

Children, Families, and the Courts



THE SUPREME COURT of OHIO

Ohio | Department of
Job and Family Services

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Permanency – A Forever Home for Children in Foster Care: What Courts Can Do

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Introduction

Why all this talk about permanency? The topic has come up in a variety of forums of late, calling attention to the need for the state to ensure the children in its care are timely and safely reunified with parents or placed in a permanent alternative living situation. Recently, the Ohio Attorney General's Office convened a series of regional Child Safety Summits. One theme arising out of these events was "When is enough, enough? Don't children have a right to safe and permanent homes without it taking so long?" This sentiment also cropped up when the Ohio Department of Job and Family Services, Public Children Services Association of Ohio, and Casey Family Programs hosted a series of "Permanency Forums" for interdisciplinary county teams across the state.

The federal Child and Family Services Reviews (CFSR), initiated in 2000 by the Children's Bureau of the U.S. Department of Health and Human Services, Administration for Children and Families, have increased state accountability for achieving measurable results in the areas of child safety, well-being, and permanency. The focus areas of "child safety" and "well-being" seem fairly self-explanatory, but what does "permanency" mean? There is no definition in Black's Law Dictionary for the term and it is rarely used in some courts or everyday conversation.

The CFSR describes the permanency outcome as: 1) children have long-term stability in their living situations; and 2) the preservation and continuity of family relationships and connections.¹

When the decision is made to remove a child from the home to protect them from harm, the state is assuming responsibility for helping the child through not only the impact of the precipitating incident, but also the emotional effects of separation. The state must provide stability for the child both in the short-term, temporary placement and in the long-term permanency plan. Seemingly competing with the need for stability is the need for courts to create a sense of urgency about permanency for children. Recognizing the developmental needs of a child, the Honorable William Byars, Jr., Director, South Carolina Department of Juvenile Justice and retired juvenile court judge, spoke at the 2008 Ohio Summit on Children of the need to accomplish permanency in a child's sense of time. He encouraged all professionals with a role in shepherding children through the child welfare system to step back and see the process "through the eyes of the child".²

The National Council of Juvenile and Family Court Judges *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (Resource Guidelines)* makes a compelling case for why the courts and child welfare system should prioritize permanency planning for children:

Statutory provisions designed to achieve permanency for abused or neglected children are based on several widely accepted principles of child development. First, many mental health professionals believe that

stable and continuous care givers for children are very important to normal emotional growth. According to these authorities, children need secure and uninterrupted emotional relationships with adults who are responsible for their care. Repeatedly disrupted placements and relationships can interfere with a child's ability to form close emotional relationships after reaching maturity.

Second, children need the security of having parents committed to their care. The lack of parents who provide unconditional love and care can profoundly insult a child's self-image.

Third, having a permanent family adds predictability to a child's life. Foster care, with its inherent instability and impermanence, can impose great stress on a child. Weathering the normal situational changes of childhood in a permanent family enables a child to envision a more secure future.

Fourth, the child-rearing competence of autonomous families is always superior to that of the state. Parents are likely to be capable of making the best, most timely decisions for a child, while decision-making concerning a child in state-supervised foster care can often be fragmented and inconsistent.³

Adoption and Safe Families Act

One of the major provisions of the Adoption and Safe Families Act of 1997, P.L. 105-89, 42 U.S.C. §§ 620-679, (ASFA) targeted an acceleration in the achievement of a permanent placement for children. The law required the state to initiate court proceedings to free a child for adoption once that child had been waiting in foster care for at least 15 of the most recent 22 months, unless there was an exception. Ohio's enactment of the federal ASFA provisions shortened this standard to a child being in foster care for 12 of the most recent 22 months (R.C. 2151.413(D)(1)). The sponsors of ASFA were concerned that previous child welfare law made it too easy for children to languish in foster care.⁴ ASFA attempts to move toward a permanent living situation for a child in a reasonable amount of time.

ASFA requires a "Permanency Planning Hearing" take place by the time a child has been in foster care for 12 months with the purpose of determining whether a child will return home or be moved to an alternative permanent placement.⁵ In Ohio the priorities for placement are set forth in R.C. 2151.412(H). While the health and safety of the child are the paramount concern, placement options are set forth in the following priority order:

1. Placement with a parent within a reasonable amount of time;
2. Legal custody with a relative;
3. Legal custody with a non-relative;
4. Temporary custody with the child welfare agency;
5. Permanent custody with the child welfare agency for adoption.

The Special Nature of Permanency Planning Hearings in Ohio

The purpose of a regular review hearing is to fine tune, adjust, correct, and update a case plan. A permanency planning hearing is to *decide* upon a permanent placement for the child – a forever home. R.C. 2151.417 includes the requirements for a permanency planning hearing. While ASFA makes a clear distinction between a regular case review hearing and a permanency planning hearing, the Ohio statute's more nuanced language requires a careful read in order to discern the special nature of the permanency planning hearing. The statute begins with a general description of the court's broad authority to review, at any time, the child's placement or custody arrangement, the case plan, the actions of the children services agency in implementing the case plan, the child's permanency plan (if one has been approved), and any other aspects of the child's placement or custody arrangement.

Further into the section, R.C. 2151.417(C) specifically addresses the special nature of the permanency planning hearing without explicitly naming it, as done in ASFA. The lack of clear labeling for the hearing makes it easier to blur the distinctions between regular case review hearings and permanency planning hearings, particularly in courts that routinely hold frequent review hearings. This section under (C) states (with emphasis added):

Any court that issues a dispositional order pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code shall hold a review hearing one year after the earlier of the date on

which the complaint in the case was filed or the child was first placed into shelter care to review the case plan prepared pursuant to section 2151.412 of the Revised Code and the child's placement or custody arrangement, **to approve or review the permanency plan for the child, and to make changes to the case plan and placement or custody arrangement consistent with the permanency plan.** The court shall schedule the review hearing at the time that it holds the dispositional hearing pursuant to section 2151.35 of the Revised Code.

In preparation for this hearing the children services agency must file a proposed permanency plan with the court prior to the hearing. This plan must specify when the child will be safely returned home, placed for adoption or legal custody, or why a planned permanent living arrangement (PPLA) serves the child's best interest.⁶

The *Resource Guidelines*, published in 1995, was based largely on court practices in Hamilton County, Ohio. The *Resource Guidelines* provide a road map of preferred practices and "the elements of properly conducted hearings" in dependency docket cases.⁷

The *Resource Guidelines* recommend setting aside 60 minutes for permanency review hearings. "Unlike review hearings, which involve routine oversight of case progress, permanency planning hearings represent a deadline within which the final direction of the case is to be determined...In most cases, either the child should be temporarily returned home by the time of the permanency planning hearing or efforts to return the child home should cease."⁸ A permanency planning hearing puts participants on notice that a definitive long-term decision is being made. In those cases where a family has made substantial progress, the case may be extended to allow additional time for reunification. R.C. 2151.415(D) allows the court to grant an extension not to exceed six months provided "it determines at the hearing, by clear and convincing evidence, that the extension is in the best interest of the child, there has been significant progress on the case plan of the child, and there is reasonable cause to believe that the child will be reunified with one of the parents or otherwise permanently placed **within the period of extension**" (emphasis added).

