

**PUBLIC CHILDREN SERVICES ASSOCIATION
OF OHIO
SOCIO-LEGAL CPS COMMITTEE**



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PUBLIC CHILDREN SERVICES ASSOCIATION OF OHIO SOCIO-LEGAL CPS COMMITTEE

PREFACE

The PCSAO Socio-Legal Children Protection Services Committee was formed under the auspices of the Public Children Services Association of Ohio (PCSAO). The Committee is comprised of social work and legal representatives of County Public Children Services Agencies. We represent metropolitan, large, medium and small-sized counties. The Committee's purpose has been to examine how we as professionals interface and communicate with one another, while sharing responsibility for protecting abused, neglected, and dependent children. Each profession has unique roles and duties. The goal has been to design standards and recommendations that would encourage optimal communication between social workers and attorneys, and thereby develop positive working relationships in the interest of protecting children.

Each separate agency has very different types of systems established for legal representation and for communication between the social workers and attorneys. Some of our agencies are completely represented by their county prosecutor's office, others fully utilize in-house attorneys, and some use a combination of agency attorneys and their county prosecutor's office. In spite of these major differences, the Committee dedicated their time and energy to the development of standards in the belief that they are necessary and helpful. We wish to emphasize the value of understanding the distinct roles of the social work and legal professions and identify the importance of how we can best work together.

We realize that many of the recommendations that we have set may not be options in each county due to resources, and the unique circumstances of each locality. However, it is our hope that this collaborative effort will be helpful as standards to strive for and act as a guide in working through some of the common challenges that we share.

Recognizing the importance of the partnership between the Child Protection Services (CPS) social worker and the staff/prosecuting attorney, the mission of the Socio-Legal CPS Committee is to:

Mission Statement

Protect children who are at-risk of abuse, neglect, and dependency by identifying the barriers to an effective social worker/attorney partnership, developing strategies for building relations and making specific recommendations throughout Ohio's 88 counties to Public Children Services Association of Ohio, the Ohio Prosecuting Attorneys Association and the Ohio Department of Human Services Public Children Services Attorneys for their implementation.

The PCSAO Socio-Legal Children Protection Services Committee would like to extend sincere appreciation and thanks to the following professionals. Without their dedication, guidance and support, the following two documents would not have been possible.

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RECOMMENDATIONS FOR IMPROVING THE RELATIONSHIP BETWEEN THE PROSECUTING/STAFF ATTORNEY AND SOCIAL WORKER



DEVELOPED BY
THE PCSAO SOCIO-LEGAL CPS COMMITTEE

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RECOMMENDATIONS FOR IMPROVING THE RELATIONSHIP BETWEEN THE PROSECUTING / STAFF ATTORNEY AND THE SOCIAL WORKER

FOREWORD

Both social work and legal professionals who work in child protection acknowledge that there is a natural tension between the two disciplines. The Socio-Legal Committee was created to address this tension. This tension can be a motivating force or, if the tension is too strong, it can act as a barrier to effective communication and productivity.

Attorneys and social workers often have different backgrounds and training, and therefore, different frames of reference. They also have different roles and responsibilities with respect to child protection cases. Probably the most significant factor contributing to the tension between attorneys and social workers is a lack of understanding and respect for the important part that each plays in the system. One way to overcome this barrier is communication.

The PCSAO Socio-Legal CPS Committee has compiled some common concerns that attorneys and social workers may have regarding one another. The Committee has presented these concerns below with explanations on why each concern may exist and possible remedies agencies can undertake to improve the relationship between attorneys and social workers.

Filings

Attorney: *“Not all of our social workers gather all the information needed for a filing.”*

Response and Recommendation:

Individual social workers have varying levels of legal training and experience and some may not know all of the information needed to pursue a case in court. Attorneys and agency administration should work together to ensure that all social workers involved in the court process are fully informed about what is expected of them. Even when social workers are knowledgeable about legal requirements, they may be unable to gather complete information due to hostile clients, lack of time and resources in an emergency situation, etc.

- ✓ Train social workers – (1) comprehensive, involving magistrates, court administrators, etc.; (2) reinforce the basics: forensic communication skills, forensic social worker skill building, etc.; (3) roles and responsibilities, including simulations.
- ✓ Attorneys need to participate in teaching social workers about how to prepare a case for court, both at discrete trainings and on an ongoing basis.

