



CHILDREN, FAMILIES, AND THE COURTS



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Federal Placement Assistance Funding for Delinquency Services

Patrick Griffin, Research Associate, NCJJ
Gregory Halemba, Director of Applied Research, NCJJ

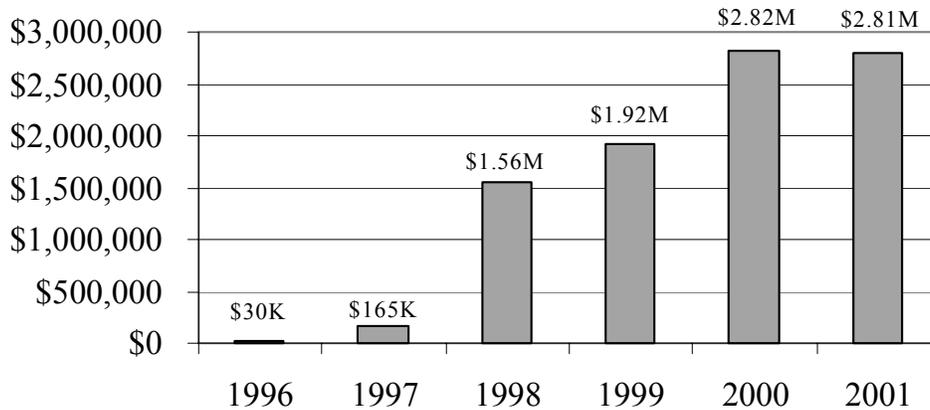
The federal Title IV-E Foster Care program helps states care for needy children who cannot live at home by providing funds to cover some of the expenses of maintaining them in foster homes and child care institutions and by paying some of the associated administrative and training costs. Title IV-E is an open-ended entitlement program, administered since 1980 by the Children's Bureau in the U.S. Department of Health and Human Services. It is amply funded—with annual appropriations in the billions¹—and pays benefits on behalf of hundreds of thousands of eligible children each year.

Some of these children are adjudicated delinquents. In fact, as a number of juvenile courts around the country are discovering, while most Title IV-E funds subsidize foster care for children who have been found to be abused or neglected by their families, the program also represents a substantial and previously untapped source of funding for placement and other services for unruly and delinquent children. In a number of states, federal foster care assistance funds already pay a significant share of the cost of placing delinquent juveniles. And in some counties in Ohio, Title IV-E is helping to expand the range of options available to juvenile courts for dealing with court-involved delinquent and unruly youth who need placement outside the home.

Since 1996, Ohio's juvenile courts have had the opportunity to enter into interagency agreements with the state's Department of Job and Family Services (ODJFS) to obtain direct reimbursement for a considerable portion of the placement and administrative costs incurred in servicing AFDC-eligible delinquent and unruly youth who have been removed from their homes.² Currently, juvenile courts in 13 counties have entered into such arrangements with ODJFS.³ The amount of Title IV-E reimbursements received by these courts has increased from approximately \$30,000 in 1996⁴ to more than \$2.8 million in calendar years 2000 and 2001 (see Figure 1 on page 2). The Cuyahoga County Juvenile Court receives the largest portion of these funds – an average of almost \$1.1 million dollars over the most recent 4-year period (1997 through 2001).

While the benefits of IV-E funding can be substantial, securing those benefits requires courts to make some fundamental changes in the way they handle delinquency and unruly cases. This issue of the *Ohio Children, Families, and the Courts Bulletin* will walk courts through these changes and discuss the experiences of some local courts that have successfully made them.

Figure 1
Amount of Title IV-E Reimbursement Funds Received by
Participating Juvenile Courts for Delinquency and Unruly Placements
in Calendar Years 1996 - 2001*



* Interagency agreements were executed between four juvenile courts and ODJFS in 1996; seven such agreements were in place in 1997, nine in 1998, twelve in 1999, and thirteen in calendar years 2000 and 2001.

