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Automated Case Tracking of Dependency Matters

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The roles and responsibilities of juvenile courts in the handling of child abuse, neglect and dependency cases have expanded dramatically in the last quarter century. Federal legislation – most specifically – the Federal Adoption Assistance and Child Welfare Act (Public Law 96-272) in 1980 and the Adoption and Safe Families Act in 1997 (ASFA) have changed the jurisdictional framework and mandate under which juvenile courts operate. Prior to the passage of P.L. 96-272, juvenile courts were only required to make determinations regarding whether children were maltreated and to place them in the custody of the local public children services agency. Since 1980, juvenile courts have also been expected to monitor case progress and ensure that a safe, permanent and stable home is secured for each abused and neglected child.¹ ASFA further clarifies the court's role in monitoring case progress and ensuring child safety. The Act shortens timelines for permanency hearings, and contains specific timelines for the initiation of termination of parental rights proceedings.

Ohio has been on the forefront of this national movement. In 1988, the State Legislature passed landmark legislation (Substitute Senate Bill 89) that established specific timeframes for the initiation, adjudication and disposition of dependency² cases. SB 89 also established specific time limits on the amount of time a child could remain in temporary placement and custody of a local public children services agency (PCSA) without the court approving a permanent case plan that requires returning physical

custody of the child to a parent; transferring physical and legal custody of the child to a relative (or other suitable adult); placing the child in the permanent custody of the local PCSA with the intended purpose of adoption; or placing the child in the long-term substitute care of the agency with a specifically planned other permanent living arrangement.³

Ten years later, in 1998, the State Legislature passed additional legislation (House Bill 484) to ensure that Ohio statutory requirements were consistent with new federal requirements contained in ASFA. Ohio legislation not only embraced these federal requirements but also went one step further and essentially shortened the requirements for the presumptive filing of permanent custody motions and the initiation of termination of parental rights (TPR) proceedings in most cases. ASFA requires the filing of a petition to terminate the parental rights of parents whose child has been in foster care for 15 of the most recent 22 months. Ohio statutes shorten this requirement by requiring the local public children services agency to file a motion requesting permanent custody if a child has been in temporary custody 12 or more months during a consecutive 22-month period.⁴

Increased federal expectations and scrutiny of state child and family services programs have also resulted in closer attention to the timeliness and effectiveness of judicial oversight in dependency matters. Beginning in 2001, the Children's Bureau of the U.S. Department of Health and

Human Resources (HHS) began assessing state child welfare programs for substantial conformity with certain federal requirements related to child protective, foster care, adoption, family preservation/family support, and independent living services.⁵ A number of areas examined in these federal reviews, referred to as Child and Family Services Reviews (CFSRs), while specifically focused on child welfare practice in the state, are impacted by court practice.

Almost uniformly, states, including Ohio, have not fared well in these reviews. Ohio's CFSR Final Report, issued by HHS in January 2003, revealed that the state did not achieve substantial conformity with any of the seven safety, permanency or well-being outcomes and did not meet standards on related measures (including length of time to achieve reunification, length of time to achieve adoption, and stability of foster care).⁶

While a matter of some debate as to their generalizability statewide, the CSFR Final Report contained frequent references to court-related practices—specifically issues regarding the timeliness of case processing, including hearings not conducted within prescribed timeframes, excessive continuances, overcrowded dockets and appellate delays—that contributed to non-conformity on the above issues. Particularly troubling was the state's inability to validate or refute these statements due to lack of automated case flow data available at both the local and state level.

It is difficult to imagine how juvenile courts in all but the smallest jurisdictions can effectively manage their dependency caseload in a fashion consistent with statutory mandates without the assistance of an automated case management system that closely tracks case filing information, decisions made at key court stages, the dates of these decisions and each child's placement history. While the vast majority of juvenile court judges and court administrators acknowledge this need, few courts have been able to develop anywhere near the automated capacity required to adequately track their dependency caseload. This appears to be the case nationally as well as in most of Ohio's 88 counties.

Few courts, for example, have automated systems that have the ability to readily generate reports on the length of time cases have been active with the court, the current placement status of children on its caseload, the length of time a child has been in placement, a child's current case plan goal, the permanency decision, and the reason for case closure. A surprising number of courts have a

difficult time just counting up the number of dependency cases filed in a year, the number of children involved in these filings and the number of dependency cases active at any one time.

This newsletter examines why it is often so difficult and expensive for juvenile courts to modify existing automated systems or develop new systems that can closely track dependency matters in a manner envisioned by recent federal legislation and Ohio statutes. A number of case characteristics of how dependency complaints are filed and processed differ from their delinquency counterparts. These differences often were not taken into consideration in the way many juvenile court case tracking systems were initially designed and are now difficult to incorporate into the existing automated system architecture. Given the minimal role juvenile courts had in the handling of dependency matters until the 1980s, this oversight becomes understandable. However, such system inadequacies are now deficiencies that the juvenile court and system designers must struggle to address if the court is to meet its federal and state mandates that require increased court oversight, expedited permanency determinations, and reductions in the amount of time children remain in temporary placements.

Automated Tracking of Dependency Matters in Ohio

Each of Ohio's 88 juvenile courts is responsible for internally developing or procuring its own automated case tracking systems. The Supreme Court of Ohio's Technology Resources Division staff is available to provide technical assistance at no cost to local courts on a case-by-case request basis in this regard. Staff can also address technological questions, research issues, and provide complete technology project assistance.

Few standardization requirements are in place at this time to guide local juvenile courts in their system development/procurement decisions, but this is changing. The Supreme Court of Ohio in recent years has embarked on a high priority effort to improve the technological capabilities of individual courts and to develop a private and secure court data network that will allow all of Ohio's municipal, county, common pleas and appellate courts to share critical case information. One of the goals of this effort

is to establish minimum standards for all court automated systems utilized to track juvenile caseloads. The plan is to have these standards in place in the next couple of years. (Please see sidebar on Developing Technology Standards for Courts in Ohio.)

The Supreme Court of Ohio requires that all juvenile divisions of a county's Court of Common Pleas provide quarterly statistics on their dependency caseloads. The information required, however, is limited primarily to general filing and case closing data. These data are used to provide some rudimentary statewide caseload

Developing Technology Standards for Courts in Ohio

The Ohio Futures Commission devoted considerable attention to technology issues in its final report submitted to Chief Justice Thomas Moyer in May 2000. A full section of the report was devoted to technology, technology recommendations and examples of good technology practices. Policy changes involving deployment of technology are also interwoven throughout other sections of the report.*

In response, Chief Justice Moyer named a 23-member panel to assess the technology needs of Ohio's courts. This panel, the Advisory Committee on Technology and the Courts, is to assess the technology needs of Ohio courts and develop standards that will ensure the interoperability of all court information systems. A key component of its mission is to coordinate efforts to develop a secure private network connecting all Ohio courts to an information repository and to the Internet. The Ohio Courts Network (OCN) will allow municipal, county and appellate courts to share critical case information across all jurisdictions within the state.

The development of minimum functional standards is the second critical component of the overall mission of this panel. The Standards Subcommittee was established specifically for this purpose and, as part of its charge, will:

- Review court technology deployments to determine that minimum standards are met;
- Ensure minimum consistency in how basic court services operate;
- Ensure that automated systems purchased by Ohio courts are capable of a full range of minimum functions, with every system having a minimum of required capabilities;
- Guide and coordinate efforts so that, as new technologies are developed, all courts can share in the development of these best practices; and
- Foster an interoperable technology environment where court information is more easily shared.

