

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Maureen O'Connor

CC: Jeff Hagler, Administrative Director
Stephanie Hess, Deputy Director
Stephanie Nelson, Director, Court Services Division

FROM: Judge Elizabeth Gill, Franklin County Domestic Relations/Juvenile Court
Judge Denise Herman McColley, Henry County Family Court
Co-Chairs of the Advisory Committee on Children and Families
David Edelblute, Manager, Children and Families Section

DATE: January 31, 2020

SUBJECT: 2019 Annual Report on the Advisory Committee on Children and Families

In compliance with the Operating Guidelines for the Advisory Committee on Children and Families, we are pleased to present our annual summary detailing the Advisory Committee's activities and accomplishments during 2019.

The Advisory Committee was created in 2002 with the purpose to provide ongoing advice to the Court and its staff regarding the promotion of statewide rules and uniform standards concerning the establishment and operation of programs for children and families in Ohio courts, the development and delivery of services to Ohio courts on matters involving children and families, including training programs for judges and court personnel, and the consideration of any other issues the Advisory Committee deems necessary to assist the Court and its staff regarding children and families in Ohio courts. The Advisory Committee on Children and Families has continued to be an active body. Detailed below, these activities seek to address a broad spectrum of issues including child protection, kinship care, adult guardianship, and domestic relations and juvenile rules.

The Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND), was chaired by Judge Anthony Capizzi the Montgomery County Juvenile Court and Deputy Director Carla Carpenter from the Ohio Department of Job and Family Services. Carla Carpenter left her position on December 17, 2019, and her successor has not been identified at this time. CAND remains focused on the Children in Need of Protective Services (CHIPS) legislation. A CHIPS Workgroup, chaired by Judge Matthew Puskarich, Harrison County Juvenile Court, was formed and should complete its recommendations early

in 2020. CAND continues to see a need for abuse, neglect, and dependency caseflow training. CAND hosted a Dependency Caseflow course in March 2019.

The Child and Family Services Reviews (CFSR) is the periodic federal review that ensures conformity with federal child welfare requirements while gauging the experiences of children, youth, and families receiving state child welfare services. The Ohio Department of Job and Family Services submitted a Program Improvement Plan (PIP) to respond to issues identified in the 2017 CFSR review conducted by the Children's Bureau of Health and Human Services. The Subcommittee and court staff were involved in the PIP's development, and CAND is actively working with ODJFS to implement the PIP strategies that the Children's Bureau approved last summer.

To aid in this effort, a Child and Family Services Review /Quality Hearing Workgroup was formed in December of 2018, chaired by Magistrate Michelle Edgar, Fairfield County Juvenile Court, to respond to the ongoing need of courts and child welfare agencies to work together to improve family outcomes, with a focus on improving hearings timeliness and quality.

CAND also serves as the steering committee for the administration of federal grant funding. CAND oversees the Supreme Court of Ohio's Court Improvement Plan (CIP) and ODJFS's Children's Justice Act (CJA) grant, both of which are issued by the Children's Bureau. Additionally, the Supreme Court CIP was awarded the National Quality Improvement Center for Collaborative Community Court Teams (QIC-CCCT) grant in 2018. Fifteen demonstration sites were selected nationwide, with three of those sites, Trumbull, Coshocton, and Fairfield counties, were selected from Ohio. CAND is one of the oversight committees for this project. QIC-CCCT is a 30-month initiative providing funding and support through training and technical assistance to strengthen the community's collaborative capacity to improve services and outcomes for infants, young children, and their families/caregivers affected by substance use. This initiative will enhance the capacity of these teams to implement the provisions of the Comprehensive Addiction and Recovery Act 2016 amendments to the Child Abuse and Prevention Treatment Act. The QIC-CCCT is funded by the Children's Bureau and is managed by Children and Family Futures. The project is provided evaluation assistance from Advocates for Human Potential in Massachusetts.

In 2018 Congress passed the Family First Prevention Act (FFPSA). The Supreme Court of Ohio is currently represented on the ODJFS State FFPSA Leadership Team, which is planning the implementation of the federal act in Ohio. CAND will form a workgroup to focus on the judiciary's role in the implementation of the act. FFPSA requires courts to play a more active role in ensuring the quality and appropriateness of the placement of youth in out of home treatment settings.

CAND's annual multidisciplinary juvenile court training was held in April 2019 and focused on "Dual Status Youth" who are involved in both the juvenile justice and child welfare systems. The juvenile judge-led multidisciplinary teams focused on learning strategies to collaborate with child welfare and other stakeholders when working with this population. Twenty-nine counties participated in the training last year. The training was provided by the RFK National Resource Center for Juvenile Justice. Two counties, Knox and Clark were awarded technical assistance scholarships to work with RFK to implement the Dual Status Framework within their counties. Both counties have active collaborative teams that are addressing the unique issues of this very high-risk population.

