



# CHILDREN, FAMILIES, AND THE COURTS



## OHIO BULLETIN

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### Summary of the Ohio Court Improvement Reassessment; Recommendations for Improvement; and Court Initiatives Making Progress

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#### *Background*

In 1993, Congress passed the Omnibus Budget and Reconciliation Act (OBRA) which provided state courts with Court Improvement Project (CIP) funds to 1) conduct a comprehensive review of their juvenile and family courts' handling of child abuse, neglect and dependency cases; and 2) develop and carry through on an implementation plan to address the findings and recommendations stemming from the court system review. In Ohio, this assessment was incorporated into the activities subsumed under its Family Court Feasibility Initiative.<sup>1</sup>

Recent federal legislation reauthorizing funding for the national CIP program requires all participating state courts to conduct reassessments of their original findings paying specific attention to the requirements of the Adoptions and Safe Families Act of 1997 (ASFA)<sup>2</sup>, the implementation and integration of ASFA requirements into the actual practice of its state court system, and the specific CIP reform efforts initiated since the original study was completed. Participating states were also required to incorporate the findings of the State's child welfare agency's Child and Family Services

Review (CFSR) and the Title IV-E Foster Care Eligibility Review in their CIP reassessments with particular attention paid to those that are impacted by court system practice and procedures.

In early 2005, the Supreme Court of Ohio entered into a contract with the National Center for State Courts (NCSC) to conduct its required CIP reassessment. By July 2005, NCSC had completed this evaluation and presented a final report summarizing its findings and recommendations.

This edition of the Ohio Bulletin reprints the Executive Summary of the Ohio State Court Improvement Program Reassessment<sup>3</sup> and its recommendations (pg. 2). In addition, there is a section highlighting the three Ohio Model Court Sites (pg. 9), which provides some history and current program information about the jurisdictions participating in the Model Court Project. And finally, a selection of several Ohio courts have been highlighted for their innovative case management practices on their dependency dockets (pg. 12).

## NCSC'S EXECUTIVE SUMMARY OF THE OHIO STATE COURT IMPROVEMENT PROGRAM REASSESSMENT

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The federal Court Improvement Program provides funding from the Children's Bureau to state court systems to assess and improve the pace and success of ensuring safe and permanent homes for children under court supervision for reasons of abuse and neglect.

In 1997, the National Center for Juvenile Justice conducted an initial assessment for the Ohio Court Improvement Program. The assessment was conducted in conjunction with a study of the feasibility of implementing a family court in the Ohio judicial structure.<sup>1</sup> The current assessment was performed by the National Center for State Courts as part of a reassessment of Ohio's efforts in this area. Since the time of the 1997 assessment, significant changes have occurred at the federal, state, and local levels with regard to abused and neglected children.

The Adoption and Safe Families Act (ASFA) imposes new requirements on states regarding how child abuse and neglect cases are handled by courts and social service agencies. State compliance with federal standards regarding the handling of child abuse and neglect cases is monitored through Child and Family Services reviews being conducted by the Children's Bureau of the U. S. Department of Health and Human Services. The Pew Commission on Children in Foster Care<sup>2</sup> was convened to make recommendations for improving federal funding schemes in order to improve the process for finding safe and stable homes for foster children and recommendations for improving the judicial oversight of child welfare cases. The Commission issued its report in May 2004.<sup>3</sup> The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) have focused increased attention on child welfare cases. Both Conferences have endorsed the findings of the Pew Commission in policy statements,<sup>4</sup> and sponsored a National Judicial Leadership Summit on Protection of Children in September 2005.

In Ohio, the landscape has changed as well. State and federal standards for processing abuse, neglect, and dependency cases have increased demands on juvenile courts to move cases more quickly, and at the same time improve the quality of outcomes for children and families. The increased demands have come during a period when state and local budget resources have been strained by reduced revenue.

Despite those challenges, the Supreme Court of Ohio has taken significant steps to improve the judiciary's handling of child welfare cases. Most significant is the leadership of the Supreme Court itself. In 2000, new rules for expediting appeals in abuse, neglect, and dependency cases were adopted. Justice Stratton chaired a national committee that issued recommendations for expediting appeals. Chief Justice Moyer created an Advisory Committee on Children, Families and the Court in 2002. The Supreme Court has initiated an ongoing collaborative relationship with the Ohio Department of Job and Family Services. The Court recently inaugurated a program entitled *Beyond the Numbers - Ohio's Response to the Child and Family Services Review*. The initiative promotes collaboration at the community level between courts; child services agencies, and other stakeholders to improve local practice and compliance with federal requirements relating to child welfare. The Ohio Association of Juvenile Court Judges has endorsed the initiative. Standards for Guardians ad Litem were drafted by a special committee and are being reviewed by the Advisory Committee on Children, Families and the Court. A Family Law Case Manager was hired to focus on child welfare case management. The Family Law Case Manager functions as the liaison to the Ohio Department of Job and Family Services and other state child welfare organizations, provides technical assistance to juvenile courts, and assists in developing training curricula for the Ohio Judicial College. The National Council of Juvenile and Family Courts has established Model Court in Lucas and Cuyahoga Counties, in addition to Hamilton County (one of the original Model Courts).

This reassessment addresses the Ohio Court Improvement Program's efforts to improve outcomes for children, increase the efficacy of case processing in child abuse, neglect, and dependency cases, and to comply with the Adoption and Safe Families Act and other national and federal standards and guidelines. The National Center for State Courts identified several research questions to guide the approach to the Court Improvement Program Reassessment. These research questions formed the basis for the development of data collection instruments and protocols, and the analysis of data gathered.

### **KEY RESEARCH QUESTIONS INCLUDED IN THE OHIO CIP REASSESSMENT:**

- What are the rules, standards, and criteria that govern Ohio's judicial decisions in child protection cases? What are the rules and practices governing whether a proceeding is administrative or judicial, legal representation of parties, admissibility of evidence, presentation of witnesses, due process protections, and conducting the various types of child protection proceedings? To what extent do Ohio's court rules and practices governing child protective proceedings conform to national standards and recommendations?
- To what extent do particular practices or procedures facilitate compliance or contribute to non-compliance with the applicable legal requirements?
- Are prescribed time limits being met? What are the frequency and length of delays in child protection proceedings?
- Is the time available for hearings sufficient to permit presentation of evidence and arguments? If not, how much time is needed for each type of hearing and what are the implications for the court?
- To what extent do parties and counsel present witnesses, introduce evidence, and offer arguments in each type of hearing?
- What data is available for case tracking? Is it sufficient? Is it accurate? Do all the people who need it have access?
- To what extent do the number of cases and the limited number of judges and personnel affect the ability of courts to meet safety, timeliness, due process, and permanency standards?
- How often are parents and children represented by counsel? To what extent is representation adequate?
- Are all participants in court proceedings treated with courtesy, respect, and understanding?
- Assess (1) the performance of Ohio's courts and the degree of collaboration with the Ohio Department of Job and Family Services and (2) the sufficiency of judicial determination in court orders (i.e. reasonable efforts, contrary to the welfare, best interest) consistent with the findings, recommendations, and requirements of previous assessments?
- To what extent is the information available to courts sufficient, timely, and accurate?
- To what extent do statutory, regulatory, and procedural requirements facilitate or impede assuring the safety, well being, and permanency of children in foster care and the program goals set forth in titles IV-B and IV-E of the Social Security Act?
- To what extent do statutory, regulatory, and procedural requirements impose significant administrative burdens on the courts?
- How effectively do the state and tribal courts coordinate in ICWA cases?