Members of the Standards Subcommittee currently are examining case management and functional standards for automated systems designed to track criminal and civil caseloads. Sometime in 2005, this subcommittee will begin to develop similar minimum requirements for domestic relations and juvenile caseloads.

This subcommittee is also in the process of developing protocols for assigning unique case numbers to all court cases, regardless of their county of origin, in a manner that combines local numbering conventions with minimum state requirements.

For more information on the Supreme Court Advisory Committee on Technology and the Courts as well as local technical assistance available through the Supreme Court's Technology Resources Division, please log onto: <http://www.sconet.state.oh.us>.

* Please see Supreme Court of Ohio, *Recommendations of The Supreme Court Advisory Committee on Technology and the Courts* (2001). This report is available through the above Supreme Court of Ohio web site.

statistics but lack the specificity necessary to understand the performance of individual courts in the handling of court matters involving maltreated children.

Some detailed guidance is becoming available at the national level. The National Council of Juvenile and Family Court Judges (NCJFCJ), in collaboration with the National Center for State Courts (NCSC) and the American Bar Association (ABA), developed a basic set of court-based performance measures—many of which a good dependency case tracking system should be able to incorporate into its reporting capabilities. These include measures that address a court’s performance in early pre-adjudicatory/pre-dispositional matters as well as those that relate to timely permanency determinations, case closures and case reactivations.⁷

These performance measures, in conjunction with functional standards recently developed by NCSC for incorporation into automated juvenile case processing systems,⁸ and best practice standards contained in two prominent NCJFCJ publications—*Resource Guidelines – Improving Court Practice in Child Abuse and Neglect Cases* and its companion document *Adoption and Permanency Guidelines*⁹—serve as the foundation for a national system development effort to “develop, implement, and maintain automated information systems that enable the Nation’s abuse and neglect courts to effectively and efficiently meet the intended goals of the Adoption and Safe Families Act of 1997.”¹⁰

Strengthening Abuse and Neglect Courts in America: Management Information Systems Project

In March 2003, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released a solicitation seeking state and/or local court applicants to participate in its *Strengthening Abuse and Neglect Courts in America: Management Information Systems Project*—commonly referred to as the SANCA MIS Project. The purpose of the project is to develop, implement and maintain automated information systems that enable the Nation’s abuse and neglect courts to effectively and efficiently meet the intended goals of the Adoption and Safe Families Act of 1997. Six state/local courts (in Colorado, Georgia, Florida, Idaho, New Jersey, and Virginia) were selected to participate in this pilot effort and develop automated systems that:

- Incorporate the court-based national dependency performance standards developed collaboratively by the American Bar Association (ABA), the National Center for State Courts (NCSC) and the National Council of Juvenile and Family Court Judges (NCJFCJ);
- Include key functional standards identified in the NCSC Juvenile Functional Standards document;
- Establish key data elements that address the above performance and functional standards;
- Coordinate the automated data collection and case tracking systems of the courts, child welfare and other relevant agencies; and
- Provide the pilot courts with timely reports regarding the progress that is being made to improve compliance with ASFA requirements and the processing of child abuse and neglect cases.

Staff from the ABA, NCSC and NCJFCJ will provide technical assistance to these six selected sites during this two-year project. The overall goal of the project is to develop technical assistance tools to guide future court system development efforts and support the transfer of technological capabilities developed to track case progress and measure overall performance to other courts on a broad scale.

This project does not solely focus on improving the courts’ information systems as an end in itself but rather on improving information systems in ways that will make the greatest contribution to improving the quality and timeliness of abuse and neglect litigation. Pilot sites are expected to use case processing and performance data generated by these systems to target needed court-related reforms. For more information on the SANCA Project, please visit the Project’s web site at: www.abanet.org/child/sanca.pdf.

Hamilton County Juvenile Court's Efforts to Automate its Tracking of Dependency Matters

Perhaps more importantly than the above, however, is that one Ohio court—the Hamilton County Juvenile Court—has been a pioneer in the utilization of an automated system to closely track its dependency caseload. The court's experiences and the success of its efforts can provide a local referent for the types of system development issues that need to be addressed to allow all Ohio juvenile courts to better track dependency matters.

In the mid-1980s, the Hamilton County Juvenile Court first installed an automated system that was able to track dependency matters—but only with extensive manual intervention and cross-validation of data. In the early 1990s, the court, with assistance from NCJFCJ and the National Center for Juvenile Justice (NCJJ),¹¹ worked closely with a software vendor to develop a comprehensive dependency case tracking system that was considerably more user-friendly, allowed the court to readily ensure data integrity, and easily produced a wide variety of case tracking reports necessary to closely monitor individual case progress and gauge overall court performance.¹² In the mid and late-1990s, the court continued to work closely with this vendor to automate the generation of minute entries within the courtroom.

This dependency tracking system, however, was a stand-alone system that was separate from the court's main automated system utilized to track delinquency, unruly, private custody and support/paternity matters. In November 2002, the dependency system was subsumed and integrated into the court's larger system. While the various case tracking functionalities developed into the dependency stand-alone system were maintained in the integration process, the court is currently working to expand its reporting capabilities to levels that meet and exceed earlier levels, including more detailed tracking of ASFA permanency timelines.

The integrated system has also expanded the court's ability to generate court entries, orders and findings from the bench and post these data directly to the database and the court's electronic journal without additional manual keying. Lastly, dependency magistrates now have the

ability to electronically access delinquency records, child support orders and orders/findings related to custody and visitation from the bench during a hearing if issues related to these arise.

System development issues identified and addressed during the Hamilton County Juvenile Court's series of automation efforts can serve as an excellent example of the types of case tracking and reporting functionalities that should be built into other juvenile court automated systems currently operational in Ohio and nationally.¹³

Special Considerations and Adaptations Necessary to Track Dependency Matters

Given today's advanced technology, one can rightfully question why it is so difficult for juvenile courts to maintain good automated data on their dependency caseload. It should not be that difficult—but is that really a fair assessment? The reasons are multiple and involve design, financial and licensing concerns.

1. Many of the systems currently in place in Ohio and juvenile courts elsewhere were designed specifically to handle delinquency caseloads with little consideration given to dependency matters. This is problematic in ways that will be described below—suffice to say for now that delinquency matters focus on the behavior of a specific juvenile, while dependency matters typically focus on multiple siblings that comprise the family unit.
2. In many Ohio jurisdictions (and nationwide as well), these systems were designed to *generally address the needs of all case types* over which local courts have jurisdiction including criminal, civil, domestic relations and traffic. Priority was not given to ensuring that these systems captured the specific nuances of each case type—particularly one as complicated and protracted as proceedings involving abused, neglected and dependent children.
3. Local courts have a considerable investment in the current system, the needed modifications are extensive, and development costs are prohibitive.

