

The Supreme Court of Ohio

MEMORANDUM

TO: Chief Justice Sharon L. Kennedy

CC: Robert Horner, Administrative Director
Stephanie Nelson, Director, Court Services Division

FROM: Judge Denise Cubbon, (Ret.), Lucas County Juvenile Court
Chair of the Advisory Committee on Children and Families
David Edelblute, Manager, Children and Families Section

DATE: January 1, 2024

SUBJECT: 2023 Annual Report on the Advisory Committee on Children and Families

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 2023.

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. 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 work of the Advisory Committee is completed through its four subcommittees and their associated workgroups.

The Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND), was co-chaired by Judge Anthony Capizzi (Retired) and Jeffery Van Deusen, Chief of Staff at the Ohio Department of Children and Youth. This collaborative subcommittee brings together a variety of stakeholders to discuss promising practices and make recommendations regarding children in need of services 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 (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 and potential sponsors have 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; identifying 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 is 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 protective services system and/or the juvenile court.

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 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, 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 protective services and juvenile justice. Technical assistance is provided by the RFK National Resource Center for Juvenile Justice. Ohio is a national leader in this effort. The four pilot sites met together at the Thomas J. Moyer Justice Center in the Fall of 2023.

Three federal funding sources, including the Court Improvement Program, the Children's Justice Act, and the Children's Trust Fund were utilized to award grants to six multi-disciplinary legal representation pilot sites in 2021. All six sites have completed the second year of a four-year pilot. 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 protective services 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. All six sites sent teams to the Thomas J. Moyer Justice Center this past fall to meet with each other, Ms. Jacobs, and the evaluation team from Action Research.

In March of 2023, CAND held its first Summit on Children in over a decade. Teams from 52 counties gathered at The Ohio State University. Using strategies and best practices discussed at the conference,

combined with their knowledge of the specific needs of their local communities, each team designed a local action plan to increase collaboration and families to access services and improve outcomes.

Ohio's CIP funding also supported training of Ohio GALs, Safe Baby Court Pilot in Lucas County, The Ohio Youth Advisory Board, and Ohio CASA.

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. Combatting school attendance issues was a focus of the Subcommittee in 2023. The School Attendance Workgroup collaborated with juvenile courts, local education administrators, and the Ohio Department of Education to develop a toolkit that identifies strategies for both local school districts and courts to use to help prevent school attendance issues from occurring. *Developing an Effective School Attendance Program* promotes a holistic approach whereby schools and courts 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 toolkit was featured in the Ohio Department of Education's Ohio Attendance Task Force report and recommendations which are dedicated to improving attendance and decreasing chronic absenteeism in Ohio. Judge Gill, Franklin County Juvenile and Domestic Relations Court, as Chair of the Subcommittee, participated on the Task Force as one of the representatives of juvenile courts.

The Subcommittee also worked on understanding and developing implementation procedures for the new statutory language protecting the constitutional rights of victims of crimes and delinquent acts. Known as the codification of "Marsy's Law," 2022 Sub.H.B. No. 343, effective April 6, 2023, outlines procedures for criminal justice entities to follow to ensure victims' rights are protected from the time law enforcement makes its initial contact with the victim through the completion of the offender's sentence or disposition.¹ The Subcommittee also assisted in the review of two resources that are expected to be published in 2024 – *Understanding Marsy's Law: Quick Reference Guide for Judges* and *Understanding Marsy's Law: Judicial Guide to Protecting the Rights of Crime Victims*. These resources outline the court's responsibilities throughout the life of the case, drawing distinctions for specific juvenile court provisions.

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*. Under the development of FLRI, the *Judicial Guide to Guardian ad Litem Programs* was published. The guide provides strategies for recruiting, onboarding, and retaining guardians ad litem (GAL). 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.

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

¹ Statutory language was subsequently amended in 2023 Sub.S.B. No. 16, effective July 7, 2023.

guidelines, and outlining an evaluator's responsibilities. FLRI's Custody Evaluator Workgroup developed a toolkit, *Custody Evaluations: Toolkit for Judicial Use*, 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.

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. One of SAG's annual responsibilities is to host the Probate Preconference that kicks off the Ohio Association of Probate Judges' Summer Conference. In 2023, the topic focused on a lesser restrictive alternative to guardianship known as supported decision-making. The training provided an overview of the guardianship process with an emphasis on how probate courts define incompetency and what it takes to restore the competency of a ward under guardianship. Speakers discussed how supported decision-making serves as an alternative to or a way to terminate an existing guardianship, as well as how courts balance maximizing independence with personal health and safety.

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 4th National Guardianship Summit held in 2021. The workgroup distributed a survey 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. The workgroup received responses from 60 counties and is currently evaluating the results. This data will help inform the recommendations issued by the workgroup.

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.