## ***Methodology***

NCSC pursued several methods for the collection of data for informing the assessment. This approach allowed a balance between quantitative and qualitative data, and permitted the project team to gather a substantial amount of data in the limited time available for the assessment project. The key tasks included:

- Review of Background Information and Documents
- Review of Ohio Statutes and Rules
- Focus Groups and Interviews
- Review of Information Technology and Case Tracking Systems
- Court Observation
- Closed Case File Review
- Statewide Stakeholder Survey

## ***Findings***

The Ohio judiciary has made significant progress in its handling of abuse, neglect, and dependency cases in the past several years.

- Training and the availability of related informational resources for judicial officers and staff have increased. The Supreme Court has made use of the Court Improvement Program funding to provide dedicated staff support for juvenile courts in the administrative office.
- Leadership from the Supreme Court and trial court judiciary has focused on improving outcomes for children coming under the jurisdiction of the court for abuse, neglect, and dependency cases. Three juvenile courts in the state have been designated by the National Council of Juvenile and Family Court Judges as “Model Courts.” Other courts have the opportunity to gain knowledge from the lessons learned in these courts.
- A partnership has been formed with the Ohio Department of Job and Family Services, increasing system collaboration at the state and local level, improving communication between stakeholders, and providing increased training and information resources.

Findings do suggest opportunities for improvement as well:

- Data suggest that overall; there are adequate judicial and court resources and a sufficient number of prosecutors and agency lawyers to address the current child welfare workload. However, court survey and focus group data indicate a shortfall in the number of available qualified defense counsel for parents and children, and that the number of public children service agencies case workers is inadequate for the timely processing of child abuse, neglect, dependency, and permanent custody cases. Focus group participants also commented that the high turnover rate in caseworkers had a negative impact on the ability to manage child welfare cases effectively.

- The available data and feedback from survey respondents and focus groups suggest that some Ohio courts, using strong case management techniques, are able to process their caseload in substantial conformity with Supreme Court guidelines. A significant number of courts, however, appear to have difficulty in meeting timelines.
- Information gathered through focus group interviews indicate that local budget restraints has had a significant impact on the availability of services for children and families and is straining resource availability across the board for courts and all executive agencies. In a few jurisdictions, collaborative enterprises between courts and service agencies have shown promise in improving the delivery of services to children and in making better use of funds for those services.
- Statewide, mediation does not appear to be used in a high percentage of cases. Mediation is available in all but one of the smaller counties visited. The experience with mediation is positive, particularly from the perspective of judges, court staff, court appointed attorneys, guardians ad litem, private attorneys, and court appointed special advocate volunteers. In the two counties visited that had data available regarding mediation results, settlement rates of approximately 70 percent were reported for cases mediated. Other Ohio courts have had positive results from the use of mediation, such as the Lucas County Juvenile Court, which reported a 73 percent settlement rate for child protection cases in 2003.
- Quantitative and qualitative data obtained from surveys and site visits suggest that case tracking information systems were not adequate to provide courts with the ability to actively manage child welfare caseloads. However, one of the sites visited appears to be to close to achieving this goal. Most systems appear to be case based systems, rather than individual based systems. Court technology is funded at the local county level, and as a result, there are a number of different systems serving the state's juvenile courts, limiting the ability to readily collect and share data.

## Conclusions and Recommendations

The Ohio judiciary has made significant improvements in its handling of abuse, neglect, and dependency matters since the inception of the Court Improvement Program. The leadership of the Supreme Court of Ohio and local juvenile court judges, collaboration with the Ohio Department of Job and Family Services, and the focus brought by the introduction of central administrative staff support (through the Supreme Court's Judicial and Court Services Division) for these cases are important ingredients to the successes of the last several years.

Continued improvements are possible with continued and increased judicial leadership from the Supreme Court and trial court judges; thoughtful, collaborative examination and implementation of improvements in case processing and related procedures; and informed decisions regarding priorities for the use of resources. As a starting point for improvement, the Supreme Court of Ohio may wish to consider the recommendations of the National Center for State Courts.

See text box on page 6:

**Summary of the Recommendations Contained in the Ohio CIP Reassessment.**

## SUMMARY OF RECOMMENDATIONS CONTAINED IN THE OHIO CIP REASSESSMENT

The following is a summary of the recommendations contained in the Ohio CIP Reassessment. Minor changes in wording and headings were made to address formatting for this Bulletin, but the integrity of the recommendations remains consistent with NCSC's original report.

### **Court Resources, Workload, And Training**

*Resource allocation and court staffing requirements should be closely monitored and prioritized in order to lessen the impact of budget reductions on the welfare of children and families.*

- The Supreme Court of Ohio should continue and strengthen its support of mediation in child protection cases.
- Administrative judges of the juvenile division of Courts of Common Pleas should be encouraged by the Supreme Court of Ohio to provide leadership in their communities in establishing collaborative initiatives that focus on the improvement and integration of services for families and children that come before the court on child abuse, neglect, or dependency petitions or families and children in crisis that are likely to be subject to these proceedings.
- Support for administrative judges should be provided through training and/or mentoring by administrative judges with demonstrated success in establishing such community collaboration.

### **Information Technology And Case Tracking Systems**

*Counties should be tracking their cases at a child level through a software application that can produce reports indicating upcoming statutory deadlines.*

- Counties that are currently unable to produce a report of cases that will soon exceed the 90-day rule for dispositions should explore with their software vendor the possibility that they can run their Supreme Court report with future parameter dates to find cases that will soon exceed that limit.
- Counties that are unable to fully track their cases at the child level should explore with their software vendor the possibility of doing so.
- The Supreme Court of Ohio should facilitate a broad users group or develop a newsletter so that all counties may share their child welfare system IT experiences. One model could involve the experiences of individual counties on a rotating basis.
- Quality Assurance Reports should be created to ensure that the data stored in local computer systems is accurate. An example is a report reflecting various date inconsistencies (e.g., filing date prior to child's birth date, disposition prior to adjudication date).
- The courts should create reports that will allow it to assess the court's performance in child abuse, neglect, and dependency cases.
- The Supreme Court of Ohio should monitor the data sharing pilot project in Lucas County and explore funding options for broader implementation of successful components.

- The Supreme Court of Ohio should explore funding options for a statewide juvenile court caseload management that would incorporate the recommendations made in this report.

## Timeliness

*The Supreme Court of Ohio should regularly reinforce the importance of judicial oversight of case flow management in child welfare cases. Steps should be taken to emphasize the importance and priority of child abuse, neglect, and dependency court proceedings.*

- Juvenile court judges should make a personal, continuing commitment to exercising active court control of the pace of cases.
- At the state and local levels, steps should be taken to accord greater calendar priority to child abuse, neglect, and dependency cases.
- Administrative juvenile court judges should collaborate with administrative judges of other trial courts, the presiding judge of the county's court of common pleas, and key stakeholders within the county to establish policies for managing calendar priority. Child welfare cases should be given the highest priority.
- Model case management reports should be developed for implementation and use in all jurisdictions to assist judges, magistrates, and key court staff in actively managing child welfare cases.
- The administrative judge of each juvenile court should develop, in collaboration with the bench and local bar, a written continuance policy designed to minimize unneeded continuances.
- In larger jurisdictions, juvenile courts should work with attorney agencies and the local private bar to explore the feasibility of developing case processing teams consisting of one or two judicial officers and an appropriate number of specifically assigned attorneys in order to minimize schedule conflicts and expedite case flow.
- The Supreme Court of Ohio should establish a committee of judges and magistrates, the bar, and ODJFS staff to develop model procedures for managing discovery in child welfare cases.
- Juvenile courts in border counties should consider establishing memorandums of understanding with courts in neighboring counties in border states to assist one another in facilitating the process of interstate placement pursuant to the Interstate Compact for the Placement of Children.