The intent of the statute is to move toward timely permanent homes for children and prevent prolonged stays in foster care. There is a sense of urgency communicated when reading the totality of these statutes

that promotes decision making in favor of permanency for children. However, there is an allowance for parents who are making *substantial progress* toward achieving the goals of their case plan. If a second six-month extension is requested, the court should be certain that it is both in the best interest of the child *and substantial additional progress* has been made toward achieving the goals of the case plan. In order to make these weighty decisions, courts must allow sufficient time on the docket to allow for a full presentation and discussion of permanency options for the child.

To support the court in the decision-making process, the children services agency's report or petition should methodically address permanency options for the child and indicate the reasons for recommending or not recommending each option.⁹ When a decision is made not to return a child home at the permanency planning hearing, the court should systematically consider options starting with adoption before accepting a lower priority option, as defined in R.C. 2151.412(H). In addition to those options, the court may be asked to approve a planned permanent living arrangement (PPLA). The drafters of both federal and state legislation intended for this to be the least desirable option. PPLA is a plan for the child to reach the age of majority as a ward of the state, what was formerly called "long term foster care".

The Supreme Court of Ohio has held that PPLAs are generally undesirable.¹⁰ Writing for the majority Justice Evelyn Lundberg Stratton penned:

A planned permanent living arrangement places a child in limbo, which can delay placement in a permanent home. Because the General Assembly intended to encourage speedy placement, R.C. 2151.353 places limitations upon the use of planned permanent living arrangements....R.C. 2151.45(C)(1) ...indicates that planned permanent living arrangement is to be considered as a last resort for the child, more evidence that the General Assembly's goal is to avoid allowing children to languish indefinitely in foster care.¹¹

In some instances it may be appropriate to hold the permanency planning hearing ahead of statutory deadlines, such as when the evidence overwhelmingly indicates that a family cannot be reunified. The statutory deadlines should be seen as maximum vs. standard times. If despite the diligent efforts of the

children services agency, the parents remain uncooperative eight months into foster care, the early scheduling of a permanency planning hearing may be in order.¹² Conversely, when the children services agency does little to assist a family achieve the goals of its case plan, the court may want to initiate frequent case reviews to monitor agency compliance with the case plan or to compel timely agency action.¹³

The court can refocus attention on the plan by convening parties, caregivers, and advocates for more frequent review hearings. The longer children are in foster care, the stronger the argument for frequent reviews becomes. When the court waits until the permanency review hearing to be updated on a case, time may be lost if a plan is off track and requires correction or modification. If a court chooses not to hold quarterly reviews, at minimum it should carefully review agency semi-annual review (R.C. 2151.416) documents and set a case review hearing if it has concerns about compliance with a case plan. Some jurisdictions have established a Citizen Review Board to conduct review hearings. The use of Citizen Review Boards is authorized under R.C. 2151.417(H). If concerns about compliance with important provisions of the case plan are identified in the Citizen Review Board's report, a hearing should be promptly held to address the issue. The court should establish an expectation that parties and advocates will notify the court in the event that significant time is lost due to a lack of compliance with a case plan.

Concurrent Planning

Concurrent planning is an approach that attempts to reduce delays in attaining permanency. The practice is used throughout the United States and internationally. In Ohio, Lucas County is one of the communities finding it beneficial for achieving permanency. The practice simultaneously identifies and works on a child's primary permanency goal (e.g., reunification with a parent) and a secondary goal (e.g., guardianship with a relative). Concurrent planning emphasizes an early and thorough family assessment including locating known relatives and kin and an inventory of family supports. The thorough assessment serves both the primary permanency goal and the secondary goal should it need to be enacted.¹⁴

The successful implementation of the practice requires much of the children services agency, but also the philosophical buy-in and support of the local court. Courts must ensure full disclosure to the parties of the practice of using a primary and secondary

goal.¹⁵ Court procedures already inform parents of the possible consequences of their failure to comply with the case plan. Concurrent planning allows the court to be specific about the possible consequence of a parent's failure to meet the expectations of the case plan. This practice also allows the court to ensure that intensive services are being offered to the family at the earliest possible point in the process. Establishing clear time limits for when final permanency decisions will be made keeps case planning focused on services to support the parent's ability and willingness to make the necessary changes to achieve the primary permanency goal.¹⁶

In Ohio, concurrent planning is permissible through the authority granted in R.C. 2151.412(J) which states, "A case plan may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division (E) of this section." If the agency engages in concurrent planning and reunification with the parents fails, then the agency should file a motion to properly place the secondary permanent family placement issue before the court.

Who Should Attend Permanency Planning Hearings?

The *Resource Guidelines* recommend that all of the following should always be present at permanency planning hearings:

- Judge (or magistrate)
- Age-appropriate children
- Parents whose rights have not been terminated (including putative fathers)
- Relatives with legal standing or other custodial adults
- Assigned caseworker
- Agency attorney
- Attorney for parents (separate attorneys if conflict warrants)
- Legal advocate for the child and/or Guardian ad litem or Court Appointed Special Advocate
- Court reporter or suitable technology¹⁷

Since publication of the *Resource Guidelines*, it is now considered important to routinely include foster parents and relative caregivers in these proceedings. In fact, R.C. 2151.424 requires courts to give notice to these substitute caregivers for all hearings regarding the child and gives them the right to present evidence if they wish.

In addition, R.C. 2151.424 requires that when a child is in permanent custody of the agency and a petition for adoption has been filed that the prospective adoptive parent be given notice and the right to present evidence at any review hearing on the child.

At the Attorney General’s Child Safety Summits, foster parents frequently reported they have not received the required notice. If any court is not routinely seeing foster parents and relative caregivers in hearings, it should review this required procedure with the clerks responsible for processing hearing notices to ensure that this provision is being consistently implemented.

Meaningful Involvement of Foster Youth in Hearings

Another group that is often absent from hearings are the youth themselves. It is interesting to note that when the *Resource Guidelines* were published in 1995, foster children were listed second to the judge on the list of required participants in permanency planning hearings. Now, almost twenty years later, we are still raising awareness regarding the benefits of children attending critical hearings about their future.

Foster youth should be encouraged to attend hearings whenever possible, even if included in only a portion of the hearing. Youth report feeling disconnected from the process where important decisions are made about their lives when hearings are held without being offered the opportunity to participate.¹⁸ R.C. 2151.35 states, “The court may excuse the attendance of the child at the hearing in cases involving abused, neglected, or dependent children.” The statute makes clear children should attend their hearings, but makes an exception for child abuse, neglect and dependency hearings by using the term “may excuse”. Youth would like courts to interpret this as offering them the option to attend, rather than courts assuming they should not attend.¹⁹ Additional benefits of youth presence in court hearings include putting a face on the case and reminding professionals to view the overall process “through the eyes of the child”.

There are many resources available to help courts include youth in hearings. The American Bar Association Center for Children and the Law’s Bar-Youth Empowerment Project includes many resources for judges, advocates, and youth to support youth involvement in hearings.



Judicial resources include several age-appropriate bench cards with suggestions on ways the court can meaningfully include children of various ages in hearings. These can be found at:

http://www.americanbar.org/groups/child_law/what_we_do/projects/empowerment/youthincourt.html.

Youth panels, consisting of current and former foster children, are an excellent resource to directly share perspectives on their foster care experience. Attorneys, guardians ad litem, and other professionals may benefit from hearing the thoughts of these young people on the opportunity to be heard in court hearings. The Ohio Youth Advisory Board and local county Youth Boards (now available in several counties) can help arrange for a youth panel to speak on this and a variety of other topics related to foster care. Information on contacting these groups can be found at <http://www.pcsao.org/ohioyouth.htm>.

