

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Maureen O'Connor

**CC:** Stephanie Hess, Interim Administrative 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, 2022

**SUBJECT:** 2021 Annual Report on the Advisory Committee on Children and Families

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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 2021.

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 another 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 co-chaired by Judge Anthony Capizzi of the Montgomery County Juvenile Court and Jeffery Van Deusen, Deputy Director at the Ohio Department of Job and Family Services, Office of Families and Children. 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. Multiple sponsors have been identified for new legislation and language is currently being drafted by the Legislative Services Commission.

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, has actively worked 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 Summers 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 in the development of a toolkit that complements a new *court summary report* generated from the Statewide Automated Child Welfare Information System (SACWIS). The *Quality Hearing Toolkit for Judicial Use* and report became available in 2021 and are currently being utilized by courts. In addition, Dr. Summers completed follow-up studies in courts in 2021, including meetings with each court that was studied. Based on her findings and feedback from courts, the toolkit will be updated in the future. A Court Café webinar was held to educate courts about the toolkit and new report. After reviewing this and other work, the Children's Bureau approved the completion of all court-related requirements of the PIP, though work continues in all identified areas that involved the Ohio court system.

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, Fairfield, 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 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 implementation of these strategies, 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 focusing on child welfare law. NACC also provided three Ohio-specific virtual courses for over 400 attendees.

Additionally, three federal funding sources, including the Court Improvement Program, the Children's Justice Act, and the Children's Trust Fund were utilized to award \$750,000 of grants to six multi-disciplinary legal representation pilot sites. Each site will utilize teams that consist of an attorney, a social worker, and a person with lived experience in the child welfare system to work with families involved or at risk of involvement. Technical assistance is being provided to the sites by Susan Jacobs, former director of Center for Family Representation in NYC, and evaluation is being provided by Action Research.

In 2021, \$93,270 in technology grants were awarded to 4 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 with certified Family Dependency Treatment Courts. In addition to technology, Ohio's CIP funding also supported new Family Dependency Treatment Courts, Capital University Law School's Family Youth Law Center, Dual Status Youth Programs, Training of Ohio GALs, Safe Baby Court Pilot, Juvenile Court Hearing Quality Study, Consultant to Navigate Iv-E Reimbursement and Ohio CASA.

In 2018 Congress passed the Family First Prevention Act (FFPSA). On October 1, 2021, the Federal Act was implemented in Ohio. CAND 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 a particular focus on ensuring the quality and appropriateness of the placement of youth in out of home treatment settings. This workgroup developed and released a toolkit in 2021 to help courts implement the requirements for ensuring that the level of placement is the least restrictive option. Additionally, two webinars were held to educate courts, children's services agencies, and attorneys on the new qualified residential treatment provider requirements.

The Subcommittee on Juvenile Justice is chaired by Judge Beth Gill, Franklin County Juvenile and Domestic Relations Court. In 2021, the subcommittee released the *Judicial Guide to Juvenile Diversion*, which featured a common statewide definition for juvenile diversion and strategies for local courts to utilize when developing a menu of diversion intervention strategies. This toolkit was a collaboration with the Ohio Department of Youth Services and Office of the Ohio Public Defender allowing for a common message regarding the diversion of youth from formal court involvement to be shared by all three justice-system partners.

The subcommittee also began exploring ways to address school attendance issues. The subcommittee met periodically with representatives of the Ohio Department of Education so each could be better informed of the prevention efforts underway to address this issue. As a result of these meetings, a new workgroup was formed to develop a toolkit that will identify strategies that both local school districts and courts can use to help prevent school attendance issues from occurring and subsequently resulting

in truancy filings. This workgroup is a mixture of state and local education and court staff. Additionally, two truancy roundtables drew large attendances where judicial officers and court staff were able to dialogue about shared issues and resource peers about potential solutions to truancy issues in their communities.

The Subcommittee on Family Law Reform Implementation (FLRI), co-chaired by 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 2021, the amendments to Sup.R. 48 regarding guardians ad litem standards became effective. A workgroup began working on these changes in 2016. A Court Café webinar was held to educate courts about the rule amendments. Another significant accomplishment for the subcommittee was the adoption of changes to the standardized domestic relations and juvenile forms. Several legislative and rule changes at both the state and federal levels were incorporated into the revisions.

The workgroup formed to revise Civ.R. 75 in 2020 continued its work. The revisions are intended to clarify that the rule applies to the jurisdictional transfer cases resulting from House Bill 595 (132<sup>nd</sup> 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. The workgroup has partnered with the Ohio Association of Domestic Relations Judges on this project.

The proposed custody evaluator standards, Sup.R. 91, were adopted by the Court in 2021 with an effective date of September 1, 2022. 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. FLRI's Custody Evaluator Workgroup is working to develop a toolkit to educate courts on how to effectively use custody evaluations. Additionally, it is working with the Judicial College to oversee the development of 40 hours of initial custody evaluator training.

The Simplified Hearing Workgroup submitted a proposal to create a new "Simplified Hearing Rule" to the Commission on the Rules of Practice and Procedure for consideration. These new rules, one Civil Rule and one Juvenile Rule of Procedure, would allow parties in domestic relations and juvenile cases to directly explain their issues to the court in an informal way. They are beneficial 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 Rules 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. Unfortunately, the Commission took no action on the proposal due to an unexpectedly large number of other proposed amendments; however, it remains on the Commission's agenda for consideration in 2022.

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 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, the *Establishing a Court Visitor Program to Monitor*

*Guardianships Toolkit for Judicial Use* and workshop were developed around best practices of monitoring guardianships of the individual. The workgroup focused on establishing court visitor programs was presented at the 2021 Probate Preconference, prior to the Ohio Probate Judge's Association Summer Conference. The training featured programs in Stark, Delaware, Shelby, and Butler counties.

SAG also drafted an amendment to Sup.R. 66.05 concerning background checks of guardians. The amendment created a new affidavit for guardians to attest that they are in good standing and to disclose of any pending or convicted criminal offenses. The proposed amendment was approved by the Justices in 2021 and took effect on June 1, 2021.

Finally, a new workgroup that focuses on monitoring guardianships of the estate has been established under the leadership of Judge Laura Gallagher of the Cuyahoga County Probate Court. The purpose of this workgroup is to identify best practices for courts and recommendations for future initiatives to improve the monitoring of guardianships of the estate. This group builds off the research that the Monitoring Guardianships Workgroup did previously.

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.