSR Final Report.

Ohio begins PIP development in response to findings contained within Final Report.

HHS Planning Call: Review findings contained in Final Report; Discuss PIP development; Discuss data issues; Review Ohio's process for sharing results of CFSR with internal and external stakeholders.

### **Date to be determined**

Submit PIP for HHS review and approval.

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## *Endnotes*

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- <sup>1</sup> 45 CFR 1355.32 (b)(2)(ii)
- <sup>2</sup> Content summarized from information on CSFR and PIPs at the U.S. Department of Human Services, Administration for Children and Families: Children's Bureau website at: <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm>.
- <sup>3</sup> Ohio's Program Improvement Plan was approved December 3, 2003. **Individual Key Findings Reports, 2001-2004**- Key Findings from the 2001-2004 Child and Family Service Review (CFSRs) final reports are available at [http://basis.caliber.com/cwig/ws/cwmd/docs/cb\\_web/SearchForm](http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/SearchForm).
- <sup>4</sup> Ohio did not achieve substantial conformity in its case review system.
- <sup>5</sup> Ohio Child and Family Services Review Program Improvement Plan. November 2003. Ohio Department of Job and Family Services, Office for children and Families.
- <sup>6</sup> Round 2 has changed "Service Array" to "Service Array and Resource Development."

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## WHAT DO WE SAY ABOUT OURSELVES?

As a development activity for Ohio's CFSR Self-Assessment, information was assembled on selected court related-items:

- Periodic Reviews (Item 26);
- Permanency Hearings (Item 27);
- Termination of Parental Rights (Item 28); and
- Notice of Hearings and Reviews to Caregivers (Item 29).

Data was collected through a variety of sources, including a comprehensive online survey, written survey, foster parent survey, and first-hand discussion with Ohio public children services agency (PCSA) directors. Information also was pulled from statewide Continuous Quality Improvement results, and Supreme Court of Ohio and ODJFS documents.

A particularly revealing source of data was the Ohio Statewide Assessment Survey.

Over 400 stakeholders responded to this comprehensive online survey, which was developed to gather stakeholder input on all four court-related CFSR items. The survey was widely distributed to child protection agencies, juvenile courts, Ohio CASA/GAL, defense counsel, prosecutors and agency attorneys, parents, caregivers, foster parents and pre-adoptive parents throughout the state. Survey respondents could provide identifying information for subsequent follow-up or opt to remain anonymous.