Another resource is an online course recently posted by the Ohio Judicial College for judges and magistrates entitled “Ensuring Meaningful Opportunities for Youth Engagement in Court.” The course focuses on children’s involvement in court during major permanency decisions including adoption, foster care, or emancipation. It is open to judges and magistrates in all jurisdictions. The self-study continuing judicial education course has been approved for two general CJE credit hours and will be available through the end of the year. Access to the free course is through the Judicial eCademy web site. The course includes interviews with youth, judges and hearing scenarios. Course development was supported by Ohio judicial and social service faculty, former and current foster youth, the American Bar Association, the Court Improvement Program, and Casey Family Programs.²⁰

Innovative Practices to Support Permanency for Foster Children

Ohio has several initiatives that help ensure timely permanency for children in foster care, including permanency roundtables, permanency forums, child-focused adoption recruitment, and judicial education.

Permanency Roundtables

Permanency roundtables bring together caseworkers, supervisors, and experts from inside and outside the children services agency to scrutinize a child’s particular situation and brainstorm ideas for achieving permanency. The objective is to identify realistic solutions to permanency obstacles for an individual

youth. Casey Family Programs supports permanency roundtables throughout the nation including Cuyahoga, Franklin, and Hamilton counties in Ohio. In addition, permanency roundtables are being planned in other locations, such as Summit County in Ohio.

The Franklin County initiative is part of a multi-state study on permanency roundtables sponsored by Casey Family Programs. Franklin County Children Services (FCCS) Director, Chip Spinning, reported that FCCS staff have enthusiastically embraced the use of the model. Spinning said, “Outcomes thus far have been very promising with children who have had permanency roundtables achieving permanency at twice the rate of those who have not. This process has also motivated many of our staff to view permanency in a different way. One case worker shared, ‘I have learned that everyone needs someone, that foster care is not permanent, that family means different things to different people and that everyone has a right to a forever family.’” The Honorable Elizabeth Gill, Lead Juvenile Judge of the Franklin County Domestic Relations and Juvenile Court stated, “The process teaches us that when tempted to give up on a challenging long-term placement situation to assemble those involved with the child to regroup, review, rethink, and recheck the options. I personally participated in two permanency roundtables and was astounded at the ideas and renewed energy that resulted.” The research will document the impact of these roundtables on permanency outcomes (such as, adoption, family reunification and legal guardianship), as well as, help inform practice both nationally and in Ohio.

Regional Permanency Forums

In 2012, the Public Children Services Association of Ohio in collaboration with the Ohio Department of Job and Family Services (ODJFS) and Casey Family Programs hosted four forums focused on improving permanency outcomes for foster children. Offered regionally in Youngstown, Athens, Toledo, and Dayton, the series was entitled, “Permanency Solutions for Foster Children: Permanency Trends, Barriers, and Plans for Longstaying and Reentering Youth.” County children services agencies formed teams of stakeholders including, juvenile judges, prosecutors, private providers, adoption advocates, and elected officials. Together, these county teams examined state, regional, and county foster care and adoption data, heard from a panel of foster alumni, learned about best practices, and then developed a county plan for action. ODJFS featured new department initiatives to improve permanency outcomes, includ-

ing adoption incentives, Wendy's Wonderful Kids, and maintenance of the Kinship Permanency Incentive Program. Themes emerged from county plans across the state, identifying a number of actions at the state level including endorsement of the department's Title IV-E Kinship Guardianship Assistance Program (K-GAP). Other recommendations included expanding trauma-informed practice, reducing the use of Planned Permanent Living Arrangements, and improving timeliness by caseworkers and judges. Counties that participated in action planning are now beginning the implementation of the steps agreed upon at the forum. See page 10 for an in-depth report on the Permanency Forums.

Child Focused Adoption Recruitment

In 2004, the Dave Thomas Foundation implemented a child focused recruitment model, Wendy's Wonderful Kids, to increase adoptions from foster care. In October 2011, the Foundation released the results of a five-year empirical study on the impact of the Wendy's Wonderful Kids model.²¹ The results of the research debunk the myth of the "unadoptable child." The children served by the child-focused model were 1.7 times more likely to be adopted than those not served by a Wendy's Wonderful Kids recruiter. Children with mental health disorders were 3 times more likely to be adopted using the model.²² These impressive outcomes support the expansion of this model.

Wendy's Wonderful Kids makes funding available to hire adoption recruiters to focus on the children who have been waiting the longest for a forever home. There are 13 regionally assigned recruiters in Ohio. These recruiters ensure that necessary time and resources are devoted to accomplish the goal of securing a permanent home for each of these children. Recruiters proactively employ proven approaches focused on finding the best home for a child. The process starts by contacting the family, friends and neighbors who are most familiar with the child before reaching out to the larger community. See page 16 for an article of the Ohio Department of Job and Family Services recent investment in this model.

Another initiative, Adopt Cuyahoga Kids, uses a child-focused recruitment model and was featured at the 2008 Ohio Summit on Children as part of the *Proven and Promising Approaches* video. The Adopt Cuyahoga Kids portion of the video starts at time code 5:10 and can be viewed at:

<http://www.ohiochannel.org/programs/ProgramSeries.aspx?programSeriesId=107675>.

Judicial Education

The *Dependency Docket Bench Cards for Ohio Family and Juvenile Court Judges and Magistrates (Bench Cards)* assist decision-makers with caseload time frames and hearing procedures. The *Bench Cards* summarize case processing with references to statutes and rules so that the court can focus on a meaningful outcome to permanency for the child. The *Bench Cards* can be found on the Supreme Court of Ohio's web site at:

<http://www.supremecourt.ohio.gov/Publications/JCS/benchcards/default.asp>.

Conclusion

Permanency Planning Hearings are critically important court events in the life of a foster child. The final determination of a long-term plan for a child's living situation, whether the plan is for family reunification, legal custody, adoption, or, as a last resort, planned permanent living arrangement, the court's decision must move the child to permanency in a timely manner. The court plays an important role in creating a sense of urgency for parties to move a child toward a stable permanent living situation.

The National Council of Juvenile and Family Court Judges passed a resolution in March 2012 (see page 14) to "reduce the number of legal orphans at risk of aging out of foster care".²³ It defines a legal orphan as "a child whose parents' rights have been terminated leaving a child with no legal permanent connection to a family."²⁴ The resolution, among other things, calls for judges to "exercise frequent and diligent judicial oversight" to ensure that a child achieves permanency. It suggests many of the approaches reported in this article - that courts hold frequent and thorough review hearings, have children attend hearings, and assemble those responsible for a child to re-review the file for possible placement options that may have been overlooked or have become worthy of reconsideration after a change of circumstances. The resolution also calls on judges to allow the use of planned permanent living arrangement "as a permanency goal be actively discouraged by the court, and approved...only as a last resort."²⁵

In addition to the parents, agency, guardian ad litem and legal counsel, judges should make sure age-appropriate children and the substitute caregiver have been extended the opportunity to attend the hearing should they wish. There are many tools at the disposal of communities wishing to ensure that children achieve permanency. The court should routinely follow-up on its orders from the permanency planning hearing to ensure plans are moving forward and substantial progress is being made toward attainment of a forever home for the child.