4. In Ohio, most courts utilize vendor-developed general court management systems that track court proceedings on a wide variety of case types and utilize these same vendors for on-going technical support. A vendor, typically, is not inclined to make adaptations to a system for one specific juvenile court on one particular case type (i.e., dependency) unless these enhancements have portability to its larger system operational in other counties throughout the state. Additionally, the cost is probably prohibitive for one court to cover even if it is portable. Formal protocols for sharing costs across counties and/or state funding to assist in these efforts currently do not exist.

Generally, a juvenile court's automated system should be sufficiently flexible to record and track critical case information over the entire range of cases over which it has jurisdiction. In Ohio, this specifically includes all court matters related to delinquency, dependency, unruly and custody matters, as well as miscellaneous matters such as adults charged with contributing to the delinquency of a minor.

More sophisticated juvenile court information systems have additional system functionalities that expedite a wide range of tedious and time consuming court activities and responsibilities, including the automated assignment of cases to jurists, scheduling of court hearings and production of court documents (including complaints, service notices and minute entries).

There are, however, several important differences in how dependency cases are structured and processed that require special system considerations and adaptations. These special considerations revolve around issues that are unique or particularly prominent in the processing of dependency matters. These include:

1. System linking of siblings to each other and a family unit.
2. Accounting for multiple children named as defendants (victims) on complaints filed with the court.
3. Tracking time between critical case events and legal status expiration dates by child.
4. Linking supplemental filings, including amended complaints and motions requesting changes in custody (including temporary custody extensions

and those requesting permanent custody) to the original dependency complaint.

5. Historically tracking changes in court-approved case plan (permanency) goals and reasons for these goal changes.
6. Historically tracking a child's time in placement, placement changes and reasons for these (including voluntary placements that pre-date the filing of the dependency complaint).
7. Recording and tracking "contrary to the welfare of the child" and "reasonable efforts."
8. Developing a comprehensive range of quality assurance, aging/case tracking, and summary statistical reports that report on case progress through case closure—not just disposition of the original complaint.

System Linking of Siblings and Family Unit

Dependency proceedings often involve all siblings in the family unit. It is not uncommon for multiple siblings to be named as defendants (victims) in a single complaint filed by the local public children services agency (PCSA). Even in situations where dependency proceedings are initiated in a staggered fashion on multiple siblings, hearings on these matters are typically combined—at least at the post-disposition review phase.

Linking siblings tied to the same family unit can be a somewhat complex task—especially when these children are tied to multiple sets of parents. In most systems, sibling linking is accomplished via conventions that mirror complaint filings and court processing protocols. Children are typically linked based on their relationship to the mother or some other designated family head.¹⁴ This family head is assigned a system-designed identification number and all children associated with the designated family head are linked using this system ID number. Each child should also be assigned a unique system-designated child identifier. In this manner, case progress can be tracked by family or individual child.

More so than for the processing of delinquency cases, automated tracking of dependency cases is facilitated by the system linking of family members. By linking siblings, individual case record information can be readily

duplicated, reducing the amount of data entry required. Family, complaint, hearing, hearing result, and interested party, placement information, etc. that is consistent across siblings only needs to be entered once. The potential for data entry error is also reduced considerably.

Linking family siblings also facilitates case management in instances where dependency proceedings are initiated in a staggered fashion. The same jurist, prosecutor, defense counsel, etc. can be automatically assigned to all siblings. This encourages consistency in the court's handling of related cases and can result in more timely and efficient case processing as hearings on multiple matters are consolidated.

Procedures for linking of siblings should also address procedures to account for multiple fathers. Ideally, the system should be sufficiently flexible to allow the linking of fathers to specific children—not just the overall family unit. In some systems, the definition of the family unit is expanded to allow for the linking of multiple fathers to a specific child. It is not that uncommon in dependency proceedings for multiple fathers to be named and served notice on a case.¹⁵

Accounting for Multiple Children Named as Victims on a Single Complaint

Accounting for multiple children named as victims in a single complaint is an overarching issue requiring careful consideration in designing an automated system to track a court's dependency caseload. Filing practices in delinquency matters are more straightforward. In most juvenile courts, separate complaints will be filed for each juvenile involved in a delinquent action. The same jurist might be assigned to all complaints on codefendants and these related matters might all be addressed at the same hearing. However, each complaint is treated as a separate case and tracked individually.

A juvenile court's automated system can encounter difficulties in counting and tracking dependency complaints in that multiple siblings included in a dependency action do not necessarily progress uniformly through the court process. Charges alleged and adjudicated can vary by child. More importantly, dispositions and custody statuses may vary. One child may be placed in temporary custody of the court and placed in foster care; a second may remain with the custodial parent with continuing court and agency

supervision (protective supervision); and custody of a third may be granted to a relative and the case closed with no continuing court involvement. Lastly, modifications to the original disposition and the length of time the court remains involved can vary by child.

The basic dilemma is that a juvenile court's automated system often only allows for the capturing of one date and decision per key event on a complaint. If different decisions are made on siblings named in a single complaint, someone must decide which of the decisions to record and track. For example, if the court closes the cases of two siblings but keeps open the case of the third, you would not want to close the complaint. The court's number of open dependency complaints has not changed. However, the number of children involved with the court dependency caseload has been reduced.¹⁶

The court's automated system needs to be sufficiently flexible to track dependency actions by both child and complaint. In essence, the court record of each child needs to be tracked separately but, at the same time, linked to the filing document (complaint) that initiated the court process. In this manner, the system can track and report on the case progress of individual children while providing the court important information at the complaint level. For example, how many complaints have been filed and/or closed during a specific period, and how many complaints are currently active?¹⁷

To reduce data entry requirements, functionality should also be incorporated into the system to duplicate data from one child to the remaining children in instances in which the date and decisions made by the court are identical on all or a majority of the children named on the complaint. For example, on a complaint naming five children, it becomes very tedious to enter the same disposition/annual review data (and date), if the court decides that all five children should be placed (or remain) in temporary custody.

Counting Children or Complaints — Which is best?

In collecting caseload statistics, a court should always be careful to clearly identify whether the data refer to complaints or children. The distinction is critical in that, in most (if not all) Ohio counties, multiple children can be named on a dependency complaint. As a general rule of thumb, an average of slightly less than two children are named on a dependency complaint—thus, caseload counts using children as the unit of count are typically almost twice as high as caseload counts based on complaints.

The situation is further complicated in that children named on a dependency complaint do not necessarily progress uniformly through the court process. Allegations can vary by child. More importantly, adjudication, disposition, placement, permanency and closure decisions and the dates these decisions were made can vary by child. For example, the court may make different permanency decisions on a dependency complaint in which three children are named. The court may transfer legal custody of one child to a relative, parental rights may have been terminated on a second child, while the third child may be placed in the protective supervision of the non-custodial parent.

Caseload counts based on complaints can be confusing and possibly misleading in that it is difficult to categorize complaints in which key decisions vary by child. For example, how would a court categorize the permanency result of the above complaint—which permanency decision would be considered the primary one? Using either of the three permanency decisions as the primary one would be misleading and categorizing the complaint as one with multiple separate permanency decisions would not be very useful in that the actual decisions of the court could not be readily discerned.

For consistency and clarity purposes, we typically encourage juvenile courts and system designers to define a *dependency case as a child named on a dependency complaint*. Thus a court's active caseload count would be defined as the number of children named on dependency complaints whose cases are actively being supervised by the court. Closed cases would reflect the number of children named on dependency complaints whose cases have been closed during a specified period of time.