## Representation and Due Process

*Local court practices and rules should be reviewed in order to meet standardized requirements in the areas of early appointment of counsel, attorney training, and attorney withdrawal from cases following disposition.*

- Courts should review local rules governing the appointment of counsel to ensure that they are clear and definitive in regard to the requirements and process by which attorneys are added to appointment lists and the procedure for appointment.
- Juvenile courts should be encouraged or required to develop means to appoint legal counsel and guardians for children and for indigent parents as soon after the filing of a petition as possible.

- Attorneys involved in child abuse, neglect, and dependency cases need training on the law, the goals of practice, and related areas such as substance abuse, domestic violence, mental health issues, and the availability and delivery of services. Some minimum training requirements should be established.
- Policies that require attorneys to withdraw from cases following disposition should be reviewed to determine if they serve the interests of the clients and result in unnecessary re-appointments.

## Quality of Hearings

*Judicial officers should routinely explain the purpose of proceedings to parties at the start of the hearing and review the outcome and next step/hearing at the conclusion.*

## Contrary to the Welfare, Reasonable Efforts, ICWA, and ASFA Findings

*The Supreme Court of Ohio should adopt the standards and practices set out by the National Council of Juvenile and Family Court Judges in regards to Contrary to the Welfare, Reasonable Efforts, ICWA and ASFA Findings.*

- At each stage of the proceeding, judges should make an active inquiry about the applicability of ICWA.

## Stakeholder Collaboration and Judicial Leadership

*The Supreme Court of Ohio should require or strongly encourage the administrative judge of each juvenile court to establish formal collaboration programs with stakeholders to review performance of the juvenile court and stakeholders in processing child welfare cases and to develop and implement initiatives to improve the performance of the court and stakeholder agencies.*

*The Supreme Court of Ohio should continue its strong support of the “Beyond the Numbers” initiative. The continued, active support of the Supreme Court and its Chief Justice will provide critical support for local administrative judges in bringing stakeholders into the collaborative process.*

- The Supreme Court of Ohio, in collaboration with the Beyond the Numbers judicial planning committee, should consider developing a collection of “leadership best practices.”

<sup>1</sup> National Center for Juvenile Justice, *Ohio Family Court Feasibility Study*, (Pittsburgh, 1997).

<sup>2</sup> See the Pew Commission website: <http://pewfostercare.org/>

<sup>3</sup> Pew Commission on Children in Foster Care, *FOSTERING THE FUTURE: Safety, Permanence and Well-Being for Children in Foster Care*, (Washington, DC, 2004). Available on the Pew Commission website at: <http://pewfostercare.org/docs/index.php?DocID=41>

<sup>4</sup> CCJ - COSCA Resolution 15: *In Support of the Recommendations Made by the Pew Commission on Children in Foster Care.*

Available on their websites:

CCJ: <http://ccj.ncsc.dni.us/ChildWelfareResolutions/PewCommissionChildrenFosterCare.pdf>

COSCA: <http://cosca.ncsc.dni.us/Resolutions/ChildWelfare/pewcommission.pdf>

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## *Ohio Model Court Sites*<sup>1</sup>

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The Child Victims Act Model Court reforms are changing the ways in which courts respond to and process child dependency cases. Federal legislation—specifically the Federal Adoption Assistance and Child Welfare Act (P.L. 96-272) in 1980 and the Adoption and Safe Families Act in 1997 (ASFA),<sup>2</sup> have changed the jurisdictional framework and mandate under which juvenile courts operate. The key principles of ASFA include the following:

- While reaffirming family reunification as a viable and preferred option, AFSA also affirms child safety as a paramount concern in judicial proceedings involving child maltreatment and victimization. Also, that in cases of “aggravating circumstances,” the court shall not require a child welfare agency to continue with reunification services.
- Foster care is a temporary condition that is time-bound. AFSA shortens the time frame for permanency decisions from 18 to 12 months.
- Requires the initiation of termination of parental rights (TPR) proceedings for children who have been in foster care for 15 of the last 22 months with some provisions for exceptions including those instances in which a child is placed with a relative, when there is a compelling reason that initiation of TPR proceedings is not in the best interest of the child, or when the family has not been offered/received services that were part of the case plan.
- Permanency planning is a process that should begin immediately upon a child’s removal and not a process that is initiated after a child has been out-of-the-home for a year or more. AFSA encourages concurrent planning and requires that child welfare agencies make “reasonable efforts” to secure a new permanent home if the court early on determines that reunification efforts are no longer reasonable.

- Foster parents, pre-adoptive parents and relative caretakers must receive notice and have the opportunity to participate in court proceedings.

While model court reforms often focus on specific initiatives such as monitoring case management progress and ensuring timelines are met in permanency matters and termination of parental rights proceedings, they are also part of an overall vision for reform focusing on developing new policies, practices, and programs to affect positive change in child dependency matters and ultimately improving the welfare of children and families.

Ohio currently has three designated Model Court sites including the oldest in the nation, Hamilton County; Lucas County—established in 2003; and the newest Model Court site, Cuyahoga County. Each court is at a different point in its evolution as a Model Court site and can offer unique perspectives into what innovative case management can do for improving permanency outcomes for children.

The Hamilton County Juvenile Court was the first national demonstration court site participating in NCJFCJ’s Victims of Child Abuse Model Court Initiative. Procedures and practices initiated by the Hamilton County Juvenile Court in the late 1980’s were the subject of a 1992 ABA study<sup>3</sup> focused on what juvenile courts *should* be doing since Hamilton County “appeared to represent an example of a court that was relatively advanced in the implementation of permanency planning reforms.”<sup>4</sup> The Hamilton County Juvenile Court also, in many respects, served as a template for the development of the “best practice” principles as described in the *Resource Guidelines*—the first published document to provide clear definitions of “best practices” in the areas of dependency case management and permanency planning strategies that courts should utilize in order to improve case outcomes for children. In addition, Ohio’s statutory reform—as illustrated in Senate Bill 89<sup>5</sup> and House Bill 484<sup>6</sup>—are also clearly embodied in the text of the *Resource Guidelines* and

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its companion document the *Adoption and Permanency Guidelines*,<sup>7</sup> including the timely initiation of early proceedings in child maltreatment cases, timely reviews, limits to the amount of time a child can remain in temporary out-of-home custody, and a clearly demarcated timeline for permanency determinations.

### **Cincinnati (Hamilton County):**

The Hamilton County Juvenile Court was the first “Model Court” in the country and set the standard against which other courts are compared. This court was one of the first to establish a working one-judge/ one family calendaring system and embraced practices such as time-certain hearings, front loading services, expedited review hearings and time-limited permanency decisions. As a result of these innovations, Hamilton County was able to substantially reduce the number of children in out-of-home placements.

Original Court Improvement initiatives that were identified by Hamilton County included improved data collection procedures and adoption reform efforts. Currently, the Hamilton County Juvenile Court continues to make strides in the areas of holding frequent 3-6 month review hearings and consistently meeting permanency timelines, integrated court data systems and focusing on shortening adoption finalization timelines. Current (2006) goals of the court involve a philosophical and culture shift in which all systems’ efforts will be child-centered with a focus on the service needs of the child and family driving the case rather than court calendaring. Review hearings will begin and conclude with a statement regarding the child’s length of stay (in out-of-home placement), number of placement changes, days until the permanency deadline and the length of time the case has been open before the court. In addition, a photograph of the child will be presented to the court at hearings and administrative reviews to emphasize that the decisions that are made directly impact the life of a child. Hamilton County has also implemented its own juvenile mental health court (Individualized Disposition Docket<sup>8</sup>), which adheres to the *Juvenile Delinquency Guidelines*<sup>9</sup> and incorporates *Resource Guidelines* recommendations for frequent review hearings, substantive and time-certain hearings, front-loaded services and

a one magistrate-one family model. For additional information about the Hamilton County Model Court, please contact Magistrate Carla Guenther at [CGUENTHN@juvcourt.hamilton-co.org](mailto:CGUENTHN@juvcourt.hamilton-co.org).