Source: Ohio Department of Job and Family Services

Title IV-E Program Basics⁵

The Title IV-E program provides federal financial assistance to help cover the costs of maintaining eligible children in qualifying out-of-home placements. However, a court must have examined the facts and determined that removal from the family home was necessary and could not have reasonably been avoided. The program pays part of the cost of sheltering, feeding, and clothing such children, among other day-to-day expenses. (The portion that is reimbursable varies from state to state, depending on the Medicaid match rate; in Ohio, the reimbursement rate for placement assistance is 58%.) It also picks up half of certain “administrative costs” incurred in the course of working on behalf of eligible children, such as arranging their placements, referring them for services, working with their families, preparing their case plans, and participating in their court hearings—whether the work is performed by staff or by contractors. If staff members are given these duties, *the program pays for 75% of the cost of training them to carry them out.*

How is eligibility determined? Generally, juveniles who have been removed from their homes are “IV-E eligible” if: (1) they or their families meet AFDC financial need and other tests and (2) the removing courts involved have made the required judicial determinations (see next page).⁶ In Ohio, approximately 70-80% of all dependent children and approximately 30% of all delinquent and unruly youth are deemed financially eligible.

What kinds of placements qualify? Title IV-E placement assistance is available to help cover the costs of “24-hour substitute care” for children in “licensed or approved” foster family homes or child care institutions.⁷ Detention centers, training schools, forestry camps, and other facilities “operated primarily for the detention of children who are determined to be delinquent” are specifically disqualified.⁸ However, the mere fact that a child care institution accepts delinquents does not disqualify it. Public facilities may qualify, as long as they are small (accommodating no more than 25 children). Even physically secure facilities may qualify if the restrictions imposed on residents are intended primarily for treatment rather than detention. The fundamental issue—whether or not a facility is operated “primarily” to detain delinquents—must be determined on the basis

of a variety of circumstances, such as the facility’s main sources of financial support, the actual make-up of its residential population, and the degree to which it could survive if it did not house adjudicated delinquents.⁹

What kinds of costs are reimbursable? Reimbursable foster care maintenance expenses include the costs of providing eligible juveniles with food, clothing, shelter, daily supervision, school supplies, liability insurance, personal incidentals, and transportation for home visits.¹⁰ The costs of medical treatment, drugs, and education, on the other hand, are not reimbursable maintenance expenses under the Title IV-E program. Reimbursable administrative expenditures include the costs of providing—either directly or by way of contracts with outside entities—case management and supervision services to eligible juveniles, as well as the costs of associated staff training.¹¹ (As will be explained further on, courts in Ohio that accept contractual responsibility for the placement and care of juveniles under their jurisdiction can receive “administrative expense” reimbursement for their own staff costs, including payroll costs of probation officers who work exclusively with eligible juveniles.)

Required Judicial Determinations

The Title IV-E program in its present form is intended to combat the problem of “foster care drift”—too many children being removed from their family homes and spending their childhoods in temporary placements, without making progress toward adoption, reunification with their families, or other permanent and stable custody arrangements. The program does this in part by insisting on ongoing judicial review and oversight of the officials responsible for such children, to ensure that: (1) children are not removed from their family homes in the first place, except when it is necessary for their welfare; (2) families are not broken up without reasonable efforts to keep them intact; and (3) once children have been removed from their homes, reasonable efforts are made either to reunite them with their families or to settle them into other safe and permanent living arrangements.

Federal financial support under the Title IV-E program depends upon compliance with this basic scheme of judicial oversight—and documentation of that compliance. In practice, that calls for participating courts to consider

and make detailed, formal and timely findings on three issues in the cases of children who need out-of-home placement:

1. *Necessity of removal.* First, compliance with IV-E requirements calls for the court authorizing a child’s removal from the home to make a fact-based determination that “continuation in the home would be contrary to the welfare” of the child—and to do so in the *first* order that sanctions the child’s removal, even temporarily.¹²
2. *Efforts to prevent removal.* Within 60 days of the child’s removal,¹³ the court must find that “reasonable efforts have been made to prevent the child’s removal from home”¹⁴—which may be satisfied by a finding that, under the circumstances, a failure to make advance efforts to prevent removal was “reasonable.”¹⁵
3. *Efforts to finalize permanency.* Within 12 months of the date that the juvenile enters IV-E eligible foster care—generally at a special “permanency hearing” that is required for children who have lingered that long in placement—the court must find that “reasonable efforts have been made to finalize a permanent placement for the child.”¹⁶

“Contrary to the Welfare” Findings in Delinquency Cases

It is easy to see how judicial consideration of the issues sketched out above would be pertinent in a dependency case, in which the child’s safety and welfare in the home—rather than his behavior in the community—are the court’s paramount concerns. But how does a court go about complying with Title IV-E in the case of an accused or adjudicated juvenile delinquent?