We also recommend that time to key court processing milestones be calculated individually for each child. While adjudication and disposition almost always occurs simultaneously for all children named on a complaint, decisions regarding permanency and case closure are considerably more likely to vary by child.

Tracking Critical Case Processing Events and Legal Status Expiration Dates/Decisions

The automated system should be designed to facilitate the close monitoring and tracking of critical dependency case processing events by child (including shelter care, adjudication, disposition, post-disposition review and permanency planning dates) and legal status expiration dates. While not substantively different than system requirements for tracking delinquency case processing, the statutory requirements underlying dependency case processing can often be more stringent and complicated than on the delinquency side. For example, Ohio statutes place firm time limits on the amount of time a dependency

complaint can remain pending (90 days from filing to disposition) before a case is dismissed (without prejudice). The system should be able to readily identify instances in which the 90-day timeline is compromised—perhaps warning the user scheduling the disposition hearing that the scheduled hearing date is past the 90-day deadline.

These statutes also place firm time limits on the length of time a child can remain on temporary custody (TC) status. Failure of the child welfare agency to file a motion to extend the temporary custody order (limited to two extensions of six months each) or to file a motion to modify to permanent custody or to another alternative planned living arrangement within the prescribed time limits can have serious repercussions regarding

Key Case Processing Events that Require Automated Tracking

Without the ability to track the time between key case processing events and the decisions made at these events, a court is unable to assess its overall performance in the handling of dependency matters. It also makes it difficult to identify if any particular case is lagging behind and out-of-compliance with state and federal mandates. The system should track these critical case stages *by child*. *At minimum*, these should include:

- Date of first removal and type of removal (emergency, voluntary, other) so that the ASFA-defined “date first entered into foster care” can be calculated,
- Date of complaint filing and allegations alleged,
- Date of first scheduled and completed shelter care (preliminary protective) hearing,
- Date of adjudication and allegations found to be true or stipulated to,
- Date of disposition and disposition decision,
- Date of first review,
- Date of first scheduled and completed annual review hearing and decision made on a child custody status (including any temporary custody extensions granted),
- Dates of subsequent scheduled and completed review and annual review hearings and decisions made on a child’s custody status at these proceedings,
- Date of the filing and resolution of motions requesting permanent custody or other change of custody relief, and
- Date of case closure and reason for case closure (e.g., child returned to custodial parent, custody granted to relative, child reached age of majority, adoption, etc.).

placements options available to the court. To guard against temporary custody cases falling between the cracks, the system should be able to flag and report on cases 30 days before temporary custody or TC extensions are set to expire. Court staff could use such a report to review the status of these cases to ensure that the agency has filed appropriate paperwork and that a review or annual review hearing has been scheduled.

Linking Supplemental Filings to the Original Dependency Complaint

Supplemental filings are common in dependency proceedings. Depending on the court and case circumstances, these filings can take the form of supplemental/amended complaints or change of custody motions (including motions for permanent custody requesting that the court terminate parental rights). Linkages between supplemental filings and the original filing should be incorporated into the system design so

that case status and case processing timelines can be accurately tracked.

For example, Ohio law requires that temporary custody orders expire within one year of the date the complaint was filed or the date the child was first placed into shelter care, whichever is earlier.¹⁸ This time is calculated to include all time spent in voluntary placement (prior to the filing of the complaint), time spent in interim care during the pre-dispositional hearing process, and post-dispositional time spent in temporary custody. The calculation of the precise sunset date of the temporary custody expiration by the system can become a very complicated process if supplemental complaints and motions are filed. Linking the original complaint, supplemental/amended complaints and all motions to modify custody orders resulting from these complaints can simplify critical date calculations such as these.¹⁹

Historically Tracking Changes in Case Plan (Permanency) Goals

It is critical that a juvenile court's automated system readily identifies and tracks each court-approved current case plan (permanency) goal and reasons for these changes *by child*. The system should also have the ability to track a child's concurrent goal—if one has been established. Additionally, the system should be able to differentiate whether this case plan goal is a child's initial goal at the time of complaint filing, goal at initial complaint disposition, permanency goal approved by the court at an annual review hearing, or a revised permanency goal. There may be times when the latter applies—for example, when a permanency goal of custody to a relative is changed to adoption because the relative changes his/her mind and is no longer interested in seeking legal and physical responsibility for the child. Other alternatives, including adoption, may then again become appropriate considerations.

Historically Tracking Placement History

Juvenile courts have a responsibility to closely monitor and track the amount of time a child remains in placement. Both federal and Ohio statutes tie the timing of certain court decisions to the date of a child's first removal, how this initial move to placement was accomplished (e.g., an emergency or voluntary removal), and the overall amount of time a child remains in placement. Key decisions points that are impacted by these placement events include:

- The amount of time available to the agency for filing a complaint with the court,
- The timing of the initial hearing on the case,
- Adjudication and disposition of the original complaint,
- Scheduling and completion of the annual review (permanency determination) hearing, and
- Filing of various change in custody motions, including temporary custody extensions and motions requesting that the child be placed in the permanent custody of the agency for purposes of adoption.

In designing a dependency information management system, special consideration should be given to how time spent in (pre-filing) voluntary placements and (pre-initial disposition) interim placements are to be captured and differentiated from time a child spends in post-disposition placements. This becomes particularly critical if, as in Ohio, the amount of time a child can remain in post-disposition foster care (temporary custody) is limited by the amount of time the child has previously spent in voluntary and interim care. System design should also consider how this information would be used to calculate critical case time limits and deadlines.²⁰

The court's information system may not want to capture placement information as detailed as that captured by the local PCSA, including the actual address of the child's placement. At minimum, however, the court's automated system should track the beginning and end dates of each placement, the type of placement (shelter, foster care, group home, etc.), whether placement is with a relative, and the reasons for placement changes.²¹

The maintaining of placement data can be a complex task. The personnel resources dedicated to this task can be considerable—especially if court staff manually post information on placement changes into the system based on paper notification by the agency and minute entries. Ideally, this information can be passed electronically between the agency and the court.²²

Regardless, however, it is imperative that the court has unfettered access to placement data and has the ability to incorporate this information into the system's reporting capabilities. The court system should be able to generate reports, for example, that examine the number of placement changes, the length of time children remain in shelter care, the amount of time in placement with a case plan goal of reunification, the percentage of children in placement for more than 15 of the last 22 months (or, in Ohio's case, for more than 12 of the last 22 months), the amount of time children remain in placement before their cases are closed, etc.

Tracking "Contrary to the Welfare" and "Reasonable Efforts" Findings

At various stages of the court process, a judge or hearing officer is required by federal statutes to make critical judicial determinations regarding the necessity of a child's removal (i.e., a finding that "continuation in the home

Proactive Tracking of Dependency Caseloads

The utility of a well-designed automated information management system is not solely measured by its ability to track a juvenile court's dependency caseload and the length of time needed for cases to reach critical case processing milestones. Perhaps, more importantly, the system's utility is reflected in its ability to assist the court in *proactively* managing its caseload, flagging potential problem cases before statutory timelines are compromised as well as identifying case characteristics and case processing practices that put these cases at-risk.

Crucial in this regard is the development of a sound calendaring system that not only allows a court to readily schedule hearings but to track if the court calendar is getting too crowded and whether these hearings were completed, continued, rescheduled, vacated, etc.