In 2019, \$172,813.38 in technology grants were awarded to 9 counties utilizing CIP funds. The purpose of the grants was to encourage courts to utilize technology for the improvement of services to abused, neglected and dependent children. CIP grant funds were also utilized for the installment of text notification systems in 15 juvenile courts that had certified Family Dependency Treatment Courts. CIP funding was also provided for Family Dependency Treatment Courts, Capital University Law Schools Family Youth Law Center and Ohio CASA

In December 2017, ODJFS launched the Bridges initiative expanding services to foster care youth until age 21. CAND and ODJFS developed a series of additional changes and recommendations after the program's implementation. One such recommendation – updating statutory references to Bridges' participants as “emancipated young adults” was enacted with the passage of House Bill 166 (133rd G.A.). The Bridges Program Toolkit developed for judges was updated to reflect these changes in 2019.

Finally, the Advisory Committee approved changes to the Sup.R. 48 revising the guardian ad litem standards. This rule was approved by the Commission on the Rules of Superintendence in 2019. However, due to the significance of the changes the GAL Workgroup made in response to the first round of public comments in 2017 and the amount of time that had elapsed since that public comment period, the Justices requested the changes be published for the second round of public comment. The public comment period began on October 8 through November 6, 2019. The GAL Workgroup will be reviewing the comments and making subsequent changes in 2020.

The Subcommittee on Juvenile Justice, chaired by Judge Beth Gill, Franklin County Juvenile and Domestic Relations Court, focused on diversion, racial inequalities, and access to counsel for misdemeanants in 2019. Last year, the Subcommittee recognized nine diversion programs in five different juvenile courts for their innovative diversion practices aimed at reducing youth's interaction with the juvenile justice system. Additionally, the Supreme Court hosted a racial equity and inclusion training in collaboration with the Ohio Department of Youth Services and the Office of the Ohio Public Defender for over 120 judicial officers and court staff. The workshop featured presentations on how implicit bias and structural racism operate in the juvenile justice system and how court personnel can mitigate racial inequities.

The Subcommittee on Juvenile Justice also submitted proposed revisions to Juv.R. 3 to the Supreme Court's Commission on the Rules of Practice & Procedure extending a juvenile's right to counsel to all misdemeanor cases. These changes were withdrawn from further action by the Commission after the first round of public comments. Moving forward, the Subcommittee will be focusing on creating a common definition and best practices for diversion and education on restorative justice for judicial officers in collaboration with the Department of Youth Services.

The Subcommittee on Family Law Reform Implementation, co-chaired by Chief Magistrate Serpil Ergun, Cuyahoga County Domestic Relations Court, and Judge Denise McColley, Henry County Family Court, was formed to implement recommendations from the Advisory Committee's *2005 Report and Recommendations on Family Law Reform*. The Subcommittee approved the publication of bench cards for domestic relations judicial officers on topics such as termination of marriage, allocation of parental rights and responsibilities, and child support. In addition to the continued work on Sup.R. 48 discussed above, the Subcommittee formed a workgroup to revise Civ.R. 75 clarifying that the rule applies to the jurisdictional transfer cases resulting from House Bill 595 (132nd G.A.) bringing custody and child support cases between married parents into domestic relations court that are not related to action to

terminate a marriage. A second workgroup was also formed to draft an informal trial rule that would allow domestic relations cases to be expedited with modified rules of civil procedure and evidence.

The Subcommittee on Adult Guardianship, chaired by Judge Dixilene Park, Stark County Probate Court, makes recommendations for standards of practice, data collection, and monitoring protocols in adult guardianship matters. The Developmental Disabilities Workgroup completed drafting a toolkit designed to educate judicial officers on the laws related to and best practices for making decisions related to guardianships for individuals with developmental and intellectual disabilities. This guide will be published in 2020. Another workgroup convened to develop the annual Probate Preconference at the Ohio Association of Probate Judges Summer Conference. The 2019 training focused on county interdisciplinary teams (I-Teams) which are established to identify and address elder abuse, neglect, and exploitation. These teams meet regularly to address issues at both system and individual levels. Additionally, the Adult Protective Services Toolkit, designed to provide courts with practical resources and information for working with adult protective services cases, was published and distributed. This guide was created as part of the 2018 Probate Preconference training. The Subcommittee also formed a workgroup to address the local court's monitoring of guardianships. As a result of this group's work, a toolkit and workshop are being developed around best practices of monitoring guardianships of the individual and a new workgroup addressing monitoring guardianships of the estate is being formed.

Finally, an ad hoc workgroup of the Advisory Committee revised Juv.R. 42 addressing minors seeking marriage. The changes were precipitated by the passage of House Bill 511 (132nd G.A.) which added restrictions on a minor's ability to get married. As a result of the bill's passage, the language of Juv.R. 42 was no longer applicable. The proposal was submitted to the Commission on Rules of Practice & Procedure and is subsequently making its way through the rule amendment process.

Thank you for your support and the continued opportunity to improve the delivery of court services to Ohio's children and families. We welcome your feedback and suggestions on the Advisory Committee's work.