### **Toledo (Lucas County):**

The Lucas County Juvenile Court is the first Model Court site supported by funding provided by the Ohio Court Improvement Project. Established in 2003, this Juvenile Court follows some of the best practices recommended by the *Resource Guidelines* including handing out orders at the end of each hearing and scheduling hearings at the end of the current hearing. Lucas County also has a Family Drug Court (established in 2000) that works collaboratively with the Juvenile court to provide services for substance abusing parents who have lost custody of their children. The Toledo Model Court has made the educational needs of children in substitute care a priority through increased oversight of educational plans for children. The court is requiring that information concerning a child’s school status be included in both the Citizen Review Board (CRB) and Court Appointed Special Advocate (CASA) reports and school status is being reported at every dispositional or review hearing. Lucas County is also participating, along with the Cincinnati Model Court, on a joint project between the Ohio Supreme Court and the ODJFS to develop Bench Cards for use in child protection cases by all Ohio judges and magistrates hearing that case type. The target publication date is March 2006. Another innovative development in the county over the past two years is an effort to help new attorneys learn more quickly how to navigate the dependency court system through an attorney mentor program which partners new attorneys with more seasoned counsel. (For more information about the attorney mentor program, please see the **Lucas County** text box on page 12). For additional information about the Lucas County Model Court please contact Magistrate Judith Fornof at [jforno@co.lucas.oh.us](mailto:jforno@co.lucas.oh.us).

### **Cleveland (Cuyahoga County):**

The most recent addition to Ohio’s Model Courts, Cuyahoga County began in 2004 to explore ways to build upon some of the court’s recent major initiatives

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developed under the leadership of Administrative Judge Joseph F. Russo. Initiatives included: a dramatic increase in the Court's overall case disposition rates and concurrent decrease in pending cases; the creation and implementation of a Family Drug Court; the establishment of an expedited custody termination docket; and, the addition of two private custody courtrooms to allow more time and docket space for the abuse, neglect and dependency magistrates. Through the assistance of the Ohio Supreme Court, many of the guidelines identified in the *Resource Guidelines* were also adopted and implemented. In February 2005, the six judges of the court passed a resolution to commit to officially engage in the NCJFCJ Model Court Initiative. Throughout the year, meetings were held with various stakeholders to gauge their support and fundraising efforts commenced to support associated costs. On November 2, 2005, the Cuyahoga County Board of commissioners approved Cuyahoga's contract to become a Model Court site. Cuyahoga County's first formal Model Court planning meeting occurred on February 2, 2006. For more information about Cuyahoga County's progress as a Model Court Site, contact Court Administrator Marita Kavalek at [CJMLK@cuyahogacounty.us](mailto:CJMLK@cuyahogacounty.us).

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<sup>1</sup> Information about Ohio's Model Courts was provided by the National Council of Juvenile and Family Court Judges Status Reports: A Snapshot of the Child Victims Act Model Courts Project; Technical Assistance Bulletins from the years 2000-2004 and from select Court Administrators and Magistrates.

<sup>2</sup> Prior to the passage of P.L. 96-272, juvenile courts were only required to make determinations regarding whether children were maltreated and to place them in the custody of the local public children services agency. Since 1980, juvenile courts have also been expected to monitor case progress and ensure that a safe, permanent and stable home is secured for each abused and neglected child.

Effective November 1997, ASFA places an emphasis on the child's health and safety, it identifies circumstances under which reasonable efforts to reunify are not required and shortens the time frames for initiating proceedings for the termination of parental rights.

<sup>3</sup> See Hardin, Mark. (1992). *Judicial Implementation of Permanency Planning Reform: One Court That Works*,

American Bar Association, Center on Children and the Law, Washington D.C.

<sup>4</sup> *ibid.* p. 2

<sup>5</sup> Passed in 1988, Senate Bill 89 established specific timeframes for the initiation, adjudication and disposition of dependency cases. It also established specific time limits on the amount of time a child could remain in temporary placement and custody of a local public children services agency (PCSA) without the court approving a permanent case plan that requires returning physical custody of the child to a parent; transferring physical and legal custody of the child to a relative (or other suitable adult); placing the child in the permanent custody of the local PCSA with the intended purpose of adoption; or placing the child in the long-term substitute care of the agency with a specifically planned other permanent living arrangement.

<sup>6</sup> House Bill 484 was passed in 1998 to ensure that Ohio statutory requirements were consistent with the new federal requirements contained in the ASFA legislation. The Ohio legislation not only embraced these federal requirements but also went one step further and essentially shortened the requirements for the presumptive filing of permanent custody motions and the initiation of termination of parental rights proceedings in most cases. ASFA requires the filing of a TPR petition in cases in which the child has been in foster care for 15 of the most recent 22 months. Ohio statutes shorten this requirement by necessitating a motion requesting permanent custody be filed, if a child has been in temporary custody 12 or more months during a consecutive 22-month period. See Section 2151.413 (D) as part of the HB 484 legislative text at: [http://www.legislature.state.oh.us/bills.cfm?ID=122\\_HB\\_484](http://www.legislature.state.oh.us/bills.cfm?ID=122_HB_484)

<sup>7</sup> The National Council of Juvenile and Family Court Judges published the Adoption and Permanency Guidelines in 2000 as a companion and follow-up guide to the Resource Guidelines. The Adoption and Permanency Guidelines are available online at <http://www.ncjfcj.org/content/blogcategory/369/438/>

<sup>8</sup> The Individualized Disposition Docket (Juvenile Mental Health Court) was implemented in 2004 in partnership with the Hamilton County Community Board of Mental Health and the Hamilton County Job and Family Services. The docket serves youth between the ages of 12 and 17 years who are adjudicated delinquent and diagnosed with a serious emotional disturbance.

<sup>9</sup> See the National Council of Juvenile and Family Court Judges 2005 publication: *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases*, available online at <http://www.ncjfcj.org/content/view/411/411/>.

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## *What Some Ohio Courts Are Doing*

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County courts across Ohio are using innovative case management approaches and system reform to affect permanency outcomes for children. These innovations cut across all aspects of court processes, child protection, attorney training and retention, data systems and case flow management approaches. The following county highlights are just a few of the many inventive ways that Ohio counties are changing to improve the lives of children.

### ***Athens County: Tracking Deadline Dates***

The Athens County Court of Common Pleas, Juvenile Division, now uses a face sheet listing statutory timelines and deadline dates for each case. This sheet is included with every agency complaint filed and tracks important events such as the dates of removal, filing, adjudication and disposition, and lists the dates of deadlines to satisfy specific statutory requirements for each phase of a case. The court and the Athens County Prosecuting Attorney's Office conceived of the face sheet as part of a combined effort to meet statutory time limits while providing a convenient, one-page format to be filed with the court. For additional information about this process or for an electronic copy of this "deadlines" form, please contact the Athens County Assistant Prosecutor, Robert P. Driscoll, at [driser@odjfs.state.oh.us](mailto:driser@odjfs.state.oh.us), or at (740) 592-3061.

### ***Crawford County: Meeting Statutory Deadlines***

The Crawford County Court of Common Pleas has made sure that all parties understand that meeting dependency deadlines is a court priority and uses its Juvenile Court Information System (JCIS) to notify the Court Director of cases approaching statutory deadlines. Running a query each month allows the Court Director to print a list of cases that are reaching important stages (e.g. disposition or permanency deadlines) and notify the agency attorney about impending deadlines and the need for case preparation. The Court Director also can schedule court hearings to assure timelines are met.

This data (case management) system can be programmed to produce specific reports based on the court's need for additional information on cases. For more information about how Crawford County uses JCIS to meet statutory deadlines, contact Court Director, Rhonda Neal at (419) 562-1896.