As indicated earlier, the Final Report summarizing the findings of Ohio's Child and Family Services Review (CFSR) contained repeated references to court-related practices that contributed to shortcomings in child welfare practice on a number of key outcome indicators. (Please see page 2 of this newsletter.) Chief among the alleged culprits were crowded dockets and excessive continuances that were seen as contributing to case processing delays. While the extent to which these problems are pervasive throughout the state is difficult to determine, the lack of automated case flow data to examine these issues speaks directly to the challenges that juvenile courts face in updating their automated case tracking systems.

A juvenile court's automated system should be able to track the number of hearings scheduled for any given day and their anticipated duration. More importantly, the system should be able to readily compare scheduled to actual hearing start and end times to allow for close monitoring of calendar utilization and, specifically, to ensure that scheduling practices are consistent with actual utilization patterns.* The stacking of multiple hearings in a specific time slot should be discouraged but, to the degree that this occurs, the system should be able to readily discern the amount of time parties spend waiting for hearings to start. This information is critical if a court is to actively manage its court calendar and make the necessary adjustments needed to ensure that the scheduling of hearings is not done in a haphazard manner or based on outdated conventions that no longer reflect the court's current caseload or practices.

The automated system should also be able to closely track whether scheduled hearings are actually completed. An aggregate hearing results report should be readily available for any time period that examines the frequency with which hearings are completed, continued, or vacated by hearing type to identify whether certain types of hearings are more susceptible to continuances than others. For example, if hearing results data indicate that 50% of a court's scheduled review hearings are continued while only 10% of its adjudicatory hearings are continued, the court can make an informed decision regarding where to target its interventions.

Also, the reasons for continuances should be tracked as well as the party requesting the continuance to identify if any patterns are discernable – perhaps caseworker reports are not consistently available or parents' attorneys are consistently plagued by scheduling conflicts. Lastly, individual cases that are at-risk to exceed (or have already exceeded) statutory timeframes for adjudication, disposition, permanency, completion of permanent custody proceedings, etc. could be individually examined to identify if hearing continuances are contributing to their delay. With these types of information at hand, court administration and the judiciary can be more proactive in their ability to identify and address calendaring problems such as those identified in the CFSR Final Report.

.....continued on page 12

.....continued from page 11

There are a number of other examples of how a juvenile court can be more proactive in its tracking of dependency proceedings. An exception report listing cases at-risk of being out of compliance with the 90-day disposition time limit can be an essential component of proactive case flow management.** To strictly reinforce compliance, a court could build in edits into its system so that it would not accept scheduled dates for pre-disposition type hearings (shelter care, pre-trial, adjudication and disposition hearings) that were beyond the 90-day limit without some type of supervisory or judicial override. Additionally, to guard against temporary custody cases falling between the cracks, the system should be able to flag and report on cases 30 days before temporary custody or TC extensions are set to expire. Court staff could use such a report to review the status of these cases to ensure that the agency has filed appropriate paperwork and that a review or annual review hearing has been scheduled.

* The *Resource Guidelines* strongly encourage juvenile and family courts to schedule all hearings in a time certain fashion and to limit the stacking of multiple hearings in the same time slot. This includes even more routine types of hearings such as case reviews. This should reduce waiting time and can result in considerable savings from improved efficiencies in the productivity of caseworkers and attorneys. Please see the National Council of Juvenile and Family Court Judges, *Resource Guidelines—Improving Court Practice in Child Abuse and Neglect Cases*, Chapter 2, pp. 19-21 (Reno, NV, 1995). This document is available online at: <http://www.pppncjfcj.org/html/publications.html>.

** This report would focus on those cases in which pre-disposition type hearings have been scheduled (but not yet held) beyond the 90-day time limit. If these cases are identified sufficiently early, the court may be able to reschedule and accelerate the hearing to ensure compliance with statutory timeframes.

would be contrary to the welfare of the child”) as well as “reasonable efforts” determinations regarding the efforts of the local PSCA to prevent removal from the home, to reunite the families of children already in placement, and to finalize a permanent placement for a child.

A dependency information management system should be able to record and track these “contrary to the welfare” and “reasonable efforts” findings *by child*. These determinations can have considerable impact on the amount of federal reimbursement provided the child welfare agency for care of victimized children.²³

A finding of reasonable efforts should not be considered a one-time event. Reasonable efforts determinations should be made at most dependency hearings (including shelter care, adjudication, disposition hearings, review and annual review hearings) and as such may need to be incorporated into data maintained on hearing results. However, it is critical that that these findings are recorded in the system’s database in a fashion that they can be linked back to individual children whose cases are being considered in a specific hearing.

Development of Quality Assurance, Aging/Case Tracking and Summary Statistical Reports

Ultimately, an automated information management system is only as good as the quality of its outputs (information displays, reports, system-generated forms/orders, etc.). This includes a wide range of case tracking and aging reports that court staff can use to monitor and manage the movement of dependency cases through the court system as well as to *proactively identify potential problem cases and case processing patterns* (please see above sidebar on Proactive Tracking of Dependency Caseloads). A system’s report capabilities should also prove invaluable to administrators to describe the volume and characteristics of dependency cases referred to the juvenile/family court and the manner in which these cases were handled. Court administrators can use report data to compile annual reports, allocate personnel and other resources in both the short-term and long-range, estimate costs, and forecast future filing and case processing trends.

Table 1
Sample List of Quality Assurance, Case Tracking/Aging and
Summary Statistical Reports

Quality Assurance Reports

- Suspected Duplicate Cases
- Non-Related Cases with the Same Agency Case Recipient Number
- Pending Complaints and Change of Custody Motions Without a Scheduled Hearing
- Complaints Pending Disposition for 90 Days or More
- Pending Change of Custody Motions With No Result or Hearing Within Time Limit
- Protective Supervision Cases on Active Status for 330 Days or More
- Temporary Custody Cases on Active Status for 330 Days or More
- Active Temporary Custody Cases with TC Extensions of 150 Days or More
- Closed Cases with an Open Status
- Active Cases without an Open Placement/Terminated Cases with an Open Placement
- Closed Cases with Termination Inconsistencies
- Status of Permanent Plan with Inconsistent Entries

Case Tracking/Aging Report

- Dependency Complaints Filed During Period
- Dependency Complaints Re-Filed During Period
- Change of Custody Motions Filed During Period
- Dependency Complaints Pending Initial Disposition
- Dependency Complaints with Initial Disposition During Period
- Cases Reactivated
- Current Custody Status of Active Cases
- Cases in which Adjudication or Disposition Took Longer Than 90 Days
- Pending Objections and Appeals
- Closed Objections and Appeals
- Active Cases – Length of in Foster Care
- Active Cases – Length of Time in Alternative Planned Permanent Living Arrangement
- Active Cases – Length of Time in Permanent Custody Before Adoption
- Custody Statuses Closed During Period
- Cases Closed During Period
- Continuances Granted for Longer Than 30 Days
- Entries Held Past Hearing

Summary Statistical Reports

- Activity on Complaints/Motions Pending Disposition During Period
- Active Caseload Statistics
- Change of Custody Motions Filed During Period
- Demographic and Selected Case Characteristic Profile of Children in Agency Custody
- Parent Profile Summary–Selected Demographic and Case Characteristics
- Number of Children in Agency Care
- Number of Placements Per Child by Custody Status
- TC Extensions Resulting in Case Closure During Period
- TC Extensions Resulting in Change of Custody Status During Period
- PC Extensions with Pending TC to PC Motions

Ideally, an automated system should have an extensive series of automated reports developed and tested prior to the time the system goes “on-line.” However, personal experience suggests that this part of a system’s development is often pushed to the back burner. This can cause considerable disappointment down the road if it becomes clear that initial system design decisions do not adequately account for the various types of reporting requirements needed by the court.