First, literal compliance *is* required. For example, in a delinquency case that commences with a juvenile being taken into custody and placed in detention, the court must make a “contrary to the welfare” finding at the time of the detention hearing. It is true that a detention stay is not the sort of “placement” covered by IV-E, but this is still the first order sanctioning the juvenile’s removal from the home. And because a “IV-E eligible” juvenile is defined as one whose initial removal was formally

grounded on a “contrary to the welfare” finding, failure to make the finding the basis of the detention order means that the costs of the juvenile’s subsequent placement—even if it is in a qualifying foster home or child care institution—will not be reimbursable either.

The pertinent federal regulation requires that the court find that “continuation of residence in the home would be contrary to the welfare, or that placement would be in the best interest, of the child.”¹⁷ No particular form of words is required, as long as this is clearly the court’s meaning, and as long as the determination is based on the individual facts of the case. There are several ways in which the decision to detain an accused delinquent—or the decision to order an out-of-home placement for an adjudicated delinquent who has not previously been detained—can be clearly grounded in consideration of his welfare or best interest:

- ◆ *Physical safety.* The welfare/best interests of a juvenile who poses a *threat to himself* if left at large would unquestionably be served by confinement. A policy statement of the Department of Health and Human Services makes this clear:

A court order indicating that the child is a threat to himself satisfies the requirement of a determination that remaining in the home would be contrary to the child’s welfare. However, if the court order indicates only that the child is a threat to the community, such language would not satisfy the requirement for a determination that continuation in the home would be contrary to the child’s welfare.¹⁸
- ◆ *Future interests.* Although there is no explicit HHS policy statement on this point, by the same reasoning, a court order detaining or placing a juvenile because of the likelihood that he will continue offending if left at home—thereby physically endangering himself and risking more serious penalties—should also satisfy the law’s requirements.
- ◆ *Need for out-of-home treatment.* Likewise, an order removing a juvenile from his home to enable him to receive needed treatment would also seem to be clearly in the juvenile’s best interest.

On the other hand, certain grounds for detention/ placement clearly do not qualify as “welfare” or “best interest” findings:

- ◆ *Risk of absconding.* HHS has made clear that detention grounded on the risk that a juvenile will not appear at a subsequent hearing does not qualify.¹⁹
- ◆ *Threat to the community.* See above. In cases in which a child poses a threat to himself *and* the community, the court should make it clear that the danger to the child would by itself justify confinement.
- ◆ *Best interests of society.* This ground is irrelevant for IV-E purposes.
- ◆ *Statutory reference.* Merely citing a state statute authorizing removal, regardless of the statute’s content, does not give the required indication of individualized judicial inquiry.²⁰

The important thing is for the court to indicate clearly how and why it came to its determination that allowing a juvenile to remain at home would be contrary to the juvenile’s own welfare and best interests. Welfare/best interest findings justifying removal must be made on a case-by-case basis and adequately documented.²¹ The court order may recite the specific facts relied on to support the findings or may incorporate facts by reference to a sustained petition or court, psychiatric or other report. The findings may even be recorded in the form of a checklist if it can be demonstrated that they emerged from an individualized judicial inquiry. A hearing transcript reflecting both the inquiry and the required findings can serve as documentation as well. However, bench notes of unrecorded hearings cannot.²²

*“Reasonable Efforts”
Findings in Delinquency Cases*

As noted above, a juvenile’s Title IV-E eligibility also depends on the court’s timely certification that reasonable efforts have been made to: (1) prevent the juvenile’s initial removal from the home and (2) reunify him with his family thereafter, or, failing that, to finalize an alternate permanent placement for him. Here again, although “reasonable efforts” issues may sometimes seem marginal in the context of a delinquency case, literal compliance with the law’s requirements regarding these determinations is a must if reimbursement is to be received under Title IV-E.

The first reasonable efforts finding, although it pertains to the pre-removal period, does not need to be made in the initial removal order, as long as it is made within 60 days of the removal. As is the case with “contrary to the welfare” findings, however, the timing of the initial reasonable efforts finding is non-negotiable: if it is not made when it is supposed to be made, no *nunc pro tunc* order or other retroactive fix will suffice to make the juvenile eligible.

In a typical dependency case, reasonable efforts to prevent removal might involve providing or arranging for various kinds of tangible help to keep a distressed family intact—assessing the parents’ problems and needs, for example, and taking measures to ensure the child’s short-term safety in the home while those problems and needs are addressed. These kinds of efforts may not be possible in many delinquency cases. For one thing, authorities may have no knowledge of or contact with the juvenile’s family until the time that removal becomes necessary.