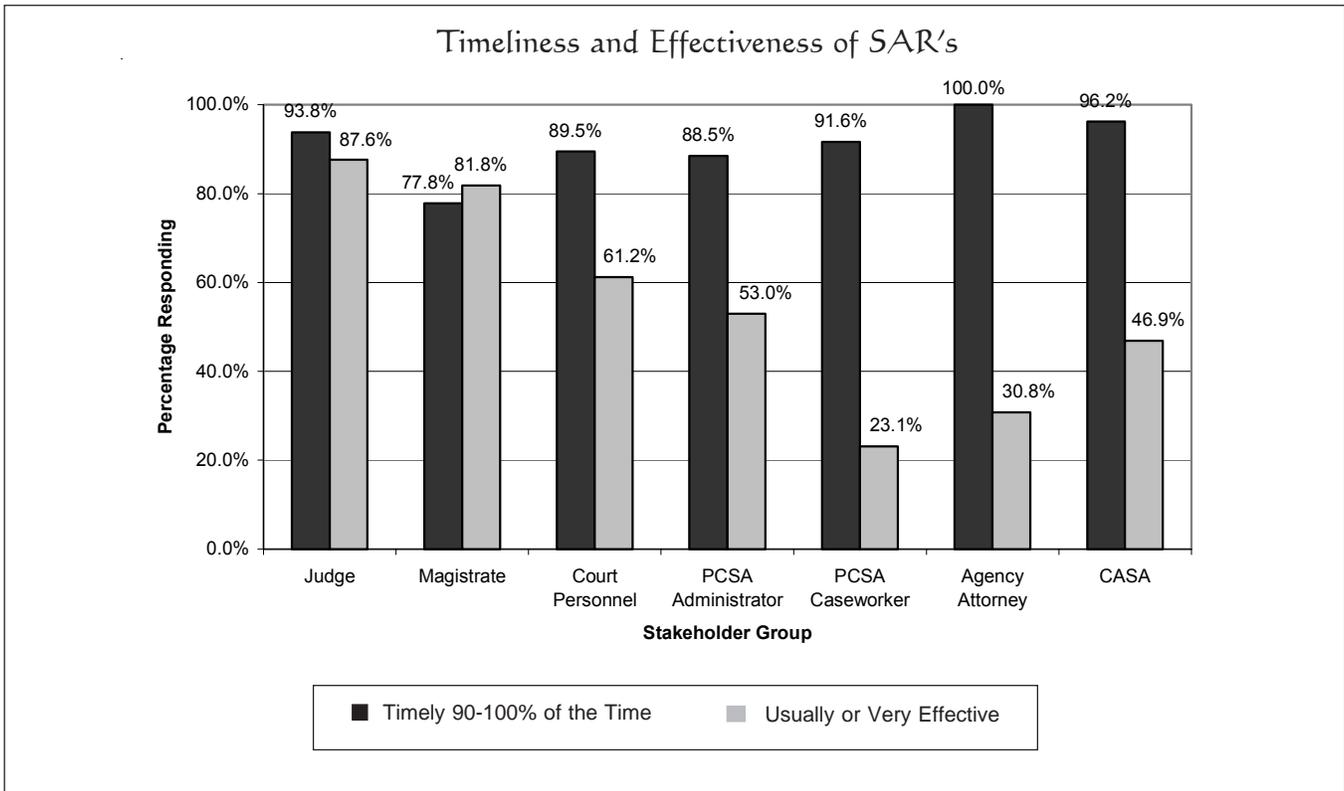
The purpose of this survey was to provide qualitative context, rather than definitive outcomes data. Its results illuminate specific areas for future follow-up and examination, as well as differing perceptions of practice among child welfare stakeholders. Perhaps most apparent, however, is the impact of Ohio's state-county structure.

Within Ohio's state-supervised and county-administered child welfare system, there is local flexibility to adapt practices to meet specific community needs within an established state framework. Compilation of perceptual data from diverse audiences highlighted both the similarities and wide differences in practice among counties.

A summary of the data collected through the Ohio Statewide Assessment Survey is available at [http://www.law.capital.edu/adoption/ocplri/SurveySummary\\_01212008.pdf](http://www.law.capital.edu/adoption/ocplri/SurveySummary_01212008.pdf).

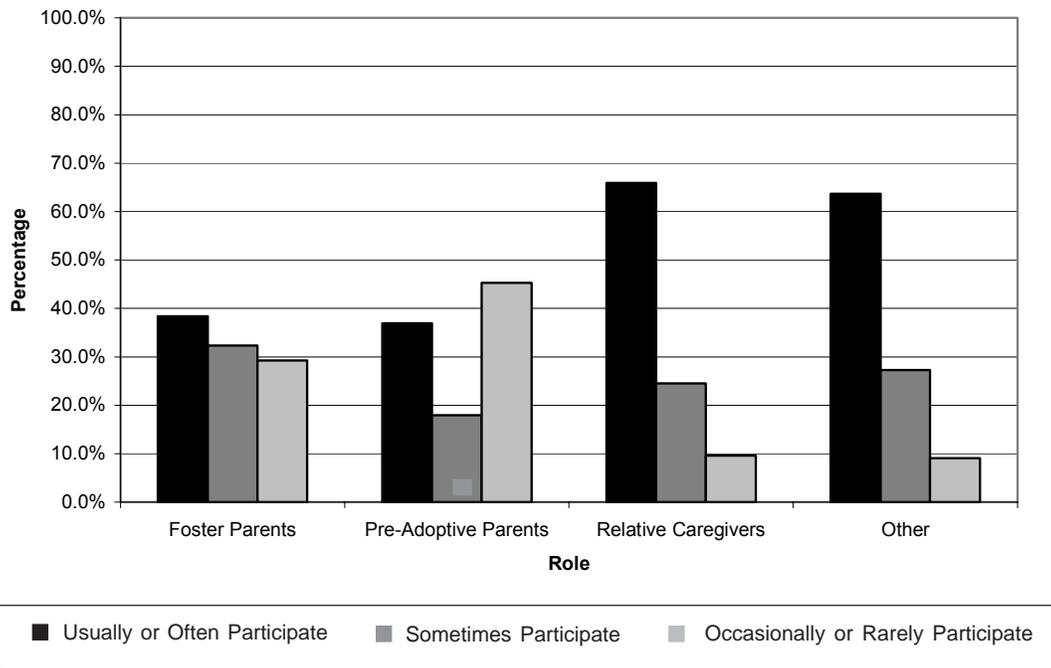
A review of findings will give a broad picture of the perceptions of Ohio professionals. Respondents to the Ohio Statewide Assessment Survey reported:

- The vast majority of semiannual administrative reviews (SARs) are conducted on a timely basis. Perceptions of timeliness varied somewhat by the stakeholder group reporting, but were relatively high across stakeholder groups. As reflected in the graph below, perceptions of the *effectiveness* of SARs varied widely among major stakeholder groups. Judges and magistrates were the most likely to report that SARs were effective in promoting timely permanency for children in care, while PCSA caseworkers and attorneys were the least likely to view the SAR process as an effective means of promoting permanency (see page 12).
- Lack of parental participation in SARs as a commonly cited barrier to an effective case review process. Ohio Statewide Assessment Survey respondents report that schedule conflicts and lack of transportation, particularly in Ohio's rural counties where there is no public transportation available, often impede parental participation. Additionally, some survey respondents report that parents may not understand or may feel intimidated by the process, preventing their full participation.
- Timely availability of information or reports from service providers, guardians ad litem or CASA volunteers; availability of counsel for parents; and timely scheduling of court reviews in crowded dockets, as other barriers to an optimal SAR process.



- Continuances as a primary reason for delays of permanency hearings, along with scheduling conflicts and the inability to serve process on a necessary party. 73% of agency administrators responding to the Statewide Assessment Survey reported that continuances were the top reason for delays. Continuances may be occasioned by lack of necessary information; 64% of magistrates responding to the Statewide Assessment Survey reported the unavailability of needed information as the number one reason for delays of permanency hearings.
- The twelve month timeframe is appropriate for permanent custody motions, except for particular circumstances. For example, while respondents generally believed that twelve months is sufficient time in which to determine parents' ability and willingness to follow their case plan and make progress toward the stated goals; respondents also expressed concern over the shortened timeframe in cases where the child or parent has mental health or substance abuse issues. Respondents reported that in these situations, twelve months can be impractical due to the length of time or availability of necessary treatment, particularly in counties with limited resources for families.
- Continuation of services to parents who are making efforts to complete case plan requirements, child's placement with a relative, a child's wish not to be adopted, PC is not in the child's best interest due to the bond/relationship with the parent, or potential reunification is anticipated as the common circumstances under which the State makes exceptions to filing for TPR.
- The lack of timely availability of services to parents may cause delays in permanency decisions. When services are not completed due to the agency not linking in a timely manner or the provider not being able to schedule services on a timely basis, courts may need to grant extensions.
- Positive outcomes of caregiver participation in reviews/hearings. The respondents comment that caregivers are able to provide valuable insight on the child's progress at home, school, and in the community. Many

### Participation in Reviews / Hearings



respondents indicated that encouraging caregiver attendance and participation provides an important opportunity for caregivers to become informed about the case and also receive support from the court. Respondents also recognize that caregiver participation can help make the transition back home easier for the child. In addition, stakeholders comment that parents may become more comfortable when they meet the person taking care of their child, which may encourage open adoption. Participation by relative caregivers can often assist with reunification efforts. Respondents recognize that many times the relative understands the complexity of the family's problem and can work with the agency to support the parent and build upon family strengths.