The automated system reporting capabilities should include the ability to produce reports that monitor and facilitate data integrity (quality assurance); aging reports to facilitate case flow management and the tracking of individual cases; caseload listings to expedite the monitoring of an individual jurist’s pending and active caseloads, and statistical reports to assist the court in its administrative and planning functions. Select and sort utilities should be built into the individual report programs to allow system users additional flexibility to customize these reports to fit their individual needs. A preliminary list of dependency quality assurance, aging/case tracking and summary statistical reports that an Ohio juvenile court’s automated system should produce is provided in Table 1 (on previous page). This list is essentially a subset of the types of reports Hamilton County is able to currently generate or will be able to once again routinely generate once the integration of its dependency and delinquency tracking systems is complete.

In addition to the reports listed in Table 1, a juvenile court’s automated system should be able to generate court history profiles on all families involved with the court on dependency matters. These profiles should include case system data pertaining to case demographics, family members (parents, siblings and guardians), and historical data related to all neglect and abuse complaints (including date filed, referring agency, charges, charge results and dispositions), case reactivations, court hearings, permanency determinations, placements, custody statuses, and change in custody motions.

The summary profile should also include a count of the total time each child has spent in out-of-home placements, the number of placement changes, the amount of this time spent living with relatives, and the number of months in out-of-home care in the last 22 months (so as to quickly monitor the 15 of 22 months ASFA initiation of TPR proceedings requirement and Ohio’s more stringent 12 of 22 months requirement).

Such functionalities were built into the Hamilton County Juvenile Court’s dependency case tracking system as well as a case worksheet report that was provided to a jurist prior to a dependency hearing. This worksheet gave a jurist ready access to critical information on a case during the hearing process and facilitated the updating of case records during or after a hearing.

Final Comments

This newsletter examines why it is often so difficult and expensive for juvenile courts to modify existing automated systems or develop new systems that can closely track dependency matters. It attempts to examine, in layperson terms, reasons for this and examines important differences in how dependency cases are structured and processed that require special system considerations and adaptations.

Ohio’s juvenile courts need better automated tools to track their dependency caseloads. While the state has been at the forefront of the national movement to change judicial practice to increase court oversight, expedite permanency determinations, and reduce the amount of time children remain in temporary placements, it sorely lacks the automated tools to do so. It is hoped that information provided in this newsletter will assist the state in its current and planned efforts in this regard.

Endnotes

- ¹ Please see the National Council of Juvenile and Family Court Judges, *Resource Guidelines – Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV, 1995). This document is available online at: <http://www.pppncjfcj.org/html/publications.html>.
- ² All references in the text to dependency complaints, dependency cases, etc. refer to the entire range of dependent, neglect and abuse cases filed with the juvenile court (including all permanent custody proceedings initiated in these cases).
- ³ ASFA does not allow for a case disposition of long-term foster care. This designation is considered too temporary and general. Ohio currently has a dispositional option that permits the court to place a child in another permanent planned living arrangement if compelling reasons are provided.
- ⁴ Section 2151.413 (D) of the Ohio Revised Code establishes this time frame and sets certain conditions under which the agency is not required to file a motion requesting permanent custody. These special conditions (compelling reasons) are consistent with provisions established in ASFA.

- ⁵ Please see the Children’s Bureau web site for a more detailed discussion of the review process at: <http://www.acf.dhhs.gov/programs/cb/cwrp/index.htm>. “The child and family services reviews are designed to enable the Children’s Bureau to ensure that state child welfare agency practice is in conformity with Federal child welfare requirements, to determine what is actually happening to children and families as they are engaged in State child welfare services, and to assist States to enhance their capacity to help children and families achieve positive outcomes.”
- ⁶ Please see related articles in two earlier issues of *Children, Families, and the Courts: Ohio Bulletin* (Summer and Fall 2003) available online at: <http://ncjj.servehttp.com/NCJJWebsite/publications/serial/cfbulletin.htm>. Ohio’s CFSR State Assessment, CFSR Final Report, and Ohio Department of Job and Family Services Response to the CFSR Final Report can be viewed at: <http://www.state.oh.us/odjfs/ocf> under the tab, *Publications*. Additional information regarding the CFSR process and national results are available at: <http://www.acf.hhs.gov/programs/cb/cwrp/index.htm>.
- ⁷ Please see *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (2003). This document is the result of a four-year collaborative effort involving the American Bar Association’s Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. The David and Lucille Packard Foundation provided funding for this effort. Copies of the guide can be obtained by contacting any of the three organizations. A PDF version is available at: http://www.pppncjfcj.org/pdf_PackardGuide2004/packardguide_toolkit2004.pdf. Also see Victor E. Flango, “Measuring Progress in Improving Court Processing of Child Abuse and Neglect Cases,” *Family Court Review*, Vol. 39, No. 2 (April 2001).
- ⁸ Please see National Center for State Courts, *Juvenile Functional Standards – V1.0*, (2003). A PDF version is available at: http://www.ncsconline.org/D_Tech/Standards/Standards.htm#Volume%205.
- ⁹ The *Resource Guideline – Improving Court Practice in Child Abuse and Neglect Cases* were developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) in 1995 and set forth the necessary elements of a fair, thorough, and speedy court process in dependency cases. The *Adoptions and Permanency Guidelines* were published by NCJFCJ in 2000 as a companion and follow-up guide to the *Resource Guidelines*.
- ¹⁰ Please see announcement of this project in the *Federal Registry*, Vol. 68, No. 58 (Wednesday, March 26, 2003). The project is funded by the Office of Juvenile Justice and Delinquency Prevention and is referred to as the SANCA Project (Strengthening Abuse and Neglect Courts in America: Management Information Systems Project). Please see sidebar on page 4 for a more detailed description of this project.
- ¹¹ The National Center for Juvenile Justice is the research division of the National Council of Juvenile and Family Court Judges.
- ¹² This effort was undertaken as part of a on-going national project funded by the Office of Juvenile Justice and Delinquency Prevention—the Child Victims Act Model Courts Project—to improve the juvenile and family courts’ handling of child abuse and neglect cases. The National Council of Juvenile and Family Court Judges continues to manage this project, which has now grown to involve 25 jurisdictions in 21 states and the District of Columbia. Please see Permanency Planning for Children Department, *Status Report 2003: A Snapshot of the Child Victims Act Model Courts Project*, National Council of Juvenile and Family Court Judges, Reno, NV (2004). The Hamilton County Juvenile Court was the first court selected to participate in this effort, which began in the early 1990s.
- ¹³ The early 1990s Hamilton County automation effort was initially intended as a pilot effort to develop a dependency case tracking system that would serve as a platform upon which general dependency information management system requirements and specifications could be developed, tested and refined. Please see Gregory J. Halemba, *Characteristics of a ‘Pilot’ Management Information System to Track the Processing of Abuse, Neglect and Dependency Case Filings in Juvenile and Family Courts*, National Center for Juvenile Justice (June 1995).
- ¹⁴ For example, an automated system should have the capability to link siblings to another designated family head in instances in which the biological mother is deceased.
- ¹⁵ The Hamilton County system permits the linking of multiple fathers to a specific child and the system is able to differentiate between father types—including adjudicated, alleged, biological, legal, step, and putative father as well as deceased and unknown.
- ¹⁶ Most systems have some type of register of actions log that allows the court to capture text information on what happens at a specific hearing or case processing juncture. This running log allows the court to place a sentence or two in the system indicating that the cases of the first two children have been closed. However, such a log essentially organizes case comments and is difficult, if not impossible, to use for tracking purposes.
- ¹⁷ A complaint might still be active even though the individual cases of one or children named on that complaint might have been closed. Most courts define a dependency complaint as active if at least one child’s individual case is still open.
- ¹⁸ Ohio law does allow for the extension of temporary custody, upon approval of the court, for two six-month periods if the child welfare agency files a motion for such an extension prior to the expiration date.
- ¹⁹ In the original Hamilton County dependency tracking system installed in the early 1990s, each original complaint was given a system-generated group number in addition to its unique complaint ID. All supplemental complaints are given the same group number as the original complaint that initiated the court action in addition to its own unique complaint ID. The assignment of a common group number facilitated the linking of all supplemental complaints to the original filing. Additionally, all motions were directly linked to the complaint of reference via the complaint ID.
- ²⁰ In the Hamilton County system designed in the early 1990s, these data were captured separately and readily incorporated into program code developed to generate aging and exception reports that flagged cases approaching the sunset date for expiration of temporary custody.
- ²¹ If the court is responsible for providing hearing notice, the names and addresses of foster parents may also need to be maintained but these data could be stored in a different part of the database if considered particularly sensitive.
- ²² Beginning in Spring 1999, NCJJ staff began working closely with the Allegheny County (Pittsburgh, PA) Juvenile Court, Information Technology staff from the local child protective services (CPS) agency, and a local software vendor to develop an automated court-based dependency case tracking system that would eventually become known by its acronym – CMIS. The goal of CMIS is to increase the Allegheny County Juvenile Court’s ability to use its own data for case management purposes without requiring duplicate data entry (including placement data) by court clerks. On a nightly basis, placement data are extracted from the CPS automated system and imported into CMIS using a filtering routine that updates placement information on all children active with the court on a dependency petition. This data exchange has now been in place for approximately four years.
- ²³ Please see an earlier bulletin in this series that examines these issues in detail as they apply to delinquency placements in which the court is requesting Title IV-E foster care placement assistance funding. Please see Patrick Griffin and Gregory Halemba, “Federal Placement Assistance Funding for Delinquency Services,” *Children, Families and the Courts: Ohio Bulletin*, Winter 2003 (Vol. 1, No. 1)