A delinquency case that commences with detention may be analogized to an emergency dependency removal, in which the danger of delay is such that taking *no* pre-removal preventive steps may be considered “reasonable.” See, for example, Ohio Rev. Code Sec. 2151.419:

If the agency removed the child from home during an emergency in which the child could not safely remain at home and the agency did not have prior contact with the child, the court is not prohibited, solely because the agency did not make reasonable efforts during the emergency to prevent the removal of the child, from determining that the agency made those reasonable efforts. In determining whether reasonable efforts were made, the child’s health and safety shall be paramount.

In the analogous delinquency situation, the court would examine the nature of the emergency presented in order to determine whether, under all of the circumstances, the authorities responded reasonably.²³

In delinquency cases that do not begin with “emergency”-type removals, reasonable efforts inquiries should focus on the adequacy of efforts made in each case to address the juvenile’s behavior and needs without resorting to detention or out-of-home placement. Were appropriate assessments of the juvenile performed? What treatment

or service needs were revealed, and can they be met in the community, without removal? What community supervision options and other alternatives to detention or placement were explored, and why were they rejected? Note that these are issues that juvenile courts should be carefully weighing in any case in which institutionalization of a juvenile is proposed, regardless of IV-E requirements.

*“Reasonable Efforts to Finalize”
the Permanency Plan*

A judicial determination of “reasonable efforts to finalize the permanency plan,” whether through family reunification or by way of some other legally secure custody arrangement, must generally be made within 12 to 14 months of the juvenile’s removal from the home.²⁴ The original purpose of this requirement, as noted above, was to discourage the practice of putting abused and neglected children in foster homes and other temporary placements and then simply forgetting about them. Since Title IV-E requires that “permanency hearings” be held for children who are in placement for this long,²⁵ the “reasonable efforts to finalize the permanency plan” finding is generally made at the permanency hearing. The court must specifically find that reasonable efforts have been made to reunify the juvenile with his family if possible, and, if not, that reasonable efforts have been made to finalize one of the following alternate arrangements: adoption, legal guardianship, or placement with a fit and willing relative. Only if a compelling reason for rejecting all these options has been documented may the court accept some other planned permanent living arrangement, such as independent living or long-term foster care.²⁶

Here again, while “permanency plan” terminology is not familiar in the delinquency context, effective juvenile courts already review the progress and prospects of delinquents they have ordered into long-term placement, and already oversee ongoing planning for their successful re-entry into the community. For juveniles whose placement expenses are being covered by IV-E matching funds, then “permanency planning” requirements simply provide a vehicle for good delinquency practice.

Basic documentation requirements for reasonable efforts findings are similar to those applicable to contrary to the welfare findings, discussed above. Judicial determinations must be:

explicit, and made on a case-by-case basis. This requirement is made to assure that the individual circumstances of each child before the court are properly considered in making judicial determinations. If the State can demonstrate that such determinations are made on a case-by-case basis and documented through a checklist, that will be considered acceptable in a title IV-E foster care eligibility review.²⁷

Receiving Reimbursement Under Title IV-E: Court-Agency Contracts in Ohio

In general, Title IV-E reimbursement is payable to the state agency that administers the state’s foster care system, or to another public agency with which the state agency has an agreement delegating these responsibilities. In Ohio, a local juvenile and family court may enter into a standard contract with the Ohio Department of Job and Family Services (ODJFS), designating *the court itself* as the “unit of government . . . which has responsibility for the placement and foster care of children within the State of Ohio and within the County.” This enables the court to receive federal financial reimbursement through ODJFS for costs incurred by the court when placing IV-E eligible juveniles adjudicated delinquent or unruly.

The parties to the contract are the county’s board of county commissioners, the juvenile court, and ODJFS. Under the contract, the court not only assumes general responsibility for the placement and foster care of delinquent and unruly youth, it obligates itself to comply with various legal and good practice requirements in handling their cases. In return, the court receives the right to claim reimbursement for actual foster care maintenance costs incurred if the child is placed in a qualifying facility.

The contract also allows the court to receive reimbursement for “administrative costs” associated with providing the following services to IV-E eligible juveniles, either directly through staff or indirectly through independent contractors:

- ◆ Referring them for services;
- ◆ Preparing for and participating in their hearings;
- ◆ Arranging their placements;
- ◆ Developing, managing, implementing and supervising their case plans; and
- ◆ Supervising them in placement.