Endnotes

- ¹ Children’s Bureau Website – Child Welfare Monitoring: Child and Family Services Review Factsheet
- ² William Byars, Jr., *A Pair of Dimes...and the Child’s Time*, keynote address, 2008 Ohio Summit on Children. <http://www.ohiochannel.org/programs/ProgramSeries.aspx?programSeriesId=107675> (September 14, 2012).
- ³ Publication Development Committee Victims of Child Abuse Project, *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, National Council of Juvenile and Family Court Judges, (1995), 13.
- ⁴ Mark Hardin, *Improving Permanency Hearings*, American Bar Association Center on Children and the Law, (2002), 2.
- ⁵ Hardin, 1.
- ⁶ R.C. 2151.417 (A) and (K)(2).
- ⁷ *Resource Guidelines*, 11.
- ⁸ *Ibid.*, 78.
- ⁹ *Ibid.*, 78.
- ¹⁰ *A.B.*, 110 Ohio St. 3d 230 (2006).
- ¹¹ *Ibid.*
- ¹² *Ibid.*, 78-79.
- ¹³ *Ibid.*, 79.
- ¹⁴ Children’s Bureau of the Administration for Children, Youth and Families, *Issue Brief: Concurrent Planning: What the Evidence Shows*, April 2012, 1.
- ¹⁵ *Ibid.*, 2.
- ¹⁶ *Ibid.*, 2.
- ¹⁷ *Ibid.*, 80.
- ¹⁸ Andrea Khoury, *Seen and Heard: Involving Children in Dependency Court*, Child Law Practice 25:10 (December 2006), 1.
- ¹⁹ Steve Hanson, Interviews with foster care alumni for 2008 Ohio Summit on Children.
- ²⁰ See Judicial eCademy at <http://judicialecademy.ohio.gov/Default.aspx> (September 14, 2012) for judges and magistrates to access the course, *Ensuring Meaningful Opportunities for Youth Engagement in Court*.

- ²¹ Child Trends, *A National Evaluation of The Impact of Child-Focused Recruitment on Foster Care Adoption: A Five-Year Evaluation of Wendy’s Wonderful Kids*, October 2011, <http://www.davethomasfoundation.org/about-foster-care-adoption/research/read-the-research/> (September 14, 2012).
- ²² Child Trends, *A National Evaluation of The Impact of Child-Focused Recruitment on Foster Care Adoption: A Five-Year Evaluation of Wendy’s Wonderful Kids, Executive Summary*, (Dave Thomas Foundation, October 2011), 2.
- ²³ National Council of Juvenile and Family Court Judges Board of Trustees, *Resolution Calling for Judicial Action to Reduce the Number of Legal Orphans at Risk of Aging Out of Foster Care in the United States*, Resolution, March 21, 2012, http://www.ncjfcj.org/sites/default/files/Resolution_LegalOrphans_fnl-3-21-12.pdf (September 14, 2012).
- ²⁴ *Ibid.*, 1.
- ²⁵ *Ibid.*, 2.

Title IV-E Courts: December Training Opportunity for Interested Courts

The Bureau of Fiscal Administration and Fiscal Accountability, located within the Ohio Department of Job and Family Services’ Office of Families and Children is offering a two-day “Guidance Training” for courts interested in understanding ways to increase funding through the Title IV-E program. Title IV-E is a federal program (awarded by the US Department of Health and Human Services, Title IV-E of the Social Security Act) that subsidizes the cost of care for eligible youth placed in foster care. There currently are 40 Title IV-E Juvenile Courts in Ohio.

Training will be held on December 5-6, 2012 at the Department of Commerce, Division of Industrial Compliance, 6606 Tussing Road, Reynoldsburg, Ohio 43068, from 10:00 a.m. - 4:00 p.m. If you would like to learn more about the Title IV-E program or how to sign up for this training, please contact Charlotte Gerhardstein at charlotte.gerhardstein@jfs.ohio.gov or Ricardo Murph at ricardo.murph@jfs.ohio.gov

The Supreme Court of Ohio
2012 Specialized Dockets Practitioner Network
9th Annual Conference

“The Path to Certification”

November 29, 2012

Please Note—New Venue:
OSU Fawcett Center—Columbus, Ohio

What is the Ohio Specialized Dockets Practitioner Network?

Since the establishment of the Hamilton County Drug Court in 1995, Ohio has established itself as a national leader in the implementation of specialized dockets. With more than 150 specialized docket programs in operation throughout Ohio, the Supreme Court of Ohio, the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) and the Ohio Department of Mental Health (ODMH) have recognized the need for interaction among the professionals who staff these courts. In order to provide such a forum, the Ohio Specialized Dockets Practitioner Network was created to provide peer support and technical assistance to these programs.

The Ohio Specialized Docket Practitioner Network is composed of several sub-networks that meet by discipline. These sub-network meetings allow specialized docket practitioners to discuss the challenges and successes they have faced in their specific role on the specialized docket court team. In addition, the sub-network meetings offer opportunities for specialized docket professionals to provide program updates, discuss program operations, and discover innovative and effective strategies employed by other specialized dockets. Sub-network personnel also identify their training needs to the staff of the Supreme Court, ODADAS, and ODMH, which helps to develop the agenda for the annual statewide conference.

The 2012 Specialized Docket Practitioner Network Ninth Annual Conference offers national speakers and several breakout sessions on a wide-range of topics pertinent to specialized docket programs. The conference attracts over 350 attendees from across the state, which enables participants to open communication and establish relationships with professionals in other counties.

Registration Information

Registration is limited. Priority will be given to active Ohio Specialized Dockets Practitioner Network participants. Please complete and return the registration form to our office via the following ways:

Register Online:

<http://www.supremecourtofohio/sdpn>

Register by Fax or Email:

614-387-9409

-or-

Register by email:

specdocs@sc.ohio.gov

Registration Deadline: November 9, 2012

Recommendations to Improve Permanency for Foster Children

September 2012

(Submitted by the Public Children Services Association of Ohio)

Summer Permanency Forums: Stakeholders develop action plans

Public Children Services Association of Ohio partnered with the Ohio Department of Job and Family Services, with generous support from Casey Family Programs, to host four regional forums this summer focused on improving permanency outcomes for foster children. Offered regionally in Youngstown (May 30), Athens (June 28), Perrysburg (August 14), and Dayton (August 15), the series was entitled “Permanency Solutions for Foster Children: Permanency Trends, Barriers, and Plans for Longstaying and Reentering Youth.”

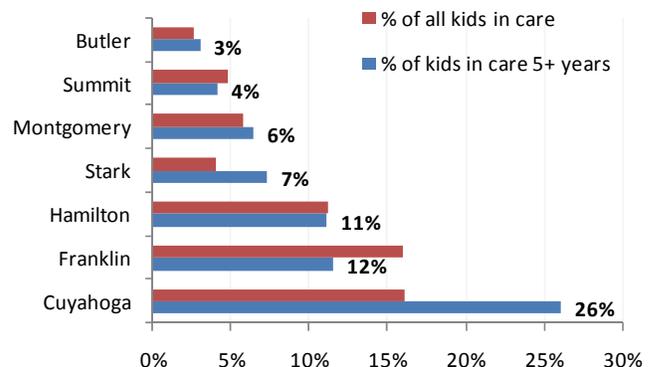
County stakeholder teams examined state, regional, and county data; heard from panels of foster alums and practitioners; and then developed county plans for action. All told, the forums drew more than 220 diverse participants including teams of public children services agencies (PCSAs), juvenile judges and magistrates, prosecutors, private providers, adoption advocates, Family & Children First, and others. We were also pleased to host key legislators and their staff.