### ***Lucas County: Mediation and Attorney Mentors***

*Child Protection Mediation Program:* The Lucas County Court of Common Pleas, Juvenile Division, uses mediation to streamline the court process by saving docket time for more meaningful events. The Court reports that mediation helps preserve statutory timelines for children and is a cost-effective way to provide court services to families. The Juvenile Division has had a Child Protection Mediation Program in existence since 1991. Dependency cases can be referred for mediation pre-adjudication or at any time during the duration of the case. Issues that have been mediated include case plan services and visitation, disposition matters, and termination of parental rights proceedings. Mediators are experienced attorneys who have represented both parents and children in child protection cases and also have specialized mediation training. On average, child protection mediation outcomes are extremely positive with 71% of cases in 2004 being fully settled in mediation. Although termination of parental rights (TPR) proceedings are difficult and are especially emotional for parents, the referred TPR cases had a 63% (full settlement) success rate in 2004. Lucas County believes that mediating TPR cases can be less painful for parents than facing termination proceedings in the courtroom and relies on the bench and/or attorneys to know when cases would be best served through mediation. In 2005, there were nine counties with some involvement in Child Protection Mediation across Ohio. The Supreme Court of Ohio will be conducting Child Protection Mediation Training in April 2006 and is looking to increase the number of courts utilizing mediation in child protection cases.

*Attorney Mentor program:* Lucas County has developed an Attorney Mentor Program over the past two years which partners new dependency attorneys with more seasoned "veteran" attorneys. The Juvenile Bar and the Juvenile Bench both recognized a need for more on-the-job training for new attorneys and

implemented mentoring through the oversight of a court magistrate. The goal of this program is to enhance the practice of new attorneys, facilitating their ability to meet the court's appointment criteria and participate on Lucas County's attorney panels.

To ensure that attorneys are available at all emergency shelter care hearings (or shelter care hearings on the delinquency side), attorneys are assigned on a rotating basis to either child protection and/or delinquency panels. Under Lucas County's Local Rules, attorneys that are appointed to these panels must be approved by the judge. Approval criteria now requires having gone through the mentoring process, as well as completion of six hours of Continuing Education Units (CEU) *specific* to juvenile law each calendar year. For additional information on both the Mediation Program and the Attorney Mentor Program, contact Magistrate Linda Sorah at 419-213-6914.

### ***Marion County: Improving Case Flow Management***

In late 2004, Marion County established a Permanency Team to make improvements in the area of case flow management. It developed an ambitious plan with the following goals:

- Shorten time frames for complaint adjudications;
- Reduce continuances;
- Specify court dates for reviews of children services cases;
- Establish a Children Services Office at the court to complete judgment entries; and
- Move the time of Shelter Care Hearings from 8:30 am to 1:00 pm in order to allow time for attorney appointments to occur.

The Family Court Judges; court, children services, and Clerk of Courts staff; and a member of the local bar association met bi-monthly throughout 2005 to review plan progress and tackle other identified issues and court improvement matters. Additional plans were made to:

- Shorten time frames for complaint adjudications;

- Make court Review Hearings "meaningful events";
- Change service process to include notification to Children Services when the service was not successful; and,
- Increase the participation of attorneys in case planning.

The past two years' work can be seen in Marion County's decrease in average number of days from complaint to adjudication, higher standard set by judges for granting continuances, establishment of timelines for specific court-related events, and earlier attorney appointments. Marion County is currently establishing long-term goals of achievement as well as short-term (2006) objectives. For example, a short-term objective is for 75% of Complaints to be heard within 60 days of filing. A long-term goal is for 90% to be heard within that time frame. For more information about how Marion County achieved these goals as well as information about the plan for 2006, contact Marion County Children Services Director, Eric Bush at [BUSHE02@odjfs.st.oh.us](mailto:BUSHE02@odjfs.st.oh.us).

### ***Miami County: Improving Notification***

Under Ohio Civil Rules (4(A), (C) & (D) (4.1- 4.6) and Juvenile Rules (16), courts must inform all parties to a case that a hearing has been scheduled. If the whereabouts of a party such as a non-custodial parent is unknown, "service by publication" is required. General practice of publishing a notice in a local newspaper satisfies notice requirements, but can be cost prohibitive. A alternative option can be found under the Juvenile Rules (16) which permits service by:

*"posting in a conspicuous place in the courthouse in which the division of the common pleas court exercising jurisdiction over the complaint is located and in additional public places in the county that have been designated by local rule for the posting of notices pursuant to this rule."*<sup>4</sup>

Miami County's Court of Common Pleas, Probate, and Juvenile Division, chose to exercise this option by posting hearing notices in the courthouse, the Municipal Court

building and the local Job and Family Services lobby. Miami County feels that posting in these specific locations reaches more clientele than using newspaper notification and is a timely and cost-effective way to meet service requirements. For additional information about Miami County's notification procedures, please contact Magistrate Gretchen Beers at (937) 440-5970.

### ***Trumbull County: Eliminating Continuances***

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The Trumbull County Juvenile Court has overcome delays in child abuse, neglect and dependency case outcomes by virtually eliminating continuances that result from attorney scheduling or appointment. The court strongly advocates attorney appointments for parents at the time of the emergency removal hearing and has attorneys available at the hearing if parents wish to retain court-appointed counsel. Having attorneys available at this early stage allows parents to meet with counsel directly after the first hearing. Since the 30-day adjudication hearing is scheduled while parties still are in court, the court ensures that assigned counsel is available to appear. Trumbull County requires counsel for parents to commit to the scheduled hearings before appointment and will schedule permanency reviews and other hearings up to one year in advance. Continuances are not granted for schedule conflicts and attorneys will not be appointed if they are not available for all scheduled hearings. Guardians ad Litem are encouraged to file a written GAL report in advance of any hearing they are unavailable to attend and can be called back to court for an additional hearing if cross-examination is requested. By controlling continuances, Trumbull County ensures that statutory timelines are met and that timely permanency for children is preserved. For additional information about controlling continuances, please contact Magistrate Alexander Savakis at (330) 675-2319.

### ***Warren County: Case Management Strategies***

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*Case plan "punch-list"*: The Warren County Children Services Board has developed a form to aid parents that have trouble understanding what is being required of them in their lengthy case plan document. This "punch-list" distills requirements onto a bulleted one-page document. The services or tasks that are to be completed by parents are itemized and listed in order

of importance, and include any related contact information (e.g. the name and phone number of a therapist). The Juvenile Court was supportive of the punch-list when introduced by the agency and now requires that this document be attached to all case plans submitted to the court.

*90-Day Reviews*: The Warren County Juvenile Court holds 90-day Review Hearings on all dependency cases after disposition. This proceeding is used to hear both from parents and Children Services about progress in completing services and if there are barriers that may be impeding advancement. It also offers opportunity to inquire about the overall well-being of the child, including placement status, and how children are doing in school, during visits (or at home if applicable), and with child-focused services. The court created a Review Hearing Form that is used to streamline the 90-day Review Hearing process. The court created this form with input from Children Services and uses it to gather information from the parties present at the review hearings. At the conclusion of the hearing, the Magistrate fills in the form with the information provided at the hearing and list additional orders as well as the date of the next 90-day review hearing. All parties are provided with a copy of the completed form. For more information about Warren County's Review Hearing Form and/or "punch-list" case plan form, please contact Laura Schenecker at Warren County Children Services (513) 695-1546.

### ***Appeals Courts: Expediting Termination of Parental Right (TPR) Hearings***

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TPR hearings in Appellate Courts<sup>5</sup> can be lengthy, consuming both court time and resources. Under Appellate Rule 11.2 (C)<sup>6</sup>, appeals from orders granting or denying adoption of a minor child or from orders granting or denying termination of parental rights shall be given priority over all cases except those governed by App. R. 11.2(B).