In addition, the court may claim reimbursement for the costs of the following general activities:

- ◆ Participating in formal and organized training activities; and
- ◆ Determining Title IV-E eligibility.

If the court wishes to claim reimbursement under the contract for costs incurred in providing these services through its own employees—including payroll, benefits, equipment, supplies, and insurance—the employees involved must perform such services *only* for IV-E eligible children. Costs of providing covered services through employees who only work part-time at such activities may also be reimbursed, but the contract requires strict documentation of the employees’ activities.

Funds received under the contract must be used to improve local services for children and youth, with special emphasis on developing community- and neighborhood-based foster care resources. A court that receives more than \$4,999 in federal reimbursement under the contract during any one calendar year must issue a news release indicating the amount received and describing its use of the money.

The contract obliges the board of county commissioners to provide the court with credit for at least 75% of all payments received from ODJFS, not to retain unspent funds at the close of the fiscal year, and not to reduce the court’s overall appropriation on account of any funds received.

Concluding Remarks

Interviews conducted in developing this newsletter issue indicate that interagency cooperative agreements work best in counties in which there is a close working relationship between the juvenile court and the local public children services agency (PCSA). In these counties, the local PCSA typically provides the juvenile court with

considerable logistical and technical support. The agency is often willing to assume responsibility for making eligibility determinations; posting and updating eligibility, placement and cost data in the ODJFS automated information system; ensuring that Title IV-E eligible youth maintain their Medicaid eligibility; referring Title IV-E eligible children to the local child support enforcement agency for processing on behalf of the court; and/or assisting county administration and the juvenile court in separating and tracking the various funding sources used to fund delinquency and unruly placements. Additionally, the agency can provide technical assistance and training to juvenile court and probation staff on case planning and case management responsibilities associated with becoming the designated Title IV-E agent responsible for placing and supervising adjudicated delinquent and unruly youth. In some counties, the agency enters into a contract with the court to provide these services for a set one-time per-child fee or percentage of federal funds disbursed to the juvenile court, while in other counties these services are provided at no charge.

Local PCSAs are typically very supportive of these interagency cooperative agreements between the juvenile court and ODJFS. These agreements generally relieve the local agencies of placement responsibility for delinquent and unruly youth – a child population with service and placement needs that are often different from those of maltreated children. The agreements can also diffuse tension between the juvenile court and the local PSCA regarding specific placement decisions. Federal and local statutes limit the ability of the court to direct the agency to place a child in a specific placement if legal custody is transferred to the latter.

Interview data further suggest that the option of becoming the designated Title IV-E agent is particularly well suited to juvenile courts servicing a substantial number of “high need” delinquent and unruly juveniles in need of placement services. It provides the juvenile court with a substantial revenue source to fund the cost of a wide range of out-of-home placements other than detention or secure commitment as well as providing the court and juvenile probation with the autonomy to develop and nurture their continuum of placement options, as they deem appropriate. This option becomes increasingly prudent and expedient in periods when other local and state funding streams (including Reclaim Ohio) are experiencing substantial budget cuts.

Perhaps the largest stumbling block to the more widespread usage of such interagency agreements is the difficulty juvenile courts experience in seeking reimbursement for administrative costs. The current contractual requirements limit reimbursement primarily to administrative costs associated with employees whose work responsibilities revolve *solely or exclusively* around the handling of Title IV-E eligible cases. There are some provisions for seeking reimbursement for employees who handle these cases part-time, but the requirements are very cumbersome – including requirements that the work increments for which the court is seeking reimbursement are entire working days as well as the completion of detailed logs of work activity conducted during the days under consideration.

ODJFS is currently working with Children’s Bureau officials from the U.S. Department of Health and Human Services to revise provisions in their state plans that address these concerns. Some states use the results of periodically conducted random movement time studies to *predetermine* an average percentage of time spent on allowable activities. This percentage is then used to calculate the overall reimbursement rate for administrative costs. Incorporating similar provisions may make it easier for courts to seek reimbursement—particularly if the only alternative is to assign staff to exclusively IV-E eligible caseloads; only about 30% of all delinquent and unruly youth in need of placement services meet Title IV-E eligibility requirements. In more affluent counties, the eligibility rates are even lower.