What do the data tell us?

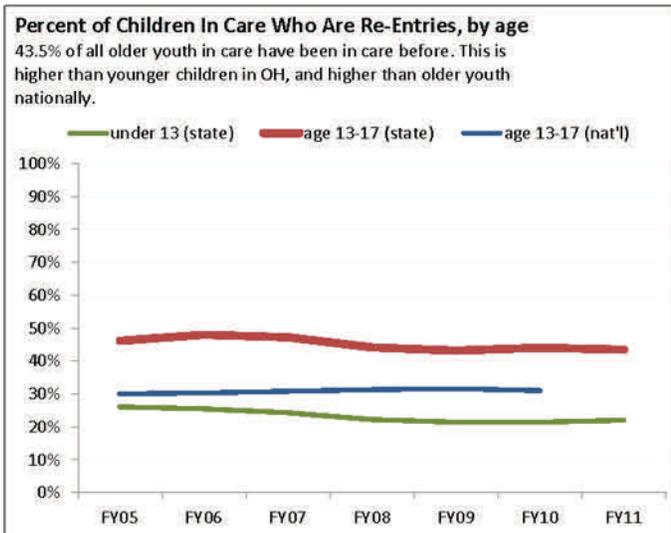
On September 30, 2011, there were 12,145 children in out-of-home care in Ohio. While Ohio has experienced a 43% safe reduction in the past ten years, the rate of decrease has slowed in the past year:

- Approximately one-quarter of those children – 2,975 – have been in care for 2 years or more (referred to as “longstayers”).
 - ⇒ African-American children are disproportionately overrepresented in Ohio’s foster care system, making up 34% of all children in care, and 42% of those in care for 2 years or more. *African Americans make up only 15% of Ohio’s child population.*
- Almost 7% – 789 children – had been in care for at least 5 years (half of these longstayers live in the major metropolitan counties of Cuyahoga, Franklin, and Hamilton):

Percent of Children in Care,
by County and Length of Stay (9/30/2011)



- ⇒ The longer children are in care, the bigger the disproportionality concern. African-American children make up 34% of all children in care, but 50% of those in care for 5 years or more.
- ⇒ Youth who have been in care for more than 5 years entered care for somewhat different reasons, with neglect the most prominent removal reason for longstayers.
- ⇒ Most (65%) of these longstayers were in non-relative foster care at year end. Another 25% were in congregate care settings, compared to 13% of all children in care for less than 5 years.



- Bouncing in and out of care is traumatic – Ohio needs better strategies to reduce foster care re-entries. Nearly half – 44% – of all older youth (13-17) in care have been in care before (referred to as “reentries”). Almost 40% of those youth had been in and out of care three or more times, and 42% were first placed in care prior to age 5. This is higher than older youth nationally, and data show that those youth are more likely than first-time entries to age out of care without a permanent family.
- Ohio has done a good job of safely decreasing the total number of children in out-of-home care over the past five years, but the number appears to be leveling off.

- Ohio has also done a good job of ensuring that children grow up in families (kin and paid foster care), relying on group/residential care at a lower rate than other states.

What is the state currently doing to address permanency for foster children?

The Ohio Department of Job and Family Services has announced several new initiatives to begin to address the concerns outlined above. PCSAO is grateful to ODJFS Director Michael Colbert for making these commitments to improve permanency outcomes for children through adoption and kinship care:

- Offering adoption incentives to counties that move more children into permanent adoptive homes;
- Expanding child-centered recruitment through an investment in Wendy’s Wonderful Kids, hiring up to 35 recruiters to serve the state;
- Supporting continuation of the Kinship Permanency Incentive (KPI) Program at its current level in the state budget; and
- Exploring other strategies including support for informal kin caregivers (to prevent unnecessary child welfare intrusion) and support for permanent kin caregivers (as an exit out of child welfare custody).



What do foster alums tell us?

Panels of foster alums – youth who had turned 18 or were about to, some of whom had attained permanency through adoption and some who had not – were featured at each of the four regional forums. Here is what we heard:



Foster alums Jameica and Khiry with Susan Kelly of Casey Family Programs

- Children and youth want and need a permanent relationship with a family or parental figure.
- Multiple foster home placements and school transfers increase trauma, ruin trust, and worsen long-term outcomes for these youth.
- Separating siblings increases trauma.
- Foster children want and deserve a voice in foster home placement and in court.
- Caseworkers should never give up on finding permanency – no one is “unadoptable” – but independent living skills training must be started early, be consistent, and be of high quality.

What best practices were highlighted at the forums?

Experts in the field were recruited from both the public and private sectors to showcase local, regional, and state-wide best practices in the field for improving permanency outcomes. These included:

- **Wendy’s Wonderful Kids**, a program of the Dave Thomas Foundation for Adoption, has created an effective **child-specific adoption recruitment model**; evaluation shows that waiting youth served by WWK are two to three times more likely to be adopted than those not served by the program, <http://www.davethomasfoundation.org/what-we-do/wendys-wonderful-kids/>. ODJFS has invested in this model to have up to 35 WWK recruiters working for our waiting children and youth, statewide.
- Recognizing the trauma that results when siblings are separated in foster care, **Athens County** actively pursues assessments, to **restore sibling connections and reunification in adoption**.
- **Clark County** administers a **dynamic and highly effective kinship program**, helping children achieve permanency by identifying kin caregivers, and supporting informal, open child welfare cases and permanent kin families. More information can be accessed at <http://www.clarkdjfs.org/family-children/kinship.html>.
- **Fairfield County** gives youth a voice about their life and permanency utilizing **Foster Club’s Permanency Pact**, bit.ly/Perm_Pact - a tool designed to encourage life-long, kin-like connections between a young person and a supportive adult.
- **Lorain County** combined its **foster and adoption units**, encouraging foster-to-adopt placements and assigning adoption caseworkers as soon as the agency files for permanent custody.
- **Lucas County** administers a **unique Kinship Subsidy Program**, advancing permanency for abused and neglected children by providing support for kin to take children into care, <http://co.lucas.oh.us/index.aspx?NID=1926>.
- **Montgomery County** officials **work closely with their judges** to facilitate timely permanency proceedings.
- A dearth of resources forces **Preble County** stakeholders to collaborate, going to great lengths to ensure trauma-informed care for longstaying children.
- **Summit County** has created a **public/private permanency partnership** that uses family search and engagement, among other strategies, for finding permanency for longstaying youth.
- An adoption supervisor in **Tuscarawas County** secures funding from county commissioners by crafting a **math problem comparing the long-term cost of maintaining a child in foster care** through age 18 with the short-term but up-front cost of private agency child-specific recruitment.
- The **Ohio Family Care Association** is **launching programs for adoptive, foster, kinship, and respite families** to work with agencies to identify concerns before they escalate and to support children in identifying permanent relationships in their lives.

What solutions should be explored?

