

# The Supreme Court of Ohio

## MEMORANDUM

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**TO:** Chief Justice Sharon L. Kennedy

**CC:** Stephanie Hess, Interim Administrative Director  
Stephanie Nelson, Director, Court Services Division

**FROM:** Judge Denise Cubbon, Lucas County Juvenile Court  
Judge Linda Tucci Teodosio, Summit County Juvenile Court  
Co-Chairs of the Advisory Committee on Children and Families  
David Edelblute, Manager, Children and Families Section

**DATE:** January 31, 2023

**SUBJECT:** 2022 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 (Advisory Committee), we are pleased to present our annual summary detailing the Advisory Committee's activities and accomplishments during 2022.

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. 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. This collaborative subcommittee brings together a variety of stakeholders to discuss promising practices and make recommendations regarding child welfare in Ohio.

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. Text of a draft bill has been developed by the Legislative Services Commission and it may be introduced in the next session of the Ohio General Assembly.

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 most recent 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 have 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. The objective of these strategies are to shorten the time to permanency for children currently involved with the child welfare system or to prevent children and families from involvement with the child welfare system and/or Juvenile Court.

Another effort in implementing PIP strategies was the formation of the Child and Family Services Review/Quality Hearing Workgroup. This workgroup was formed 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 initially 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 is 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. In 2022 Dr. Summers again conducted studies on new courts and reviewed her findings with each court. Based on her findings and feedback from courts, a self-evaluation on a court's hearing quality is being proposed as an addendum to the toolkit. Ohio's Child and Family Services Review (CFSR) Performance Improvement Plan (PIP) was successfully completed and met all PIP goals in all measurement areas in 2022.

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 at the U. S. Department of Health and Human Services. 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 co-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 (housing, landlord/tenant issues, Medicaid, school transfer, divorce, custody, social security SSI, special education, truancy, domestic violence, 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. In 2022 the Supreme Court approved NACC as the certifying organization for the specialization designation of child welfare law for Ohio. Scholarships were offered to 100 Ohio attorneys to obtain the new certification. A product of the workgroup includes a *Children Services Cases Attorney Onboarding Toolkit for Judicial Use*. The purpose of the toolkit is to provide juvenile courts with practical suggestions for attracting and maintaining a competent, committed pool of attorneys.

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. Ohio's Governor has committed an additional \$500,000 for both SFY 2003 & 2004 because the pilot projects are a strategy in the Governor's Children Services Transformation plan. Each site utilizes 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. Counties receiving awards include Cuyahoga, Summit, Wayne, Erie, Clark, and Stark. Technical assistance is being provided to the sites by Susan Jacobs, former director of the Center for Family Representation in NYC, and evaluation is being provided by Action Research. Ohio is the first state to implement a multi-site legal representation pilot program.

In 2022, \$284,506 in technology grants were awarded to 12 counties utilizing CIP funds. The purpose of the grants is to encourage courts to utilize technology for the improvement of in court operations related abused, neglected, and dependent children cases. In addition to technology, Ohio's CIP funding also supported Family Dependency Treatment Courts, training of Ohio GALs through the Judicial College, Safe Baby Court Pilot in Lucas County, a consultant to navigate Title IV-E reimbursement for Legal Representation, Online Kinship Resources, the Ohio Youth Advisory Board and Ohio CASA for expansion and support of their annual conference.

The Subcommittee on Juvenile Justice was formed in 2015 to improve the standards, practices, and effectiveness of Ohio's courts handling juvenile delinquency cases. This Subcommittee 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 of 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 the 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. As a follow-up to the diversion toolkit, the Subcommittee began developing a resource in 2022 that will feature pre-disposition

interventions – those that occur after the initial court appearance has been held but before a disposition has been issued. This guide will feature best practices that courts can employ to prevent youth from going deeper into the justice system. This resource is expected to be published in 2023.

The Subcommittee on Juvenile Justice collaborated with juvenile courts, local education administrators, and the Ohio Department of Education 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 resource encourages schools and courts to collaborate with community partners to address the underlying cause of school attendance issues. This toolkit highlights promising practices being used around the state by schools and courts at all stages of the school attendance continuum – prevention through formal truancy filing. The Ohio Department of Education is expected to publish this toolkit as part of its school attendance initiative in 2023. In a related effort, the School Truancy Roundtables continued in 2022 as a forum where judicial officers and court staff can discuss truancy-related issues.