In summary, entering into cooperative interagency agreements to become the Title IV-E agent in cases involving adjudicated delinquent and unruly juveniles may provide many of Ohio’s juvenile courts with the ability to supplement their placement budgets and nurture the development of a placement continuum that specifically meets the needs of their delinquent and unruly populations. The regulations for accessing federal monies are somewhat cumbersome but may be more than worthwhile in the end.

Endnotes

- ¹ According to the Children’s Bureau, the Title IV-E Program was funded at \$5,063,500,000 during fiscal year 2001.
- ² Previously, the only options available to the court were to place these juveniles in the custody of the local public child protection services agency and transfer placement and case planning responsibility to the agency or to maintain this responsibility and incur the total placement costs.
- ³ Belmont, Clark, Cuyahoga, Greene, Guernsey, Hamilton, Holmes, Jefferson, Licking, Lucas, Montgomery, Shelby and Tuscarawas counties have entered into interagency agreements with ODJFS to allow for Title IV-E reimbursement of delinquency and unruly placements supervised directly by the juvenile court. The Shelby County Juvenile Court, however, has yet to draw down Title IV-E dollars for such placements.
- ⁴ Juvenile courts in Cuyahoga, Guernsey, Holmes and Montgomery counties entered into agreements with ODJFS in 1996. However, only the Guernsey Juvenile Court was able to draw down Title IV-E dollars during the 1996 calendar year. The other three courts entered into these interagency agreements late in the calendar year and did not begin receiving federal reimbursement until the following year or in 1998 (Cuyahoga County).
- ⁵ For the following discussion of Title IV-E and its general requirements, we are indebted to Rauber, D. (Ed.) (2001). *Making Sense of the ASFA Regulations: A Roadmap for Effective Implementation*. Washington, DC: American Bar Association.
- ⁶ Sec. 472(a), Social Security Act [42 U.S.C. 672(a)].
- ⁷ Sec. 472(b), Social Security Act [42 U.S.C. 672(b)]; 45 CFR 1355.20.
- ⁸ Sec. 472(c), Social Security Act [42 U.S.C. 672(c)].
- ⁹ U.S. Department of Health and Human Services, ACYF-PIQ-82-10 (8/11/82) and ACYF-PIQ-88-03 (4/11/88).
- ¹⁰ Sec. 475(4), Social Security Act [42 U.S.C. 675(4)].
- ¹¹ 45 CFR 1356.60.
- ¹² 45 CFR 1356.21(E).
- ¹³ 45 CFR 1356.21(b)(1).
- ¹⁴ Sec. 471(a)(15), Social Security Act [42 U.S.C. 671(a)(15)].
- ¹⁵ 65 FR 4053.
- ¹⁶ 45 CFR 1356.21(b).
- ¹⁷ 45 CFR 1356.21(c).
- ¹⁸ U.S. Department of Health and Human Services, ACYF-CB-PIQ-91-03 (4/3/91).
- ¹⁹ U.S. Department of Health and Human Services, ACYF-CB-PIQ-91-03 (4/3/91).
- ²⁰ 45 CFR 1356.21(d)(3); see also 65 FR 4055-6.
- ²¹ 45 CFR 1356.21(d).
- ²² 65 FR 4020.
- ²³ A finding that no efforts were “reasonable” due to the emergency situation should not be confused with a finding that “reasonable efforts were not required.” The former finding is simply a common sense conclusion based on consideration of what is reasonable to expect of authorities responding to an emergency; see 65 FR 4053. The latter finding places the case in a narrow statutory exception within Title IV-E, reserved for families that the law is not concerned to preserve, namely those in which (1) parents have committed certain enumerated felonies against their children, (2) parents have previously had their parental rights terminated, or (3) “aggravated circumstances” involving child abandonment, torture, chronic abuse, or sexual abuse are present; see Sec. 471(a)(15)(D), Social Security Act [42 U.S.C. 671(a)(15)(D)] and 45 CFR 1356.21(b)(3).
- ²⁴ 45 CFR 1356.21(b)(2).
- ²⁵ Sec. 475(5)(c), Social Security Act [42 U.S.C. 675(5)(c)].
- ²⁶ 45 CFR 1356.21(h)(3).
- ²⁷ 65 FR 4020.