At the permanency forums, PCSAs formed teams with stakeholders from their county. Teams spent time examining data and developing solutions for overcoming local barriers to permanency for longstaying and reentering children. Following is a list of barriers and solutions included in their written plans:

BARRIER	RECOMMENDED SOLUTION
Counties without levies face challenges to offering robust in-home and post-permanency services, resulting in a great deal of inequity for Ohio’s children and families.	Establish Shared Child Welfare Incentive Fund .
Timely permanency decision-making for children in out-of-home care – whether through reunification, kinship custody, or freeing the child for adoption – continues to challenge agencies and courts.	Prompt decision-making on permanency decisions by judges , with minimal delay, including, when necessary, termination of parental rights. Except in cases where progress is indicated by biological family, caseworkers should bring case recommendation on permanency to court within 18 months so that cases do not drag out for 2-3 years (includes shortening appeals process).

BARRIER	RECOMMENDED SOLUTION
Youth placed in Planned Permanent Living Arrangement (PPLA) get stuck, unable to reunify with their biological family and unable to be adopted.	Use PPLA only under the narrow circumstances, for which it was designed.
Adoption finalization can be delayed due to Adoption Assistance Subsidy negotiation.	Adoption Assistance Subsidy negotiation reform is needed.
Kin care providers (e.g., grandparents) offer familiar, stable care for children that often leads to permanency, but they need a strong system of support for Title IV-E-eligible children.	Establish and support Kinship Guardianship Assistance Program (K-GAP) . Shift focus and resources from foster care to kin care.
Though Ohio has improved its response to child safety and family stability, it must now begin to address child well-being.	Train staff to screen for trauma, use trauma-informed practice, and access informed services.
Stability: Foster placements can fall apart after a short period due to poor matching, unrealistic expectations of foster parents, and other reasons.	Allow a “dating”/interview period of two weeks that does not count as a placement move against agency performance.
Counties face challenges with cross-jurisdictional practice.	Foster parent license denials should cross the public/private divide and county lines. Make the Interstate Compact for the Placement of Children (ICPC) easier.
Youth in care lack easy connections and a sense of normalcy.	Relax restrictions on use of social media by agencies, foster youth, and resource families.
Multiple foster placements disrupt a child’s education, resulting in frequent school changes that inflict additional trauma and in alarmingly negative educational outcomes.	Promote educational stability and success for children in foster care.
Youth who age out of foster care often lack skills for independent living and often end up homeless.	Improve transitional/independent-living services. Provide access to vocational/higher education, housing options, and mentors.

What did we learn from participant evaluations?

Participants who completed a follow-up evaluation of the forum reported high value in bringing together county stakeholders to discuss overcoming county-specific permanency barriers, or, as one respondent put it, “cross-system communication and brainstorming.” Many admitted that they did not have such an opportunity to talk face to face and plan “at home.” Hearing from foster alums was by far the highlight of each forum. According to evaluations:

- 68% of participants developed a county plan, and 74% of those who developed a plan believed it would make a difference in improving permanency outcomes.

Respondents stated:

- “We plan on reviving a quarterly meeting which has slipped by over the years. We will also look more closely at kinship strategies we could implement.”
- “I heard the youth loud and clear in terms of the importance of their voices being heard.”
- “I think, at a minimum, the action plan and the forum itself [were] useful in starting a dialog to address issues of permanency.”
- “Education has to be a primary component of change. This forum provided insight for our community partners regarding permanency and the far-reaching effects on the lives of our kids.”



**RESOLUTION CALLING FOR JUDICIAL ACTION
TO REDUCE THE NUMBER OF LEGAL ORPHANS AT RISK OF AGING OUT OF
FOSTER CARE IN THE UNITED STATES**

WHEREAS, dependency courts have continuing jurisdiction over children in foster care, and are required to oversee the child welfare system’s responsibility to provide for their safety, permanency, and well-being; and

WHEREAS, all 50 states have what the federal government calls “legal orphans” aging out of foster care every year; A legal orphan is a child whose parents’ rights have been terminated leaving a child with no legal permanent connection to a family; and

WHEREAS, legal orphans might have no legal relationship with their parents’ extended families, might not inherit from their parents or their families; and

WHEREAS, legal orphans are effectively children of the state with no legal connection to an appropriate caring adult, frequently age-out of the foster care system once they reach adulthood, and statistically face significantly poor outcomes;

NOW, THEREFORE, BE IT RESOLVED that the National Council of Juvenile and Family Court Judges is committed to reducing the number of legal orphans aging out of foster care every year, thereby reducing the poor outcomes they face.

BE IT FURTHER RESOLVED that the NCJFCJ believes that every child should have a permanent, legal relationship with a caring and safe adult. These permanent family connections are critical throughout the child’s life.

BE IT FURTHER RESOLVED that because it is a judicial order that creates a legal orphan, the NCJFCJ recommends that judges exercise frequent and diligent judicial oversight to ensure that the child does not remain a legal orphan and that the child achieves permanency.

BE IT FURTHER RESOLVED that the NCJFCJ calls for judicial action to reduce the number of legal orphans in foster care through implementation of the following practice recommendations:

- That judicially-led collaborative teams focus on system reform to achieve permanency for legal orphans at risk of aging out of the system with the judge ensuring that there is communication, collaboration, and cooperation among stakeholders. Practice changes to achieve permanency may include:
 - adhering to the one family-one judge principle;
 - holding more frequent and thorough hearings;
 - having children attend every hearing in their case;

- closely reviewing the case file and inquiring of parties and the child about permanent placement possibilities that may have been overlooked or may now be appropriate due to changes in circumstance; continue APPLA as a permanency plan only if there is no other appropriate goal.
 - inquiring about regular and ongoing meetings with children to determine who is important to the child and who might be an appropriate permanent placement option;
 - use of technology and family finding techniques when available to identify every potential placement;
 - inquiring about reinstating the parental rights of a child's parent(s) if the child can be safely returned.
- That lack of specific and ongoing efforts by the child welfare agency to locate and permanently place a child with a safe and caring adult, merits a negative reasonable efforts finding by the court;
 - That use of Another Permanent Planned Living Arrangement (APPLA), as defined by ASFA, as a permanency goal be actively discouraged by the court, and approved as a permanency goal only as a last resort; and
 - That the judge rule-out all other permanency plans at every hearing when APPLA is proposed and find compelling reasons to continue APPLA as a permanency plan only if there is no other appropriate goal.

BE IT FURTHER RESOLVED that the NCJFCJ urges state and local child welfare agencies to provide courts with information from the Adoption and Foster Care Analysis and Reporting System (AFCARS) so that courts can quickly identify the legal orphans in their jurisdictions and focus on finding permanency consistent with the principles set forth in this resolution. The NCJFCJ requests that the data be provided by the Children's Bureau of the United States Department of Health and Human Services should courts be unable to obtain this information locally.

Adopted by the NCJFCJ Board of Trustees at the Spring Meeting, March 21, 2012, Las Vegas, NV.

Wendy's Wonderful Kids: Partnership to Identify Permanent Homes for Children in Foster Care

A partnership between the Ohio Department of Job and Family Services (ODJFS) and the Dave Thomas Foundation for Adoption will help identify permanent homes for children awaiting adoption.

ODJFS Director Michael Colbert has announced that the agency plans to spend \$2.3 million, including \$1.1 million in state funding, to hire specialized, child-focused recruiters whose sole mission is to find adoptive families for older children in foster care.

The announcement of this new programming came at the Wendy's Wonderful Kids Summit, an annual event that draws hundreds of adoption professionals from across the U.S. and Canada.