The Subcommittee on Family Law Reform Implementation (FLRI), co-chaired by Magistrate Serpil Ergun, Cuyahoga County Domestic Relations Court, and Judge Denise McColley (Ret.), Henry County Family Court, was formed to implement recommendations from the Advisory Committee’s *2005 Report and Recommendations on Family Law Reform*. One recommendation from this report was the adoption of guardian ad litem standards (GAL), now Sup.R. 48. A joint FLRI and CAND workgroup drafted a toolkit for local courts to assist with the implementation of amendments made to Sup.R. 48 in 2021 and to identify ways to increase accountability in GAL performance. This latter purpose was in response to recommendations made by the Children’s Services Transformation Advisory Council. The toolkit also provides strategies for recruiting, onboarding, and retaining GALs. Several sample documents, such as a local court rule, GAL application, motion for relief of duties, and performance review tools, are included in the toolkit. This resource is expected to be published in 2023.

Uniform custody evaluator standards, Sup.R. 91, became effective September 1, 2022. This rule will 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 developed a toolkit to educate courts on how to effectively use custody evaluations. The toolkit provides several sample documents to help courts implement this rule such as a local rule, order of appointment, private custody evaluator application, and performance evaluation tools. This toolkit is expected to be published in 2023.

The Simplified Hearing Workgroup submitted a proposal to create a new “Simplified Hearing Rule” to the Commission on the Rules of Practice and Procedure in 2021. 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. The Commission has requested additional changes to the proposed rule language be made in collaboration with the Ohio Domestic Relations Judges Association and the Ohio Association of Juvenile Court Judges. The workgroup is currently working

with the associations to make these revisions before resubmitting the proposal to the Commission for reconsideration.

A workgroup chaired by Judge Diane Palos, Cuyahoga County Domestic Relations Court, began working on developing an online resource for new domestic relations judicial officers. This resource is a combination of the *Domestic Relations Resource Guide for Judges & Attorneys* and the Domestic Relations Judicial Officer Curriculum developed by the Judicial College. This electronic resource will outline substantive domestic relations law with interactive hyperlinks to pertinent case law, Rules of Procedure, and other helpful information, along with information on court administration and courtroom management. This resource will be used as the basis for the domestic relations curriculum for New Judge Orientation and New Magistrate Orientation and will be housed on the Supreme Court's website.

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. Traditionally, SAG has hosted the Probate Preconference that kicks off the Ohio Association of Probate Judges' Summer Conference. In 2022, the topic focused on how the probate court could better work with the medical community with respect to the competency of individuals being considered for or under guardianship. The training was led by judicial officers and medical professionals as they walked through the competency evaluation process, completing the Statement of Expert Evaluation, and the guardianship hearing. A follow-up training was conducted for physicians and other medical professionals in November. Feedback from these two trainings is being used to inform changes to the Statement of Expert Evaluation Standard Form which will help clinicians provide more valuable information the court weighs when determining the need for a guardianship.

SAG's Monitoring Guardianships of the Estate Workgroup, led by Judge Laura Gallagher of the Cuyahoga County Probate Court, has been working 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 of the prior Monitoring Guardianships Workgroup and the recommendations of the 4<sup>th</sup> National Guardianship Summit held in 2021. The workgroup is developing a survey to send to probate courts to gain a better understanding of the total amount of assets under guardianship in Ohio and how local courts are monitoring these funds. This data will help inform the recommendations issued by the workgroup.

Additionally, the Children and Families Section conducts Court Café lunchtime webinars. These webinars originally began as an educational series focusing on abuse, neglect, and dependency topics but have since expanded to feature primarily family-law related subjects, but occasionally topics relevant to all jurisdictions. In 2022, Court Cafés were held on such topics as custody evaluations, dual status youth, surrogate parents, and proposed rule amendments with over 500 judicial officers and court personnel attending. These webinars are recorded and posted on the Children and Families webpage.

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.