Children, Families, and the Courts Committee Launched

In November, Chief Justice Thomas Moyer announced the formation of the Supreme Court Advisory Committee on Children, Families, and the Courts. The 20-member committee, made up of judges, magistrates, and various professionals who specialize in child and family issues, will make recommendations on court reform matters related to family law. Family law issues are critical not only in juvenile court, but also in domestic relations court, probate court, and other courts to a limited degree.

Moyer noted that advisory committees help the court system adapt and reform to meet the needs of the future: “The committee will make recommendations on how best to implement various family-law initiatives. Their input will help us determine how the Ohio court system can best serve children and their families.”

The committee, which recently met for the first time, will review family law topics including:

- ◆ The Juvenile Data Network – An electronic database accessible to juvenile court judges in all of Ohio’s 88 counties that will contain vital information about children in the court system.
- ◆ The Family Code – A set of family-related statutes, obtained from the Ohio Revised Code and tailored to be more accessible to the public.
- ◆ Statewide standards for those who act as advocates for children within the court system.

For more information, call Doug Stephens, the Supreme Court of Ohio’s Director of Judicial and Court Services, at (614) 752-8967.

Members of the Advisory Committee on Children, Families, and the Courts

Judge David Basinski, Co-Chair

Lorain County Domestic Relations/Juvenile Court

Helen Jones-Kelley, Co-Chair

Montgomery County Children Services

Judge Carol Dezso

Summit County Domestic Relations Court

Judge Denise Cross

Montgomery County Domestic Relations Court

Judge Brad Culbert

Sandusky County Probate/Juvenile Court

Judge Russell Steiner

Licking County Domestic Relations Court

Judge Thomas Swift

Trumbull County Probate Court

Judge Thomas Lipps

Hamilton County Juvenile Court

State Sen. Jim Jordan

Urbana Republican

Alexandria Ruden

Legal Aid Society, Cleveland

Barbara Riley, Deputy Director

Ohio Department of Job & Family Services

Diane Palos, Magistrate

Cuyahoga County Domestic Relations Court

Kathleen Clark, Ph.D.

Galion City Schools

Kathy Lopez, Clerk

Clark County Juvenile Court

Linda Lovelace, Ct. Administrator

Butler County Domestic Relations Court

Mark Rhoades, Director of Diversion

Athens County Probate/Juvenile Court

Rick DeHeer, Ct. Administrator

Stark County Family Court

Robert Wistner

Ohio State Bar Association designee, Columbus

Sarah Vollmer

Ohio Department of Youth Services

Sue Ellen Kohler, Clerk

Auglaize County Common Pleas Court

Drug Courts in Ohio

The judicial community is increasingly promoting the concept of specialized courts. Many professionals credit special courts with promoting more effective docket management and enhancing judicial understanding of the legal and social facets of a jurisdictional area. Ohio's first drug court was established in Judge Deirdre Hair's Hamilton County Common Pleas Court in 1995. Citing a 64 to 75 percent success rate at keeping graduates from re-arrest and future drug use, Ohio now has over 50 operating drug court and several in development stages. It leads the nation in operational Family Drug Courts. With Ohio's ASFA legislation expediting termination of parental rights and acknowledging the interrelationship between substance abuse and child abuse and neglect, Family Drug Courts are proving to be an exciting option in working with families who abuse substances.

The Ohio Association of Drug Court Professionals (OADCP) is a state association created to promote, advocate, establish, and assist drug courts in the state of Ohio. Membership is diverse, representing the wide number of disciplines that work in and with drug courts and jurisdictions that have an operating drug court and those that want to establish one.

"Drug Courts: Advancing Real Reform," OADCP's fourth annual conference, will be held at the Columbus Airport Concourse Hotel on May 8 and 9, 2003. Four keynote speakers and 20 workshops are planned, addressing the growing pains of Ohio's drug courts in a post Issue One environment. A special track of workshops is planned for Juvenile and Family Drug Courts in addition to those focusing on the adult criminal offender. Check the web site at [to submit workshop proposals, monitor OADCP developments, and obtain registration information.](#) **Mark your calendars now!**

Drug Court Videos

The Supreme Court of Ohio, Ohio Department of Job and Family Services, Ohio Department of Alcohol and Drug Addiction Services, and the Ohio Judicial Conference have co-produced a film series to promote the development of family drug courts in Ohio. The series, entitled "Drug Courts Are Saving Lives," features interviews with Ohio drug court judges, coordinators, attorneys, prosecutors, treatment providers, and participants. The series consists of the following four videos:

Video 1: Drug Court Overview

This introductory video presents the general concepts and components of drug courts, including relevant statistics, benefits, and varying forms of drug courts.