- Relative caregivers are the most likely group to participate in reviews and/or hearings. Counties report that 66% of relative caregivers usually or often participate. Respondents report pre-adoptive parents are the least likely group to participate, with 45% only occasionally or rarely participating. Foster parent participation appears to vary widely (22% usually participate; 18% often participate; 31% sometimes participate; 18% occasionally participate; and 12% rarely participate). When caregivers are given the opportunity to be heard, typically the judge asks if any caregivers are present and if they have any information to share. Some counties encourage caregivers to provide either verbal or written statements at hearings.
- Notice forms that are not necessarily user-friendly or provided in easily understood language are one barrier to greater participation of caregivers. The most common reasons that caregivers are unable to attend reviews/hearings are the lack of time-sensitive scheduling and long travel distances, particularly in rural counties.
- A need for greater education about caregiver rights. Not only do caregivers need improved education concerning their rights, but system stakeholders need additional education on this issue as well. There appears to a lack of clarity among agency and court staff about whose responsibility it is to send notice.

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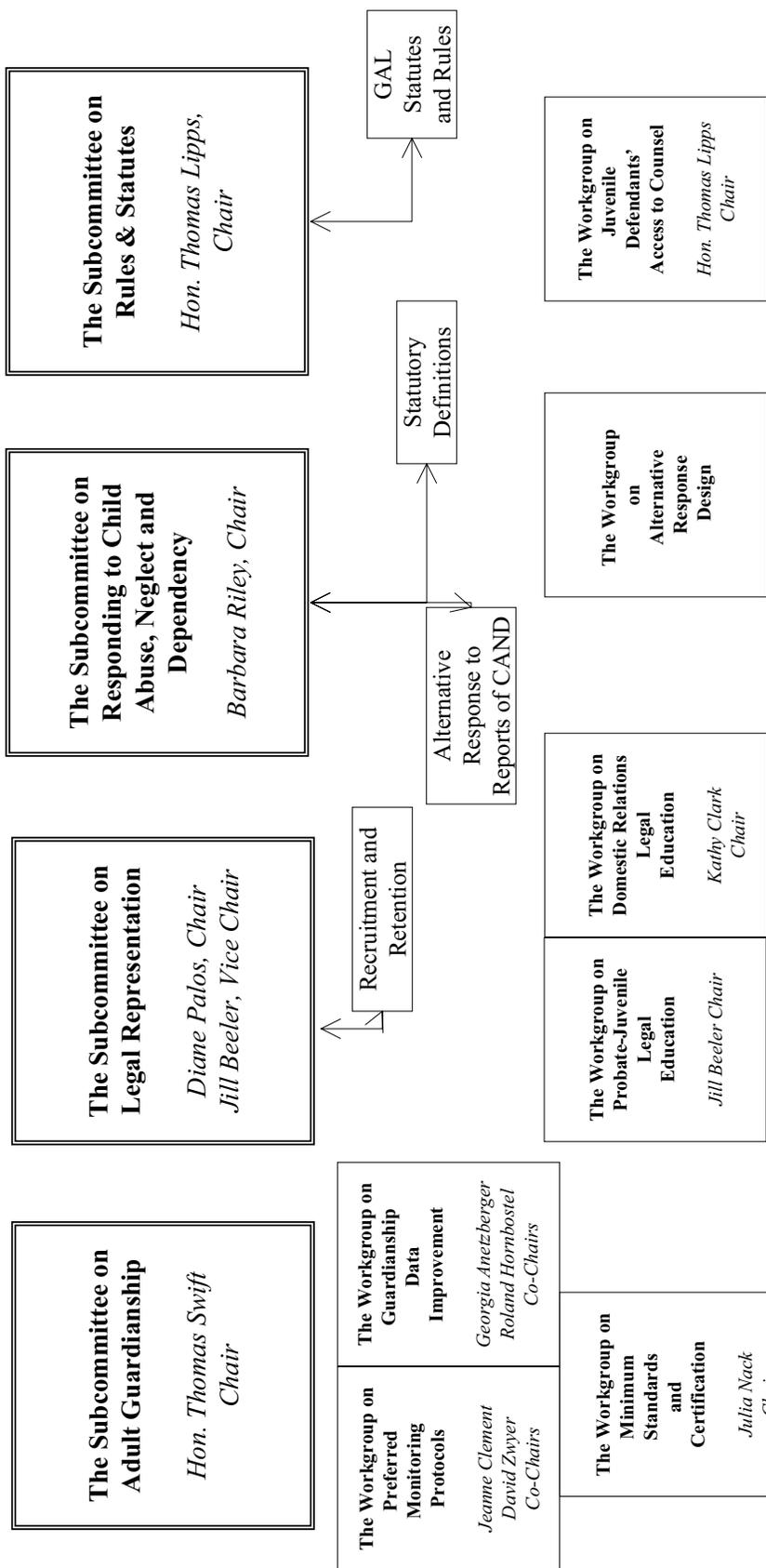
Some agencies candidly report that they do not encourage participation by caregivers. Respondents for Ohio's Statewide Assessment Survey report reluctance to provide caregivers an opportunity to be heard because they feel caregivers are biased against the parents, particularly if that caregiver anticipates adopting the child. Respondents comment that caregivers can sometimes become too zealous of an advocate for the child and need to be reminded of their role, as well as the agency's primary goal of reunification and honoring parents' rights.