*Fifth District Court of Appeals*: In District Five, the Appellate judges recognized and supported the need to move TPR cases through the court in a timely fashion prior to the adoption of APP. R. 11.2. In 1999, a Local Rule was amended to automatically place Permanent Termination of Parental Rights cases (PTPR) on the accelerated calendar to move them through more quickly.

However, due to the shortened time limits, transcripts often were not available. The extensions needed to transmit the record and to do the briefs caused time delays and additional expense. The 2003 solution was to amend Local Rules 6 and 7 to place these cases on an expedited calendar rather than the accelerated calendar. The result is a system that moves these cases through the court in a more timely fashion and an updated case management program which tracks PTPR cases and runs reports daily in order to look for cases which are ready to have an oral argument or submission on the briefs where the parties have not requested oral argument.

*Second District Court of Appeals:* In a similar fashion, the Second District Court of Appeals identified specific procedures designed to meet the time requirements under App. R. 11.2. and expedite the appeals process. Procedures include (1) the early identification of all cases to be expedited; (2) early conference with counsel to identify problems; (3) frequent monitoring of status of record and filing of briefs; and (4) immediate scheduling of “ready” cases, including adding them to existing dockets. Changes in Local Rules, updating the case management system, and assigning specific tasks to clerks and judges have all made contributions to the increased efficiency of the court’s handling of Permanent Termination of Parental Rights cases.

For additional information about how the Fifth District Court of Appeals implemented these changes, please contact Court Administrator, Trevor Buehler at [tkbuehle@co.stark.oh.us](mailto:tkbuehle@co.stark.oh.us). For information about the procedures put into place at the Second District Court of Appeals, please contact Court Administrator Ronald Mount at [MountR@mcohio.org](mailto:MountR@mcohio.org).

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**Please note:** Endnotes from this section begin with the *Background* section on page 1 and continue with the *What Some Ohio Courts Are Doing* section on pages 12-15.

<sup>1</sup> In 1996, NCJJ began work on the Ohio Family Court Feasibility Project-Phase I, completing the initial report in 1997. Please See Hurst, Jr., H., et al. *Ohio Family Court Feasibility Study: Final Report*. Pittsburgh, PA: National Center for Juvenile Justice, May 5, 1997. This initiative included an examination of Ohio’s court proceedings in foster care and adoptions matters. Phase II of the Feasibility Project

involved five family court pilots funded through the Feasibility Project. NCJJ reviewed the Lorain County Domestic Relation/Juvenile Courts practices in the handling of its child abuse and neglect caseload and in developing recommendations as to how to best incorporate good practice guidelines as featured in the *Resource Guidelines*. For more information about the *Resource Guidelines*, please see the National Council of Juvenile and Family Court Judges, *Resource Guidelines-Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV, 1995). This document is available online at: <http://www.ncjfcj.org/content/blogcategory/369/438/>.

- <sup>2</sup> ASFA further clarifies the court’s role in monitoring case progress and ensuring child safety. The Act shortens timelines for permanency hearings, and contains specific timelines for the initiation of termination of parental rights proceedings.
- <sup>3</sup> The NCSC Ohio State Court Improving Program Reassessment is available online at [http://www.sconet.state.oh.us/publications/OSCIP\\_assessment.pdf](http://www.sconet.state.oh.us/publications/OSCIP_assessment.pdf)
- <sup>4</sup> The full text of the Ohio Rules of Court; Rules of Juvenile Procedure (Rule 16) is available online at: <http://www.sconet.state.oh.us/Rules/juvenile/default.asp#rule16>
- <sup>5</sup> Appellate courts hearing TPR cases in Ohio are intermediate level appellate courts. Their primary function is to hear appeals from the common pleas, municipal and county courts. Each case is heard and decided by a three-judge panel. Each district is served by a court of appeals that sits in each of the counties in that district.
- <sup>6</sup> Appellate Rule 11.2 was effective as of July 1, 2000 and was amended effective July 1, 2001. As amended, App. R. 11.2 states that Appeals of cases concerning adoption and termination of parental rights have priority over all cases except cases concerning abortion without parental consent. The full text of the Ohio Rules of Court, Rules of Juvenile Procedure (Rule 11.2) is available online at: <http://www.sconet.state.oh.us/Rules/appellate/default.asp#rule11-2>.

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## Ohio Updates

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### *Ohio's Dependency Docket Bench Cards*

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Ohio's Dependency Docket Bench Cards will be ready for distribution by early April 2006. Every juvenile judge and magistrate in Ohio will receive a set.

The cards' design follows case processing from initial entry to closing. Each stage of the proceedings has a laminated bench guide that provides best practice pointers, statutory notes, and identifies language that either is statutorily or fiscally required in the entry. These cards are specific to Ohio law and are intended to be used in conjunction with the National Council of Juvenile and Family Court Judges' *Resource Guidelines*, which focuses more upon the philosophical and overall structure of proceedings.

Preliminary drafts of the cards were widely disseminated for comment and have been carefully reviewed by many judicial officers and practitioners. At the heart of production, however, is a team that has spent hundreds of hours over a twelve-month period to research and condense Ohio law into a user-friendly format. Special recognition is due Magistrate Judy Fornof of Lucas County Juvenile Court, Magistrate Carla Guenther of Hamilton County Juvenile Court, and attorney Victor Perez, from the Seneca County Department of Job and Family Services. Please be sure and acknowledge each of them for their commitment to Ohio's children and families. Additional information about Ohio's Dependency Docket Bench Cards is available from Jessica Shimberg Lind at [lindj@sconet.state.oh.us](mailto:lindj@sconet.state.oh.us).

### *Advisory Committee on Children, Families, and the Court*

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The Advisory Committee on Children, Families, and the Courts held its first meeting of 2006 on January 18 at the Ohio Judicial Center. Co-Chairs, Judge David Basinski from Lorain County Family Court and Executive Director Helen Jones-Kelley from Montgomery County Children Services, thanked members for their work over the last three years and for agreeing to tackle new issues in 2006.

The Co-Chairs announced that the recommendations of the GAL Standards Subcommittee and the Family Law Reform Subcommittee were submitted to Chief Justice Moyer at the end of 2005 for enactment. One of the GAL Standards recommendations, statewide training, will begin March 9, 2006 with the first session to be offered by the Ohio Network on Child Advocacy Centers.

The Subcommittee on Responding to Child Abuse, Neglect and Dependency received a favorable vote from the full Advisory Committee to publish and distribute the parental rights brochures created under its supervision. Additionally, the National Center of Adoption Law and Policy made a presentation on the subcommittee's work to identify potential problems of current definitions. The Advisory Committee asked the Subcommittee to continue work in 2006.

The Advisory Committee will have three additional and newly created subcommittees at work in 2006. One subcommittee, co-chaired by Judge Dezso and Kathy Clark, will explore the availability and quality of legal representation for children and families; a second, chaired by Judge Brad Culbert, will look at miscellaneous statutory and rule changes; the third, Subcommittee on Other ADR Options, is chaired by Bob Whistner and will follow up on previously identified issues and recommendations related to mediation and alternative dispute resolution in child and family matters.

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## Ohio Updates

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### *Subcommittee on Responding to Child Abuses and Neglect*

The Summer-Fall 2005 issue of Children, Families and the Courts described the *Subcommittee on Responding to Child Abuse, Neglect and Dependency* (Subcommittee) established by Chief Justice Moyer's Advisory Committee on Children, Families and the Courts (Advisory Committee). After eighteen months of legal and field research, review, and analysis by the Subcommittee and its consultants, the Subcommittee presented its findings and recommendations to the full Advisory Committee.

