

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 and 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, 2021

SUBJECT: 2020 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 2020.

The Advisory Committee was created in 2002 with the purpose of providing 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. Through this challenging year, the Advisory Committee on Children and Families has continued to be an active and relevant body. Detailed below, these activities seek to address a broad spectrum of issues including child protection, kinship care, adult guardianship, domestic relations, and juvenile justice.

The Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND), was chaired by Judge Anthony Capizzi of the Montgomery County Juvenile Court. CAND remains focused on the Children in Need of Protective Services (CHIPS) legislation. A CHIPS Workgroup, chaired by Judge Matthew Puskarich, Harrison County Probate and Juvenile Court, completed its recommendations for changes in Ohio child welfare law in 2020. These recommendations were presented to the Governor's

Children Services Transformation Advisory Council by Judge Capizzi. The Advisory Council included a recommendation to adopt CHIPS in its final report to Governor DeWine.

The Child and Family Services Review (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 (ODJFS) submitted a Program Improvement Plan (PIP) to respond to issues identified in the 2017 CFSR review conducted by the Children's Bureau of the U.S. Department of Health and Human Services. The Subcommittee and court staff were involved in the PIP's development, and CAND, as well as Court staff, are actively working with ODJFS to implement the PIP strategies approved by the Children's Bureau. Some of the key strategies in Ohio's PIP plan are the provision of the National Association of Counsel for Children's (NACC) Red Book Training; expansion of Abuse, Neglect, Dependency Mediation Programs; strategies to reduce court delays in child welfare cases; and a multi-disciplinary legal representation team pilot program that includes attorneys, social workers, and a parent advocate/mentors that work with families.

Another effort in implementing PIP strategies was the formation of the Child and Family Services Review/Quality Hearing Workgroup. This workgroup was formed in December of 2018 to respond to the ongoing need of courts and child welfare agencies to work together to improve family outcomes, with a focus on improving hearing timeliness and quality. The workgroup is chaired by Magistrate Michelle Edgar, Fairfield County Probate and Juvenile Court. As part of this project, researcher Dr. Alicia Summer and her team were asked to review over 300 Ohio child welfare hearings and to submit recommendations for the improvement of hearing quality. The workgroup utilized her findings when developing a toolkit that will complement a new *court summary report* generated from the Statewide Automated Child Welfare Information System (SACWIS). The toolkit and report are expected to be available in the first half of 2021.

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) grant and ODJFS's Children's Justice Act (CJA) grant, both of which are issued by the Children's Bureau. Various pilot projects, technical assistance, and technology projects are funded through these grants. One such project is the "Dual Status Youth" initiatives in Champaign, Clark, Hancock, Knox, and Ottawa Counties. These sites are working to develop and implement collaborative systems of care to improve system performance and outcomes for youth and families involved with both child welfare and juvenile justice. Technical assistance is provided by the RFK National Resource Center for Juvenile Justice. Ohio is a national leader in this effort.

A new Quality Child Welfare Legal Representation workgroup was formed in 2020. It is chaired by Judge Rosemarie Hall of the Stark County Family Court and Judge Jay Nixon of the Knox County Probate and Juvenile Court. The workgroup has three primary focuses including, multi-disciplinary representation teams for children and families, pre-petition representation to address ancillary issues contributing to child welfare involvement (landlord, outstanding warrants, immigration, etc), and attorney education/best practices. To assist in the latter, CIP and CJA funds were also utilized to offer scholarships to over 500 attorneys, guardians ad litem, court-appointed special advocates, county public children services attorneys, public defenders, and court staff to virtually attend the NACC Red Book training. This seven-session training focuses on child welfare law. NACC also provided three Ohio specific virtual courses for over 400 attendees.

In 2020, \$344,935 in technology grants were awarded to 17 counties utilizing CIP funds. The purpose of the grants is 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 two juvenile courts that had certified Family Dependency Treatment Courts. In addition to technology, Ohio's CIP funding also supported the start-up of Family Dependency Treatment Courts, Capital University Law School's Family Youth Law Center, Dual Status Youth Programs, and Ohio CASA.