Many courts and agencies have taken thoughtful and innovative approaches to enhance the timeliness and outcomes of the permanent custody process. Examples include:

- Compilation of a very large permanent custody book (usually 6-10 inches thick) for each child, compiling in one volume all of the necessary evidence for the prosecutor.
- Increased attention placed on permanency needs for older children, establishing a child-centered recruitment model which engages the child in the process of identifying a potential adoptive placement.
- Creation of a "culture of timeliness" with all participants –including court staff, counsel and social workers—focused on meeting deadlines under the judge's clear expectation that deadlines are to be met. This jurisdiction "has organized its work around teams, with magistrates and prosecuting attorneys assigned to work with cases assigned to a specific judge. This appears to help in minimizing scheduling conflicts and to increase accountability."
- A court-established process where the agency notifies the court of all caregiver names and addresses, and the court is then responsible for providing written notice to them. This county also uses Family Group Conferences to inform caregivers of their right to be heard. Brochures are also provided to caregivers to help explain the process.
- Notification of the next hearing date as part of the current hearing.

**The Advisory Committee on  
Children, Families, and the Courts**

*Helen E. Jones-Kelley, Co Chair  
Honorable David A. Basinski, Co-Chair*



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# Ohio Updates

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***Michael Smalz***, Senior Statewide Attorney, Ohio Legal Services Association

***Heather Sowald***, Private Practice Attorney

***Representative Gerald L. Stelton***, Ohio House of Representatives \*

\* *Congratulations to these new members appointed by Chief Justice Thomas J. Moyer to Advisory Committee terms beginning in 2008*

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## Ohio Updates

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### *Outgoing Members Recognized for Years of Service on Supreme Court Advisory Committee*

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The Supreme Court Advisory Committee on Children, Families and the Courts continues to advise the court on issues facing Domestic Relations, Probate and Juvenile Courts.

**The Court and Advisory Committee recently recognized the following outgoing members for their years of service:**

The Honorable Carol Dezso, Summit County Domestic Relations Court  
Melissa Graham-Hurd, Private Practice Attorney  
Representative Jim Hughes, Ohio House of Representatives  
Kathy Lopez, Chief Deputy Clerk, Clark County Juvenile Court  
Mark Rhoades, Director of Diversion Programs, Athens County Juvenile Court  
The Honorable Thomas Swift, Trumbull County Probate Court  
Sara Vollmer, Deputy Director Legal Services, Ohio Department of Youth Services

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### *Subcommittee Updates*

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The ***Subcommittee on Responding to Child Abuse, Neglect and Dependency*** was formed to respond to federal and independent findings that Ohio's communities are inconsistent in their handling of reports of child maltreatment. During the initial two-year authorization period, the subcommittee conducted an 18-month study of state and national policies, statutes and practices. Through interviews, focus groups, and surveys, hundreds of Ohio's professionals were engaged in developing recommendations to address the findings. A final report produced two primary recommendations:

1. Ohio revise its definitions to move to a "child in need of protective services" model, clarifying the "entry" to Ohio's child protection system.
2. Ohio examine the feasibility of an "alternative response" to reports, developing a response more appropriate to the vast number of reports received by Ohio's child protection services agencies.