"Governor Kasich and I strongly believe that there is a family out there for every child in foster care," said Colbert. "This partnership will provide the resources necessary to identify those families and give more children the joy, sense of belonging, and support system that a happy, healthy family provides."

The Dave Thomas Foundation for Adoption will train and oversee the recruiters, who will follow the Wendy's Wonderful Kids child-focused recruitment model. Recruiters will be assigned a small number of children, all of whom are available for adoption, and will focus exclusively on finding a permanent home for each child.

For more information on initiatives and research related to permanency, see the Administration for Children and Families *Child Welfare Information Gateway* webpage on achieving and maintaining permanency at: <http://www.childwelfare.gov/#permanency>

"We are thrilled that Ohio is taking the lead on this important program that will invest critical funds to find homes for the children most at risk of aging out of care without being adopted," said Rita Soronen, president and CEO of the Dave Thomas Foundation for Adoption. "We know this program works and are looking forward to joining forces with the state of Ohio to bring it to scale."

Last October, the Foundation released the results of an empirical five-year research study on the Wendy's Wonderful Kids program, conducted by Washington, D.C.-based Child Trends. The research showed that children in the program are up to three times more likely to be adopted.

Initially, recruiters will work in selected Ohio counties where at least 20 children between the ages of 9 and 17 are available for adoption. Currently, more than 943 young Ohioans in that age group have been in foster care for more than two years.

Ohio currently has 12,292 children in foster care. Governor John R. Kasich proclaimed May 2012 Foster Care Month in recognition of the state's foster and kinship families.

The screenshot displays the 'Child Welfare Information Gateway' website. The header includes the U.S. Department of Health & Human Services logo and the website URL 'www.hhs.gov'. The main navigation bar contains links for 'HOME', 'ABOUT US', 'FREE SUBSCRIPTIONS', 'CONTACT US', and 'FEEDBACK'. The central content area is titled 'Achieving & Maintaining Permanency' and includes a search bar, a list of topics, and a 'SERVICES & TOOLS' sidebar. The sidebar lists 'State-Specific Resources', 'Publications', 'Learning Center', 'Library', 'Logic Model Builders', 'Event Calendar', and 'Related Organizations'. The main content area features a 'TOPICS' list on the left, a central text block with a search bar, and a 'SERVICES & TOOLS' sidebar on the right. The footer includes social media icons and a copyright notice.

Ohio Update: Differential Response Statewide Implementation

History

In 2004, the Advisory Committee on Children, Families and the Courts established the Subcommittee on Responding to Child Abuse, Neglect and Dependency (Subcommittee) to review and make recommendations regarding Ohio's child maltreatment laws and processes. Along with judicial representation, the Subcommittee included a wide representation of the many disciplines engaged in the investigation and prosecution of child abuse and neglect. This multidisciplinary composition was a valuable asset as the Subcommittee sought to understand issues from the different perspectives impacted by Subcommittee recommendations.

The six years from 2004 – 2010 the Subcommittee's work related to Differential Response transitioned through three discrete stages:

1. *Research and Recommendations.* During this phase, the Subcommittee oversaw a two-year study that:
 - Reviewed and assessed existing Ohio law and administrative code, as well as other states' law and code.
 - Collected data from stakeholders through surveys, focus groups, and targeted interviews.
 - Developed alternate language options and models for each of the issues identified in data collection.
2. *Design and Field Test.* During this phase, the Subcommittee oversaw:
 - The development of an Alternative Response model.
 - Statutory authorization for a ten-county Pilot.
 - An 18-month evaluation of Ohio's Alternative Response model, which included a random assignment field test in ten county pilot sites, surveys, focus groups, and interviews. The families, county representatives and state-level representatives from this initial evaluation are being followed for five years to gather long-term information regarding a range of aspects of Ohio's model.
 - Final recommendations for the implementation of a statewide Differential Response System.
 - Limited pilot site expansion.
 - The establishment of two ongoing workgroups to focus on continued model development, implementation, and sustainability.
3. *Statutory Authorization.* Amended Substitute House Bill 153 (129th General Assembly, July 2010) mandated that the Ohio Department of Job and Family Services establish a schedule for the expansion of the Ohio Alternative Response Pilot Program on a county-by-county basis (R.C. 309.10). This bill also established:
 - Definitions (R.C. 2151.011).
 - A description of Differential Response as a dual track process (alternative response pathway and traditional response pathway), Alternative Response as the preferred pathway, and cases not eligible for assignment to the alternative response pathway (R.C. 2151.429).
 - The Family Service Plan as the case plan to be used for cases that are handled through the Alternative Response pathway (R.C. 2151.412).
 - *Investigation* as the response to an accepted report of child abuse or neglect through either an alternative or traditional response (R.C. 2151.421).

continued on page 18...

Ohio Update: Differential Response Statewide Implementation continued...

Statewide Implementation

Forty-eight counties currently offer families the option of an alternative response when appropriate. The Ohio Department of Job and Family Services has worked with the remaining counties to develop an implementation schedule (See Map) that balances available resources and provides sufficient support to counties as they implement. Under this schedule, every county will have a dual-track Differential Response System by July 2014. Although the assignment pathways differ in approach, child safety is the priority for both the traditional and alternative response. To ensure that every county's Differential Response System is implemented in a manner that maintains child safety, certain pre-implementation activities are required in addition to the agency's internal planning or community-driven activities. All counties implementing a Differential Response System participate in an orientation session, readiness assessment and consultation, a two-day *Differential Response Primer* training for all agency staff, and a community forum for local partners and stakeholders.

As new rounds of counties are preparing to implement a Differential Response system, the Ohio Department of Job and Family Services is working with project consultants and counties experienced in Differential Response to enhance the focus on sustainability and fidelity to the model. A Sustainability Self-Assessment tool has been developed and is being used with early round counties in conjunction with in-person consultation provided by project consultants,

The Subcommittee continues to oversee two workgroups that are guiding the refinement of Differential Response System practice throughout the state, the Statewide Implementation Team and the Differential Response Leadership Council. Results of the long-term evaluation will be presented to the Subcommittee in 2014. Now recognized as a national leader in this exciting approach to child protection, Ohio should take pride in the planful and measured path—utilizing the resources of a range of stakeholders—taken in Ohio's Differential Response System design and implementation.

Ohio Intimate Partner Violence (IPV) Collaborative

At the conclusion of Ohio's Differential Response System implementation development, the Subcommittee's Workgroup comprised of representation of the pilot counties and various stakeholders, The Differential Response Leadership Council, requested that the Subcommittee establish programming to address intimate partner violence within a DR framework using the "Safe and Together" model developed by David Mandel & Associates of Connecticut. The Subcommittee is in Year Two of its expansion phase, which includes a focus on building capacity for self-sustainability. During this year, training activities transition from David Mandel & Associates to Ohio-based trainers.

Safe and Together is considered an enhancement to differential response; sites are rolled out in cohort groups and are selected on the basis of experience in differential response practice; geographic proximity; expressed interest; and county logistics. The following counties have completed or are scheduled to receive Safe and Together training:

- a. Trumbull and Tuscarawas (completed training 02-2012)
- b. Guernsey, Licking and Washington counties (06-2012)
- c. Lucas County (09-2012)
- d. Summit and Medina Counties (training begins 10-2012)
- e. Richland and Madison Counties (early 2013)

Ohio's Safe and Together program has been fortunate to receive funding and/or support from The HealthPath Foundation of Ohio, Ohio Children's Trust Fund, Ohio Domestic Violence Network, the National Center on Adoption Law and Policy.