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 October 2021 implementation of the federal act in Ohio. CAND has formed a workgroup, chaired by Judge Denise Cubbon of the Lucas County Juvenile Court, to focus on the judiciary's role in the implementation of the act with particular focus on ensuring the quality and appropriateness of the placement of youth in out of home treatment settings. This workgroup has begun drafting a judicial toolkit to help courts implement the requirements for reviewing placements in qualified residential treatment providers.

The Subcommittee on Juvenile Justice is chaired by Judge Beth Gill, Franklin County Juvenile and Domestic Relations Court. In 2020, the subcommittee focused on the development of a common statewide definition for juvenile diversion. The term *diversion* is not consistently used among juvenile courts in Ohio. Some courts believe that diversion is a process that occurs before the filing of a formal complaint. Other courts hold that diversion can occur at any point prior to disposition. Because there is no commonly understood definition of diversion, beliefs about what diversion is, and what it is not, vary resulting in differing practices of diversion from community to community across Ohio. This common definition will be included in a toolkit for courts to use when developing their menu of diversion intervention strategies. This toolkit is expected to be finalized in 2021.

The Subcommittee also forged a commitment to collaborate with the Ohio Department of Education (ODE) to address school attendance issues. In 2016, House Bill 410 set forth guidelines aimed at prevention and early intervention of absenteeism. However, in light of the public health pandemic and various instructional models employed by schools across the state, truancy issues have been brought to a new light. The Subcommittee and ODE have pledged to conduct regular meetings and additionally, the Supreme Court's Office of Court Services will offer two roundtables next year for judicial officers, truancy interventionists, and ODE representatives to discuss issues and best practices around truancy.

The Subcommittee on Family Law Reform Implementation (FLRI), 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*. In 2020, the Subcommittee spent a considerable amount of time working on rules. The Subcommittee concluded its work on amendments to Sup.R. 48 regarding guardians ad litem that began in 2016. After two rounds of public comments, the final version of the revised rule was adopted by the Justices and will take effect in January 2021. Highlights of the changes include significant increases in the training requirements, the ability of a court to make a limited scope appointment of a guardian ad litem, and requires the court to make the GAL report available to all parties, including self-represented litigants. The Subcommittee also 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 the action to terminate a marriage.

FLRI's Custody Evaluator Workgroup completed drafting a new Rule of Superintendence that will establish standards for custody evaluators in Ohio. This rule seeks to provide consistency in how custody evaluations are conducted throughout the state by establishing qualifications on who can perform these evaluations, creating initial training and continuing education guidelines, and outlining an evaluator's responsibilities. Proposed Sup.R. 91 was released for public comment in November, and the workgroup has been making revisions to incorporate the feedback.

FLRI also formed a workgroup to draft a simplified hearing rule that would allow parties in domestic relations and juvenile cases to directly explain their issues to the court in an informal way. It is beneficial to use in cases involving low-conflict, non-complex issues such as a simple divorce or custody cases where the parties have agreed on all but a few minor issues. The Simplified Hearing Rule will reduce the time it takes to process a case because the traditional procedural requirements are relaxed. This expedited timely resolution of cases gives parties an increased sense of procedural justice. The drafting process is expected to be completed in 2021.

Finally, FLRI finished its long-term project of updating the standardized domestic relations and juvenile forms in 2020. The initial goal of this workgroup was to increase consistency in the language among forms, add more instructional guidance, and ensure Plain Language was used. However, recent state and federal legislation prompted substantive changes to be made to the calculation of child and spousal support. Three new forms were created, increasing the total to thirty-one forms. The revised forms were adopted by the Justices but will be updated again in 2021 to respond to public comments received after their initial release.

The Subcommittee on Adult Guardianship (SAG), 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 was published and distributed in 2020. The Subcommittee also formed a workgroup to address the local court's monitoring of guardianships that was chaired by Magistrate Patricia Hider of the Butler County Probate Court. As a result of this group's work, a toolkit and workshop were developed around best practices of monitoring guardianships of the individual, and a new workgroup addressing monitoring guardianships of the estate is being formed. A workshop on court visitor programs was planned as a Pre-Conference training prior to the 2020 Probate Judges Association meeting. However, due to the cancellation of that meeting, the workshop will be presented in 2021. SAG also drafted an amendment to Sup.R. 66.05 concerning background checks of guardians. The proposed amendment has been released for public comment and the final proposed amendment will be presented to the Justices in 2021.

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 proposed rule changes went into effect in July 2020.

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.