Over the past two years, the subcommittee has sought the support and input of the various community partners most impacted by the recommendations, as well as overseen the pilot and independent evaluation of an Alternative Response System (See Alternative Response Update). This subcommittee recently was reauthorized through January 2010. It is staffed by the National Center on Adoption Law and Policy; ongoing information regarding its work is available on the subcommittee website [ohiochildlaw.com](http://ohiochildlaw.com).

The ***Subcommittee on Legal Representation*** was formed to identify and recommend strategies for increasing the availability of quality legal representation for the children, families, and child-serving agencies that come before Ohio's Courts. They continue to examine issues related the recruitment and retention of qualified attorneys, as well as, pre-service and continuing legal education.

*continued on page 18.....*

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## Ohio Updates

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The subcommittee has been collecting input from law school students and faculty about the incentives and barriers that exist to entering child and family law as a career. Additionally the subcommittee is implementing an attorney Standards of Practice Project. Juvenile courts in Delaware, Hamilton, Harrison, Lake and Perry Counties have agreed to conduct trial implementations of two sets of attorney practice standards—the American Bar Association’s *Standards of Practice for Lawyers Representing Parents in Abuse and Neglect Cases* and the Ohio Public Defender Commission’s *Standards of Representation of Clients in Juvenile Delinquency Cases*. The project will take place during 2008.

The **Subcommittee on Rules and Statutes** formed a workgroup to study a proposal from The Ohio Public Defender, Children’s Law Center and the American Civil Liberties Union to amend Juvenile Rule 3 and 29 to require juveniles to consult an attorney prior to waiving their right to counsel. In light of new case law, the charge to the work was recently revised to “study and make recommendations regarding a juvenile defendant’s right to be represented by an attorney in juvenile court proceedings and the circumstances where a juvenile defendant may waive that right.”

The **Subcommittee on Adult Guardianship** has established three workgroups which are addressing standards for practice, data collection, and monitoring protocols in this area. The *Workgroup on Minimum Standards and Certification* is reviewing standards established in other states, recommending mandatory minimum standards for guardians to be implemented through statute and court rule and considering issues related to certification for guardians. The *Workgroup on Data Improvement* is reviewing current data collection practices and the system used by county probate courts to report on adult guardianships and conservatorships. The Workgroup will recommend data collection improvements to the Supreme Court for possible implementation. The *Workgroup on Preferred Monitoring Protocols* is studying national models and surveying Ohio’s probate judges on how they review and track activities of guardians. The Workgroup will identify preferred protocols that can be replicated, especially those that do not require additional financial resources and will develop a publication of preferred practices that can be provided to Ohio’s probate judges.

The subcommittee secured an American Bar Association grant to help fund its work. A report with recommendations will be completed in 2008.

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# Ohio Updates

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## *Ohio Alternative Response Project*

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The Spring 2007 Ohio Bulletin focused on Alternative Response, including a description of the *Subcommittee on Responding to Child Abuse, Neglect and Dependency*'s (Subcommittee) intent to oversee the Alternative Response pilot project authorized in Ohio Senate Bill 238 (26<sup>th</sup>). The article announced a new project partnership formed between the national consultant, AIM (American Humane Association, Institute for Applied Research, Minnesota); the Ohio Department of Job and Family Services; and, the Supreme Court of Ohio to direct day-to-day project activities. Two additional partners have joined the project team: Casey Family Programs (Seattle) and the ten project sites.