Standardized Domestic Relations Forms Proposed

The Ohio Supreme Court has proposed 23 standardized forms so litigants not represented by an attorney can meaningfully participate in many family law related proceedings in domestic relations and juvenile courts such as divorces, dissolutions, legal separations, and parenting plans. The forms were developed by the Subcommittee on Family Law Reform Implementation and recommended by the Advisory Committee on Children, Families, and the Courts.

The Supreme Court **will accept public comment on the forms until November 13, 2012.**

Key information, relevant instructions, and tips have been embedded in the forms using plain English as much as possible to assist self-represented litigants in pursuing their cases in court.

Once adopted in final form, the forms will be posted on the Supreme Court's website in a format to be completed online or printed out for completion by hand.

To access the proposed forms can be found under "The Ohio Rules of Civil Procedure-Appendix Forms" at <http://www.supremecourtofohio.gov/ruleamendments/>.

Comments on the proposed forms should be submitted in writing to:

Stephanie Graubner Nelson, Policy and Research Counsel
Children, Families, and the Courts Section
Supreme Court of Ohio
65 South Front Street, Sixth Floor
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or
stephanie.nelson@sc.ohio.gov

State-to-State Learning

Ohio owes much to the state of Minnesota for its Differential Response System design and early training. Now the teacher, Ohio recently welcomed a team from the Administration for Children Services (New York City's child welfare agency) and the New York State Office of Children and Family Services as they prepared to implement Differential Response in New York City. Over the course of three days, the New York team was provided an in-depth walk through of Ohio's Differential Response System from both state-wide and county perspectives. Ohio continues to receive inquiry from a variety of other jurisdictions as the number of states that explore and implement Differential Response continues to expand.

Bryan Kemp, Assistant Commissioner for Systems Development and Program Operations within the Administration for Children Services reflected on their visit to Ohio, "I want to thank Casey Family Programs and Ohio for a remarkable experience. I am deeply touched by the dedication of the Ohio social workers in their pursuit of child safety and family development and by Casey's desire and willingness to bring together groups of similar minds to achieve positive outcomes for families. We look forward to utilizing the lessons learned to make our rollout efficient and successful, and we will be reaching out to Casey and our new partners in Ohio as we prepare for rollout."

Advisory Committee on Children, Families, and the Courts Update

The Advisory Committee on Children, Families, and the Courts has continued the work of its three Subcommittees and below are updates on each. The Advisory Committee is co-chaired by the Honorable Deborah A. Alspach, Marion County Family Court, and Gary A. Crow, Ph.D., Director of Lorain County Children Services. The Supreme Court recently recognized three members who completed their second three-year term on the Advisory Committee:

- Jill Beeler, Assistant State Public Defender, Ohio Public Defender's Office
- Robert Clevenger, Court Administrator, Butler County Juvenile Court
- Honorable Charlotte Eufinger, Judge, Union County Probate/Juvenile Court

The Supreme Court also recognized three members who completed their first three-year term:

- Serpil Ergun, Magistrate, Cuyahoga County Domestic Relations Court
- Honorable Colleen A. Falkowski, Judge, Lake County Domestic Relations Court
- Thomas E. Friedman, Attorney at Law, Certified Specialist, Family Relations Law

The 2013 appointments will be reported in the next edition of *Children, Families & the Courts: Ohio Bulletin*.

Subcommittee Updates

The Subcommittee on Adult Guardianship, chaired by Honorable Dixilene Park of the Stark County Probate Court, was formed to make recommendations for standards of practice, data collection, and monitoring protocols in adult guardianship matters. The Advisory Committee approved the Subcommittee's recommendations and submitted them to the Supreme Court's administration. The Subcommittee has begun studying options for an adult guardian pre-service and continuing education program. Should the Supreme Court establish adult guardianship training standards, the preliminary work of the Subcommittee will assist in the creation of an education program to meet the requirements.

The Subcommittee on Family Law Reform Implementation, co-chaired by Honorable Matt Staley of the Allen County Domestic Relations Court and Magistrate Serpil Ergun of the Cuyahoga County Domestic Relations Court, was formed in 2011 to implement recommendations from the Advisory Committee on Children, Families & the Courts' 2005 Report and Recommendations on Family Law Reform. To this end, a Workgroup on Uniform Domestic Relations Forms created drafts of 23 forms that were presented to the Justices of the Supreme Court in 2012 and will be published for public comment on October 15 through November 13, 2012. The forms include:

- 6 post-decree
- 9 divorce
- 1 separation
- 2 dissolution
- 2 shared parenting
- 1 juvenile
- 2 general

Another project of the Subcommittee has been undertaken by its Workgroup on Parenting Time Plans. The Workgroup drafted an Ohio version of a workbook used in Arizona to assist parents in creating age-appropriate parenting time plans. This Ohio-specific resource offers an easy-to-use guide that fosters fair and creative parenting schedules based on children's developmental milestones and best interest. The guide will be ready for publication in the fall of 2012.

Subcommittee Updates continued...

A third workgroup created the first draft of a survey to collect information on innovative or promising practices, programs, or policies in Ohio's 88 Domestic Relations Courts. The Subcommittee would like to be able to help disseminate information about programs in order to promote preferred/best practices in courts across the state. The survey will be released in late 2012.

Finally, two new initiatives of the Subcommittee will focus on legislative reform and rule development on the confidential treatment of documents in a family file. The Legislative Reform Workgroup will emphasize the best interest of the child and family-centered decision-making, and streamline the juvenile and domestic relations statutes. The Family File Workgroup will develop standards for confidential documents in a family file.

The Subcommittee on Responding to Child Abuse, Neglect and Dependency (Subcommittee) is a 23 member multidisciplinary work group chaired by Dr. Rhonda Reagh, an independent consultant and former public child welfare agency director. The National Center for Adoption Law and Policy provides research and administrative capacity to the Subcommittee. The Subcommittee currently is overseeing three initiatives:

1. Ohio Kinship Care Study
2. Ohio Differential Response Initiative
3. Ohio Intimate Partner Violence Collaborative

Ohio Kinship Care Study

At the conclusion of this study in early 2013, the Subcommittee will make recommendations to the Advisory Committee on Children, Families & the Courts to:

1. Reduce or better manage any inconsistencies among court jurisdictions in kinship care situations.
2. Create a clear and consistent legal path as related to child custody in kinship care situations.
3. Identify resources and tools that might be provided to those seeking custody of children through kinship care, including pro se litigants.

The Subcommittee has completed a range of data collection activities in order to better understand stakeholders' perceptions and utilization of laws, policies, and practices associated with Ohio kinship caregivers. These activities have included a comprehensive review of Ohio statute administrative rule, as well as surveys (written & electronic), targeted interviews, and focus groups.

The Subcommittee will be proposing amendments to selected sections of the Ohio Revised Code to address issues identified in research and via stakeholder surveys. Efforts are focused in key areas:

Consistency of standards for placement of children in kinship care arrangements.

Enhanced coordination of processes between courts of different jurisdiction and oversight in kinship cases.

Feedback will be sought from judges and magistrates through in-person sessions prior to submission of the final report to the Supreme Court of Ohio.

Ohio Differential Response Initiative

The Subcommittee continues to act in an advisory capacity for the statewide implementation of Ohio's Differential Response System (see page 17).

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