Video 2: Family Drug Courts: For Judges

Aimed at juvenile judges who want to learn more about Family Drug Court, this video examines the similarities and differences between traditional criminal drug courts and Family Drug Court, necessary components of a Family Drug Court, and the responsibilities, personal and financial commitment, and rewards of a Family Drug Court Judge.

Video 3: Family Drug Courts: For Team Members

This video is directed to the various professionals who may participate on a Family Drug Court Team. Like the judicially-oriented video, this film uses a combination of voice over and interview to look at the basic structure of a family drug court and how it differs from a criminal drug court, the aspects of Family Drug Courts that make them particularly effective in working with families where abuse or neglect has occurred because of substance abuse, and the responsibilities of Family Drug Court team members.

Video 4: Drug Courts: Ten Key Components

This film examines each of the 10 components identified by the National Association of Drug Court Professionals, Drug Court Standards Committee as key to a drug court's operation. Unlike the other three videos, this video is available only in limited distribution and is intended to be used only in an instructional workshop format.

Although films are not yet available for full distribution, Ohio professionals may receive copies free of charge. For additional information, contact Charlsia Brown, Supreme Court of Ohio, at brownc@sconet.state.oh.us.

ODJFS Seeks to Improve Child Abuse and Neglect Assessment

The Ohio Department of Job and Family Services (ODJFS) has been dedicating increasing resources to developing a child abuse investigation system that guides workers in making decisions regarding children's safety, strives towards uniformity in decision-making across jurisdictions, and ensures that decisions are based upon research-based criteria. First and foremost, a valid and reliable decision-making system is intended to provide a higher level of protection to children at risk of harm. However, a side benefit is the protections it offers workers and courts that must act upon assessments. In the past, vital decisions, such as the need to require ongoing services or place children in substitute care, often had to be made on gut-level instinct or experienced-based analysis. The very nature of child maltreatment and the individuality of families make it impossible to categorically define all but the most obvious injury or inaction.

The Family Decision Making Model (formerly the Family Risk Assessment Model) is a standardized decision-making process now used by child protective services workers to assess the level of future risk to the child in his or her home environment.¹ The information gathered during the assessment is then used to develop service plans specific to the needs of the family identified through the process.

ASFA's heightened focus on child safety caused ODJFS to examine the effectiveness of Ohio's process for evaluating the safety of the child during an investigation of suspected abuse or neglect and throughout the life of the case. The current risk assessment process evaluates the *likelihood* of any type or degree of *future* maltreatment. ODJFS now is developing a safety assessment protocol and tool that will focus on the identification of *immediate threats* that will result in *serious* harm or injury to the child. These new instruments will provide more concrete and consistent documentation to present to courts when requesting authorization to remove or return a child or resident from a home. Safety Assessment will not replace the existing Family Decision Making Model, but will, instead, be incorporated into the process to offer the child protection worker a more comprehensive examination of the family and the child's well being. This improved process should also help bring Ohio into substantial conformity with the federal Child and Family Service Review outcome measures related to safety and permanency.

A consultant from the National Resource Center on Child Maltreatment and the Child Welfare Institute began facilitating the project in January 2002. ODJFS plans to pilot draft protocols and instruments in Spring 2003 with statewide training and implementation planned for Spring 2005. For more information, contact Leslie McGee, ODJFS, at 614-466-9274.

¹ Ohio Revised Code Section 5153.16 (A) (16) Ohio Administrative Rule 5101:2-34-37

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The National Center for Juvenile Justice (NCJJ) is a non-profit organization that conducts research (statistical, legal, and applied) on a broad range of juvenile justice topics and provides technical assistance to the field. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

For additional information contact:

Gregory Halemba
National Center for Juvenile Justice
412-227-6950
halemba@ncjj.org
www.ncjj.org

Douglas Stephens
The Supreme Court of Ohio
614-752-8967
StephenD@sconet.state.oh.us
www.sconet.state.oh.us/navigat.htm

Kristin Gilbert
Governor's Task Force
Ohio Department of Job and Family Services
614-728-3467
GilbeK@odjfs.state.oh.us
www.state.oh.us/odjfs/

Production Editors: Kristy Connors and Melanie Bozynski

Family Court Feasibility Study
255 East Main Street, 3rd Floor
Columbus, Ohio 43215