Alternative Response allows child protection agencies to differentiate between accepted reports of child maltreatment by responding in a manner that is consistent with the level of risk and that corresponds to the severity of the presenting concern. In Ohio's project, the traditional, forensic investigation will be utilized for specified types and higher-risk reports. The "alternative pathway" is complementary to Ohio's existing child protective service response system, and applied to low- to moderate-risk reports. Construction of this dual track system requires extensive planning and collaboration. Since the Spring 2007 bulletin:

- Thirty –six counties participated in five regional forums which were held to assist communities in self-identifying an interest in voluntarily participating in the study.
- Ten project sites were competitively selected:

	<b>County</b>	<b>Population</b>
1.	Clark County	(142,376)*
2.	Fairfield County	(138,423)
3.	Franklin County	(1,090,771)
4.	Greene County	(151,996)
5.	Guernsey County	(41,123)
6.	Licking County	(154,806)
7.	Lucas County	(448,229)
8.	Ross County	(75,197)
9.	Trumbull	(219,296)
10.	Tuscarawas County	(91,944)

Population: U.S. Census 2000, Annual Estimates of Population for Ohio Counties: April 1, 2000 to July 1, 2005;  
[www.census.gov](http://www.census.gov)

- A methodology for constructing the structural design for Ohio's alternative response approach has been instituted.
- Project team members have established:
  - A Design Team comprised of two representatives of each site who have been appointed by the Subcommittee Chair.
  - Task Groups, with broader representation, to address topic-specific issues.
  - A meeting schedule.
  - Decision making rules.
  - A process for moving towards July 1, 2008 Project Implementation and Evaluation.
- The Design Team has determined through consensus process:
  - Guiding Principles.
  - Assignment criteria.
  - Timeframes for decision-making.
  - Standard labels and their definitions.
  - Case Processing and flow.
  - Mechanisms for moving reports from one track to another.

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# Ohio Updates

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Pilot Site staff simultaneously engaged in community activities to:

- Identify how the design was to be implemented locally within the confines of the structural framework consistent to all sites.
- Inform, prepare and engage internal and external stakeholders.

Examples of site activities include:

- Facilitating presentations to all service delivery departments and divisions within the agency.
- Providing training to all internal staff and management representatives on at least a bi-weekly basis.
- Meeting with juvenile court representatives regarding the project.
- Participating in community meetings, such as, Family, Adult and Children First Council, Early Childhood Cluster, Family Court, County Commissioners, School Districts, MRDD, and many others to continually communicate major tenets of Alternative Response.
- Establishing a designated organizational unit and/or staff that will be responsible for handling alternative response cases.
- Establishing communication streams where internal staff consistently participate in Task Group teleconferences and/or information from Design Team meetings is shared with all staff for additional input and feedback.
- Developing organizational plans to educate and staff AR Units; assigning staff; developing position descriptions and/or interviewing staff for new positions.
- Purchasing vital program supplies and equipment.
- Developing internal policies to guide the audit and accounting of new services, especially as represented by delivery of “concrete” services in response to targeted needs.

The eighteen month pilot period for Ohio’s alternative response project begins July 1, 2008. Current activities of the Project Partnership Team –both on a state and local level—are focused site readiness activities. These include all phases of project management, including:

- Strategic planning.
- Coordinating project with other initiatives and programs.
- Marketing benefits of project to affected stakeholders.
- Ensuring that policies, directives and objectives are in line with mission and goals of agency and state and federal legislation.
- Enacting required policies and rules as required for implementation and developed through Design Team meetings.
- Completing administrative responsibilities that are essential to site implementation efforts, e.g. contracts for funding, etc.
- Transitioning staff into readiness activities to promote a broader state-level involvement and project ownership.
- Monitoring project requirements and timelines.
- Distributing work for subprojects.
- Ensuring adequate and timely funding of project activities.
- Establishing a staff development program and process for continuous quality improvement.
- Constructing a method for recording case information and evaluation data.
- Developing an over-arching public education message for all stakeholders in concert with Pilot Sites, other state staff and Casey Family Programs.

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# Ohio Updates

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## *Our New Partner: Casey Family Programs*

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The Supreme Court of Ohio, Department of Job and Family Services, Pilot Sites and the AIM Team are pleased to welcome Casey Family Programs (Casey) as a partner in Ohio's alternative response project. Established by United Parcel Service founder Jim Casey, Casey is a Seattle-based national operating foundation that has served children, youth, and families in the child welfare system since 1966. It operates both by providing direct services and promoting advances in child-welfare practice and policy.