The following text is excerpted from the report's cover letter from Chair Barbara E. Riley to Advisory Committee Chairs Basinski and Jones-Kelley:

*The recommendations of the Final Report reflect a proposed new practice philosophy for Ohio in terms of its approach to reports of child abuse or neglect. This philosophy places the children first, deflecting the primary emphasis in the child protective system from the assignment of fault to, and the punishment of legal caregivers, to the needs of the children who are the subject of such reports. The recommendations include a new structure for child protective services: a "Child in Need of Protective Services" model, with entirely new definitions of the types of harm to children that may cause them to be in need of protection. This structure is designed to function within a new practice paradigm, one that allows for alternative responses to reports, based on each child's level of need.*

*If adopted, these recommendations will represent the most sweeping reform to Ohio child welfare law in well over a decade. The Subcommittee believes that the changes proposed will benefit all children who may come into contact with Ohio's child protective services by encouraging family cooperation in positive relationships with child protection agencies, while retaining accountability for harmful or risky parental behavior. The proposed reforms also will provide much needed uniformity, clarity and guidance to those child welfare agency workers who face difficult decisions on a daily basis.*

The Advisory Committee accepted the work of the Subcommittee and extended its authorization for two years. This time is to be used to:

- Pilot and independently evaluate the alternative response system.
- Seek support and input of the various community partners who the proposed legislative change would most impact.
- Seek legislative enactment of its recommendations.

Copies of the final report and executive may be accessed online at <http://www.law.capital.edu/adoption/subcomReport.htm>.

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## Ohio Updates

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### *What Now for Beyond the Numbers?*

The Summer 2004 issue of this bulletin first detailed the three-stage design of *Ohio Courts' Response to the CFSR: Beyond the Numbers* (BTN). January 2006 marked the completion of the second stage, the last of 13 regional meetings, with 79 of Ohio's 88 counties participating throughout the process. Counties now are embarking upon the most significant aspect of this state initiative: local planning.

The message has been consistent throughout all BTN events that meaningful change occurs on a community level. The impetus to initiate local planning has been the goal of both statewide and regional gatherings. The real work now begins.

The Supreme Court of Ohio, Ohio Association of Juvenile Court Judges, and Ohio Department of Job & Family Services will continue to promote and support BTN activities. Several counties already are using services of skilled facilitators available through the program to assist the process of community assessment and planning. Facilitators are widely experienced, matched with community needs, and assigned on an ongoing basis. Additional support, technical assistance or specialized expertise may be available to counties as identified to be necessary.

As a result of the positive response from the 18 counties that participated in the caseflow management curriculum, the Supreme Court of Ohio is expanding this opportunity to the remaining 70 counties. For additional information, see *Improving Child Abuse, Neglect and Dependency Caseflow Management In Ohio's Courts*, page 19. Participants have found this can be a helpful platform to begin serious self-analysis.

The Supreme Court of Ohio will be contacting each court over the next twelve months to learn more about its BTN activities and related needs. Ohio now is engaged in its first CFSR data evaluation period, covering the period of April 1, 2005 through March 31, 2006. If federal outcome measurements are not met during this data collection window, Ohio will have a second and final opportunity to meet CFSR compliance with data collected between April 1, 2006 and March 31, 2007. The next Statewide Assessment will occur July 1, 2007 or later, with Ohio's onsite review scheduled for January 1, 2008 or later.

Ohio Courts' Response to the CFSR is, as its name implies, about more than numbers. Yet, each number has a name and the stories that our numbers tell us speak loudly about the children and families in Ohio's systems. For additional BTN information, contact [lindj@sconet.state.oh.us](mailto:lindj@sconet.state.oh.us).

# Improving Child Abuse, Neglect and Dependency Caseflow Management in Ohio Courts



## 2006 Workshop Dates:

March 16 - 17, Central Ohio

May 11 - 12, Central Ohio

August 24 - 25\*

September 21 - 22, Atwood

Lake, Dellroy, Ohio

November 16 - 17\*

November 30 - December 1\*

\* Locations to be determined

**Free Tuition!  
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JUDICIAL & COURT SERVICES**  
65 South Front Street, 6th Floor  
Columbus, OH 43215-3431

For registration questions call the  
Case Management Section at  
614.387.9411

For questions about the course or  
the *Beyond the Numbers* initiative  
call Jessica Shimberg Lind at  
614.387.9453

## Program Overview

This 1½ day program is customized to address the issues facing Ohio courts and their communities and is designed to help local teams develop a data-driven caseflow management system for child abuse, neglect and dependency cases. Through a series of facilitated exercises, participants will work in county teams to study current practice and design systemic improvements to be implemented locally. The workshops will be presented by Doug Somerlot of the Justice Management Institute with valuable assistance from Judge Nancy Salyers.

Preferred team membership includes the following professionals involved with the juvenile dependency court docket:

- Juvenile Judge
- Magistrate
- Court Manager
- Juvenile Clerk or staff member
- Director of local public children services agency
- Social services agency representative
- County Prosecutor
- Attorney who represents parents/children
- Guardian *ad litem* or CASA
- Mediator (child protection cases)

As **judicial leadership is critical** to the success of caseflow reform, teams are encouraged to secure judicial participation before selecting a workshop date. This program will serve as an opportunity to further community collaboration pursuant to the *Beyond the Numbers* project and other court initiatives. **Registration for each workshop is limited to the first 10 county teams who apply.**

**Reserve your team's spot by faxing the attached form to  
Mike Schirtzinger at 614.387.9419  
or emailing the information to  
schirtzm@sconet.state.oh.us**

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# Ohio Updates

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## *Child Access Orders Proposed*

The Child Abuse Protection and Treatment Act (CAPTA) amendments of 2003 require that states develop staff training to protect the legal rights and safety of children and families in the provision of child protection services.<sup>1</sup> This requisite came soon after a federal court decision<sup>2</sup> regarding parental rights in the child protective services investigatory process. Ohio sought advice from the American Bar Association Center on Children and the Law (ABA) in developing its response since the ABA is designated by the US Department of Health and Human Services as the National Resource Center on Legal & Judicial Issues.

During the course of its review, the ABA determined that Ohio lacks a statutory tool to protect children in specific cases where: (1) the agency is refused access to the child or the home; (2) the agency has made additional types of diligent attempts but is unable to determine whether the child is at risk of abuse or neglect or is being abused or neglected, and; (3) access to the child or the home is necessary for the agency to complete its investigatory responsibility to protect children. The necessity of a statutory provision is gaining importance as an increasing number of families refuse to let children services investigatory caseworkers access the child or home.

Proposed legislation will address instances where all elements are present: a report of abuse or neglect; denied access; diligent attempts to investigate; inability to determine the child's risk or safety; and inability to conclude without access. The draft language explicitly authorizes the child protection agency to file a motion (referred to as a 'sworn complaint') with the Juvenile Court requesting an access order to investigate the report. The statutory authority for access orders is being proposed as a necessary child protection procedure as was recommended by the ABA.

This proposed statutory language also suggests revisions to RC 2151.30 (Issuance of warrant), which is relevant in the discussion regarding filing a sworn complaint for access to a child or home. The Access Order Workgroup found need of revision in this section, but the proposed language revisions were only offered to Juvenile Judges for their own review and actions. Comments are welcome and should be directed to: Randi Lewis, Deputy Legal Counsel, 614-466-4605, 614-752-8298 (fax), LEWISR@odjfs.state.oh.us.

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<sup>1</sup> 42 USC 5106a(b)(2)(A)(xix)

<sup>2</sup> *Walsh v. Erie County Department of Job & Family Services*, 240 F.Supp.2d 731 (N.D. Ohio 2003)

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# Ohio Updates

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## *Proposed Statutory Language*

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### **Complaint for Access**

Sec. 2151.XX. (A)(1) If the public children services agency cannot obtain access to the child or the child's home when conducting the interview, examination, and investigation prescribed by section 2151.421 and division (A)(1) of section 5153.16 of the Revised Code; if the agency has made diligent attempts to gather additional information to determine whether or not the alleged child victim is or is at risk of being abused, neglected, or dependent; and if the agency can show that access to the child or the home is necessary to perform its investigatory responsibilities under law to protect children from harm or the risk of such harm, then the agency may file a sworn complaint in the juvenile court of the county in which the agency charged with investigating the complaint is located. The sworn complaint shall include a summary setting forth the reason for such complaint and other available social history of the child and the family's situation which justifies such complaint.