Update: Title IV-E Interagency Agreement with Juvenile Courts Clarification of Program Change in Allowable Administrative Expenses

QUESTION:

In the Fall 2003 *Children, Families, and the Courts: Ohio Bulletin*, I read about program changes implemented in Ohio's Title IV-E Interagency Agreement with Juvenile Courts. While the new cost allocation procedures seem to make the entire process more feasible for our court, it was the single sentence that referred to "IV-E allowable activities (*in-home* and placement)" that really caught my interest (*emphasis added*). Am I correct in reading this to mean that unruly and delinquent youth no longer need to be removed from their homes for activities to be considered IV-E *allowable*?

My court runs a juvenile drug court where juvenile drug offenders appear before me each week in lieu of incarceration. Are the functions of my drug court staff—my drug court coordinator, case manager and probation officer—now reimbursable under Title IV-E, and can I use this funding to pay their salaries?

RESPONSE

You are correct that Ohio's program now considers activities performed by court personnel *to prevent the removal* of delinquent and unruly youth from their homes as allowable activities. If your court has entered into an interagency agreement with the Ohio Department of Job & Family Services (ODJFS) and if your drug court staff has been entered into the cost pool, it is very possible that a significant percentage of their activities is reimbursable. You would need to check ODJFS guidelines specific to your staff's work, but in general, any case management, case planning and court preparation functions would qualify if failure to perform would result in the child's removal from home. Since most juveniles appear in drug court in lieu of incarceration, this could be substantive. It is important to clarify that it is the *administrative time* spent identifying, arranging, and preparing for or managing the services that is allocable to IV-E, *not* the cost of the *services* that comprise the reasonable efforts.

Staff is not paid a direct reimbursement of time under the agreement. Instead, the percentage of time spent on activities is calculated by the Random Moment Time Study and then used to allocate administrative expenditures to these activities. The sum of the administrative expenditures allocated to IV-E allowable activities is then multiplied by the eligibility ratio of placed children. The eligibility ratio is the ratio of total days experienced by IV-E eligible and reimbursable children in placement to total days experienced by all children in placement. The remaining IV-E allowable administrative dollars are reimbursable at the federal financial participation rate of 50%. The determination of child eligibility has not changed with this expansion of allowable IV-E activities; removal from home remains a condition precedent to an individual child's IV-E eligibility.

Drug courts struggle to find funding, and it appears that the IV-E federal dollars can be a viable source of subsidy for juvenile drug courts that are located within courts willing to meet the requirements of an IV-E Interagency Agreement. It must be noted that the provisions of the agreement could not apply solely to drug court participants, since the agreement requires the court to assume custody or care and control for all unruly and delinquent children removed from home, without regard to eligibility status of those children.

For additional information, contact the ODJFS Helpdesk by phone at 866-8886-3537 Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

Why Care About Child and Family Services Review Findings? For These Reasons and More

- “A termination of parental rights is the family law equivalent of death penalty in a criminal case....” (*In re Smith* (1991), 77 Ohio App.3d 1, 16, 601 N.E.2d45)
- In Ohio in 2003, a total of 43,219 children were substantiated as victims of child abuse or neglect
- On an average day, Ohio has over 20,000 children under the care of Ohio’s public children services agencies.
- Ohio — along with 16 other states — did not meet any of the Children and Family Service Review measures for safety, permanency, or child and family well-being.
- Ohio can be penalized up to \$50 million in annual fiscal sanctions for failing to improve its 2005 Child and Family Services Review performance— money that will need to be supplanted from other areas of the state budget.