Casey has established a multi-facet strategy for the year 2020 to reduce the number of children who experience foster care in American, and improve the self-sufficiency of those still in care. Our partnership is founded on a shared premise: Casey believes that proactive service ultimately saves money which can be reinvested into programs and services that help families stay together. The Eight Components of Change which Casey has identified as needed to effectively serve children and families are essential components of Ohio's alternative response project. The Eight Components of Changes are as follows:

1. Build political will
2. Develop leadership
3. Provide quality front-line supervision
4. Set reasonable caseloads
5. Engage community
6. Collaborate across systems
7. Enforce data-driven accountability
8. Allow time

For additional information about Casey and its strategy for the year 2020, visit <http://www.casey.org>.

**NOVEMBER 12-14, 2008  
COLUMBUS, OHIO**

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**SAVE THE DATES**

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## **3rd Annual Conference on Differential Response in Child Welfare**

### **What is “differential response”?**

Differential response, also referred to as “dual track,” “multiple track” or “alternative response,” is an approach that allows child protective services to respond differently to accepted reports of child abuse and neglect. While there is great variation among the states’ implementation of differential response, the assessment pathway is generally applied to low- and moderate-risk cases with no immediate safety concerns. The families in these cases receive a family assessment and are offered timely, strengths-based services without a formal determination or substantiation of child abuse and neglect. The investigative response is typically reserved for accepted high-risk reports that may involve egregious harm to children.

The American Humane Association will hold its *3rd Annual Conference on Differential Response in Child Welfare* this November.

In 2007, over 400 delegates from 27 states, Washington D.C., and four Canadian provinces explored the implementation of differential response as a way to transform how families cooperate with child welfare systems. Conference participants have included public and tribal child welfare administrators, supervisors, direct line practitioners, policymakers, state and regional program specialists, community-based agency representatives and researchers.

Their ideas and energy and the international conference planning committee serve as a strong foundation for the 2008 conference. The 3rd annual conference will build knowledge and skills, and provide an exchange of ideas on implementing and sustaining differential response in child welfare.

**3rd Annual Conference on  
Differential Response In Child Welfare  
November 12 - November 14, 2008  
Hyatt on Capitol Square  
Columbus, Ohio**

- **stimulating Keynote & Plenary sessions**
  - **workshops & discussion groups**
  - **half-day skills building sessions**
- **networking opportunities with professionals from around the world**

Call for Presentations and Conference Information  
[www.americanhumane.org](http://www.americanhumane.org)



**Children, Families, and the Courts - Ohio Bulletin** is a copyrighted publication of the National Center for Juvenile Justice in conjunction with the Supreme Court of Ohio and the Ohio Department of Job and Family Services. This bulletin is a publication that refers to a constellation of activities jointly administered by the Supreme Court of Ohio and the Ohio Department of Job and Family Services to improve both the interaction between child welfare and judicial systems, and the effectiveness of intervention in cases involving families where judicial action is required. This collaboration is supported by a blend of federal Court Improvement and Children's Justice Act grant funds.

The National Center for Juvenile Justice (NCJJ) is a non-profit organization that conducts research (statistical, legal, and applied) on a broad range of juvenile justice topics and provides technical assistance to the field. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

Production Editors: Kristy Connors and Rachael Lord.

For additional information contact:

Gregory Halemba  
National Center for Juvenile Justice  
412-227-6950  
halemba@ncjj.org  
[www.ncjj.org](http://www.ncjj.org)

Steve Hanson  
The Supreme Court of Ohio  
614-387-9387  
[HansonS@sconet.state.oh.us](mailto:HansonS@sconet.state.oh.us)

Kristin Gilbert\*  
Ohio Department of Job and Family Services  
614-752-0236  
Kristin.Gilbert@jfs.ohio.gov  
<http://jfs.ohio.gov/ocf/>

\*Also contact Kristin Gilbert for any mailing address changes or to be added to the mailing list.

For a downloadable edition of the Children, Families, and Courts Bulletin, go to [www.sconet.state.oh.us](http://www.sconet.state.oh.us)

**Children, Families, and the Courts**  
50 West Town St., 6th Floor  
Columbus, OH 43215