(2) Upon receipt of a complaint filed under this section, proper service shall be made upon the parents, guardian, person in loco parentis, or person having custody or control of the alleged child victim, in accordance with Juvenile Rule 16. The court shall hold a hearing within five business days of the receipt of this complaint.

(3) At the hearing, the agency has the burden of proving the requirements in division

(A)(1) of this section. Upon this showing, the court may issue an order mandating the parent, guardian, custodian, person in loco parentis, or person having custody or control of the alleged child victim to allow access to the alleged victim, access to the home, if necessary, and access to any other children residing in the home.

(B) Section 2151.30 of the Revised Code governs situations when the juvenile court finds that the service of a summons under section 2151.29 of the Revised Code, or service of a complaint under [section 2151.27 of the Revised Code](#), will be ineffectual requiring a warrant. Section 2151.31 of the Revised Code governs situations requiring the emergency removal of a child.

(C) The department of job and family services may adopt rules governing the agency's responsibilities under this section.

### **2151.30 Issuance of Warrant**

~~In any case when it is made to appear to the~~ ~~The juvenile judge~~ ~~court may issue a warrant against the parent, custodian, guardian, or against the child when the court finds that the service of a~~ ~~citation summons~~ ~~under section 2151.29 of the Revised Code or service of a complaint under sections 2151.27 or 2152.021 of the Revised Code will be ineffectual, or and there is good cause shown that the welfare of the child requires that he~~ ~~the child~~ ~~be brought forthwith into the custody of~~ ~~before~~ ~~the court, a warrant may be issued against the parent, custodian, or guardian, or against the child himself.~~

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## Ohio Updates

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### *Parental Rights Brochures to be Used in Legal Rights Training*

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The Summer-Fall 2005 issue described parental rights brochures developed to help parents involved in a report of child abuse or neglect understand their rights and obligations, as well as the responsibilities of the public children services agency. These documents were written for the *Subcommittee on Responding to Child Abuse, Neglect and Dependency* (Subcommittee) by the American Bar Association's Center on Children and the Law, with wide input from professionals across Ohio.

The distribution plan recommended by the Subcommittee incorporated training sessions about the legal rights of parents, to include discussion about innovative ways that the brochures might be used to inform and engage parents. The National Center for Adoption Law and Policy (Center) is developing a three-hour workshop for this purpose. The framework of this session will be establishing the context in which we work: a discussion of why the constitutional rights of due process, equal protection, confrontation and freedom from unlawful search and seizure, as well as the inherent parental rights to respect, dignity, honesty and self-determination are all an integral part of child welfare practice.

The brochures will be woven into discussion, at times serving as a platform for training activities. The Center is working with the Ohio Child Welfare Training Program to coordinate content with the "CAPTA Training" for child protection caseworkers on 4th and 14th Amendment protections (also described in the Summer-Fall issue). Each Ohio Child Welfare Training Program Regional Training Center will offer two back-to-back sessions to public children services workers in June 2006. The brochures will be distributed to public children services agencies during that month. Beginning in July 2006, brochures will be available to other community entities and the workshops will be available to various stakeholder audiences. Questions regarding how to schedule a session in your community should be directed to Victoria E. Solomon, (614) 236-7312, [vsolomon@law.capital.edu](mailto:vsolomon@law.capital.edu).

### *Ohio Guardian ad litem Training*

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The Ohio Network of Child Advocacy Centers (ONCAC) is the statewide coordinator of training for Ohio attorneys that wish to be appointed as Guardians ad litem. New standards to be implemented through Rules of Superintendence will require any individual to complete six hours of specified training prior to appointment and three hours in-service annually. The ONCAC curriculum is the sanctioned Guardian ad litem training of the Supreme Court of Ohio; it is being offered in advance of rule enactment to facilitate pre-certification and prepare for anticipated demand.

The ONCAC sessions are jointly taught by an attorney and a clinician/social worker, and focus on children's developmental and emotional needs while involved in the judicial system. The first sessions were held in Canton on March 9<sup>th</sup> and Ravenna on March 10<sup>th</sup>, 2006

The Supreme Court of Ohio has instructed ONCAC to ensure that the training is offered in a manner that is geographically and financially accessible throughout the state. The cost, including 6 CLE credits, continental breakfast, and lunch is \$50 per person. ONCAC will conduct up to two sessions per month, and will provide the training locally upon request. If your court, organization or agency wishes to host a session or if you wish to learn more about scheduled sessions, contact ONCAC.org.

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# Ohio Updates

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## *Kinship Permanency Incentive Program*

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Ohio's Kinship Permanency Incentive (KPI) Program became effective January 1, 2006. It provides financial support for minor children in the legal and physical custody of grandparents, relatives, or other "kinship caregivers" (defined in Ohio as any relative or non-relative adult who has a long-standing relationship or bond with the child and/or family).

KPI provides time-limited incentive payments to families caring for kin. Since the intent of this program is to promote permanency for children who cannot remain at home, the child must be in the legal custody or guardianship of the individual with whom he is placed.

In order for a kinship caregiver(s) to be eligible for KPI, all of the following criteria must be met:

- A court adjudicated the child as abused, neglected, dependent or unruly.
- On July 1, 2005 or thereafter, a court determined that it was in the child's best interest to be in the legal custody or in the legal guardianship of the kinship caregiver(s).
- The child meets the KPI definition of special needs identified in rule or Private Child Placing Agency
- The gross income of the kinship caregiver's household with the child does not exceed two hundred percent of the federal poverty guidelines excluding Ohio Works First Child Only payments.
- The kinship caregiver(s) is a resident of the State of Ohio.
- The child currently resides with the kinship caregiver(s).

Eligible families receive payment of \$1,000 per child to defray costs of initial placement and may receive five hundred dollars per child at six month intervals to support the stability of the child's placement in the home (\$3,500 limit) provided they continue to meet eligibility requirements. Participation in this program does NOT preclude these families from receiving Child Only TANF benefits; it is in addition to such benefits.

It is important to note that the judicial order granting legal custody or guardianship must include a best interest determination specific to the individual with whom the placement has been made. View this program's Ohio Administrative Code rule, 5101:2-40-04 at [www.registerofohio.state.oh.us/](http://www.registerofohio.state.oh.us/)

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### *In Memory of Judge Frederick E. Mong*

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*The January 31, 2006 death of Judge Frederick E. Mong, Hocking County Juvenile and Probate Judge is reported with deep sadness. If a man is remembered by the character of his deeds, the memories of Judge Mong are ones of wisdom and compassion. As remarked by a county commissioner on the day of his passing, "Everything Judge Mong did came from the heart."*

*The list of Judge Mong's accomplishments and tributes –national, state and local— is impressive; he was particularly skillful at promoting collaboration between community partners because, as remarked by Julie Mogavero, Executive Director of Hocking Children's Services, " Judge Mong ... always seemed to be the voice of reason and civility." This same graciousness characterized his courtroom, as his words conveyed: "This court, perhaps more than any other, is people-centered, and its concern is for youth, families and older persons. The purpose of this court is to protect society, when required, and to help keep people together in the most basic relationship of their lives - the family. To accomplish this purpose, there must be the ability and willingness to listen with fairness and impartiality."*

*Memorial contributions may be made to the Judge Frederick E. Mong Educational Scholarship Fund, c/o The Citizens Bank of Logan, 188 W. Main St., Logan, OH 43138.*

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