Update: Child and Family Service Review Beyond the Numbers

Ohio Courts’ Response to the CFSR: Beyond the Numbers is a two-year Supreme Court of Ohio project to help improve local practice in abuse, neglect and dependency cases and Ohio’s Children and Family Service Review (CFSR) performance. Although driven by a judicial planning committee of judges and magistrates from across the state, it is designed to involve local and regional representatives from many disciplines. The Supreme Court of Ohio is piloting its initiative in the northwest region of the state, which includes Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. The pilot’s three-stage process includes the following components:

1. **Statewide Judicial Symposium.** On May 7, 2004, *The Role of the Judiciary in Abuse, Neglect and Dependency Cases* was held to: a) increase understanding of the CFSR findings and local data; b) review a challenge to the courts, legal system and child welfare stakeholders to see “through the eyes of the child;” and c) define and encourage effective and appropriate judicial leadership in this area.
2. **Regional Gatherings.** Regions are defined by the seven judicial districts in Ohio. The current plan calls for holding the following two gatherings within each region:
 - a) **Judicial District Meeting** to facilitate judges’ understanding of the findings and possible sanctions of Ohio CFSR Report in 2003 and 2005 and to encourage judicial leadership in response. The pilot group of northwest judges met on June 18th in Bowling Green.
 - b) **Regional Stakeholder Session**, held either before or after the judicial district meeting, will include participation by the juvenile judge(s) and public children services director of each county in the district. Participants will discuss common goals, evaluate the meaning of local CFSR-related measurements and findings, and begin to identify systemic factors that could be addressed through an action plan.
3. **Local/County Planning and Implementation.** The judge(s) will convene county-based meetings and include participation of a variety of stakeholders for the purpose of evaluating the current processes serving the community’s abused and neglected children and their families. As an outcome, participants will identify and commit to a plan for improving and assessing practices, while strengthening oversight of these cases. The frequency and scheduling of meetings will vary by community.

Piloting this project in the 13 northwest counties will allow SCO to revise the plan in December 2004 and roll out the most effective approach for full state implementation in late 2004/early 2005. The Supreme Court of Ohio will develop and distribute, in consultation with the Ohio Department of Job and Family Services, an assessment tool, as well as provide recommended meeting agendas, resources, and other support to pilot and implement this project. For more information, contact Doug Stephens at stephend@sconet.state.oh.us or Kristin Gilbert at gilbek@odjfs.state.oh.us.

Guardian Ad Litem Standards: New Training for Attorney Guardians

In 2001, Chief Justice Thomas J. Moyer established the Guardian Ad Litem Standards Task Force (the Task Force), which was charged with developing uniform standards for Ohio's guardians ad litem. Although several Ohio judicial jurisdictions have local rules and the Ohio CASA/GAL Association has state standards for volunteers that serve as guardians ad litem, there are no state-consistent performance or pre-service requirements governing attorneys who serve in this capacity. Perhaps the most difficult task in the Task Force's assignment was reaching the delicate balance between the child's right to effective best interest representation with the community's need to not have requirements so arduous as to discourage attorneys from accepting appointments. After extensive examination of existing state practices, state and federal requirements, and various issues surrounding guardian ad litem appointment and service, the Task Force, chaired by the Honorable David Ellwood (Guernsey), released its report in 2002. This report, available on www.sconet.state.oh.us, issued recommendations in the following areas: funding/payment, monitoring/enforcement, reports, services/duties, and training.

After a period of public comment, Chief Justice Moyer accepted the report and instructed the *Advisory Committee on Children, Families and the Courts* (see *Children, Families, and the Courts: Ohio Bulletin* Winter 2003) to develop an implementation plan. The Advisory Committee was charged with reviewing each proposed standard and identifying the most appropriate mode of enactment.

Judge Thomas Lipps (Hamilton) and Court Administrator Richard DeHeer (Stark) are leading a subcommittee currently finalizing proposals for standards implementation. The bulk of recommendations simply require some form of authorizing language, whether through rule or statute. Recommendations Eight through Ten, found in the "Guardian Ad Litem Training" section of the report, necessitate a greater state role.

On June 25, 2003, Congress reauthorized and amended the Child Abuse Prevention and Treatment Act, (CAPTA). Since its enactment in 1974, CAPTA's provisions have made funds available to states that meet program requirements set forth in the law; Ohio received approximately \$2.5 million in noncompetitive allocations during this past federal fiscal year.

The "Keeping Children and Families Safe Act" reauthorizes CAPTA through federal fiscal year 2008. It contains several new state eligibility requirements, including the following language indicated in bold:

[T]he State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program...that includes...provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem **who has received training appropriate to the role**, and who may be an attorney or a court appointed special advocate **who has received training appropriate to that role** (or both), shall be appointed to represent the child in such proceedings— (I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child.

Ohio currently is seeking legislative change to ORC §2151.281 to insert compliant language. Enactment of this legislative change will require establishment of an infrastructure that can meet the demands of the new requirement.

In light of Task Force recommendations and new federal GAL training requirements, the Supreme Court of Ohio (SCO) and the Ohio Department of Job and Family Services (ODJFS) are working to jointly design and initiate a statewide training program for attorney GALs that is uniform in content and presentation. As part of the Subcommittee's efforts, Judge Thomas Swift (Trumbull) led a group of professionals in developing the topical outline for the six-hour course. Using the work of Judge Swift's group and the parameters drafted by the Task Force, SCO has released a Request for Proposal to: develop a six-hour pre-service training curriculum for attorneys seeking appointment as a guardian ad litem, develop a Trainers Guide for course presentation, assist in establishing a qualified pool of trainers to offer this course on a statewide basis, and develop a long-term plan for periodic curriculum review, revision and trainer update.

Simultaneously, SCO and ODJFS jointly are exploring various methods of ensuring that this curriculum can be delivered to Ohio's attorney GALs in a way that is financially and geographically accessible on an ongoing basis. The next *Children, Families, and the Courts: Ohio Bulletin* will examine the proposed curriculum and its system of delivery in greater detail. For additional information or to obtain a copy of the Request for Proposal, contact Doug Stephens, stephend@sconet.state.oh.us, or Kristin Gilbert, gilbek@odjfs.state.oh.us.

Update: Judicial College Training on Trauma's Impact on Child Development

Bruce D. Perry, M.D., Ph.D., national expert on maltreatment and the developing child, trained 200 Ohio judges, magistrates and court personnel for two days this June, thanks to federal Court Improvement and Children's Justice Act grant funds. This Judicial College training focused on the interrelationship between life and community experiences, relational poverty, risk and early brain development. The goal was to give courts practical information and interventions to use in the courtroom with children, particularly victims of abuse and trauma.

Key points made by Dr. Perry include:

- The compartmentalization of American society means that children have fewer emotional, social and cognitive interactions with fewer people. The impact of "modern" life on the developing child has yet to be fully understood.
- As a result, we have "poverty of relationships" in our culture. The nature, quantity and timing of early life relationships shape the neural systems that mediate social interaction, communication, empathy and the capacity to bond with others.
- Any individual receiving little pleasure through human contact is more vulnerable to substance abuse and dependence, promiscuity, overeating and other maladaptive methods of seeking pleasure and soothing interactions.
- Lack of a specific sensory input during development results in abnormal development of the brain.
- The abnormal development is in those brain systems that *sense, perceive, process, interpret, and act on* information related to that specific sensory deprivation.
- Thus, any program that decreases physical, social and emotional isolation will be effective, particularly during the first three years of a child's life.
- Fear changes our brain. It impacts the way we think and the way we act.
- Traumatized children have a set of problems, particularly in the classroom. These include difficulties with attending school and processing, storing, and acting on their experiences in an age-appropriate fashion.

Grant funding has supplied every juvenile court with an educational DVD and CD covering the core concepts of Dr. Perry's presentation. Judges also received instructional materials for courts, parents, caregivers and service providers. The Supreme Court of Ohio Judicial College's lending library will maintain a complete set of Dr. Perry's media materials for court use.

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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.

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