- ✓ Involve an attorney in the case as early as possible (e.g. what the complaint should say, what is needed to conduct the removal and approach, etc.).
- ✓ A support staff person could be used to pull as much information as possible (including demographic information, witness information, etc.) prior to the case being presented for a filing.
- ✓ At case staffings and other meetings when families are present, social workers should bring a fact sheet needed for court and involve the family in completing the paperwork.
- ✓ Use the genogram and eco-map to complete the information needed for court.
- ✓ Agencies should have access to CRIS-E, SETS, and/or other cross-system sources to conduct searches for information (paternity, child support, etc.) not made available through client contact or FACSIS.
- ✓ See Guidelines for Social Work Documentation, PCSAO Socio-Legal Committee.

Attorney: *“Our social workers don’t recognize the importance of fathers or their legal relationship to their children.”*

Response and Recommendation:

It is all too common to have an absentee father in a child protection case. Our society does not value the father’s role in a single female-headed household family, and child protection agencies often don’t train their staff on a father’s importance to his child’s life.

Even if a father is not involved with his child, he may have certain legal rights that need to be recognized as these cases proceed through the court system. For example, if a father is a legal father, his whereabouts must be ascertained so that he may be served with notice of any proceedings involving his child. Furthermore, paternal relatives may need to be investigated for placement.

- ✓ Agencies must value the role of the father, train staff accordingly, and staff must search for fathers.
- ✓ Social workers should inquire about fathers on an ongoing basis through risk assessments and other family interviews.
- ✓ All case plans should at least identify the child’s father.

Social Worker: *“Our attorneys miss filing deadlines for annual review hearings.”*

Response and Recommendation:

Motions for annual review hearings must be filed in a timely manner to ensure that temporary custody does not lapse. Large caseloads, multiple refilings, and the rotation of attorneys can make it difficult to track deadlines. Agencies and/or their attorneys need to have a system in place to make sure annual review filings are done on time.

- ✓ Implement an automated case tracking system that alerts attorneys to upcoming annual review hearings.
- ✓ Reduce or eliminate the rotation of child protection attorneys to other divisions.

Preparing for Court

Social Worker: *“Our attorneys are not prepared for court.”*

Response and Recommendation:

There may be trials for which an attorney is not adequately prepared. As a result, the attorney may spend the few minutes before trial in the hallway at court gathering information needed to present the case. This is certainly not the best way to prepare for court.

A number of factors may be to blame for this lack of preparedness. Heavy caseloads certainly play a part, since attorneys spend a substantial amount of time in court and, therefore, have little time in the office to prepare. Attorneys may rely on the social worker to adequately prepare the case instead of reviewing the record and meeting with the social worker at length before the hearing. Attorneys may be new to the field and may not yet know everything that needs to be done to prepare a case for trial. Overworked supervisors may not be providing the support their attorneys need. Some attorneys may not be invested in the field or motivated enough to devote the time a case needs.

Attorneys and social workers need to work together to make sure cases are ready to go to trial when the time comes.

- ✓ The attorney should always read the agency’s case file in preparation for trial. The attorney packages the product developed by the social worker, so the attorney needs to read the file to know how best to present the case and what to ask the worker as they prepare for trial.
- ✓ Train attorneys on time management so they find the time necessary to adequately prepare their cases.

- ✓ Ample attorneys and legal resources are needed, prepared and skilled to effectively respond to cases and provide social workers with preparation, support, and guidance.
- ✓ Create a social worker position that can assist the attorneys in understanding the case from the social work perspective.
- ✓ Eliminate rotation so attorneys have an opportunity to develop skills in child protection law.

Attorney: *“Our social workers don’t do their homework before court hearings and are not prepared to testify to the facts of a case.”*

Response and Recommendation:

Social workers carry heavy caseloads and may not be able to find the time on every case to prepare as thoroughly as they would like. Some social workers may not fully understand what it means to be adequately prepared.

- ✓ Train social workers – (1) comprehensive, involving magistrates, court administrators, etc.; (2) reinforce the basics: forensic communication skills, forensic social worker skill building, etc.; (3) roles and responsibilities, including simulations.
- ✓ Supervisors should provide consistency and support to new social workers to assist them in understanding the realities of juvenile court practice.
- ✓ Attorneys should consistently review cases with social workers after court to assist with each other’s development.
- ✓ See Guidelines for Social Work Documentation, PCSAO Socio-Legal Committee.

Attorney: *“Our social workers don’t reveal complete information about a case if they think that information will hurt how they want the case to turn out.”*

Response and Recommendation:

Social workers may not reveal complete information if they think the information will be detrimental to the way they want the case to turn out. The system tends to be adversarial and social workers may act in an adversarial way as a result. Social workers may feel pressed, by heavy caseloads and limited time, into simply offering the bottom line, summarizing facts rather than going into any detail.

- ✓ Attorneys should assist in training social workers on what information needs to be shared with attorneys in preparation for court.

- ✓ Supervisors and attorneys should work together to explain and reinforce the meanings of full disclosure and relevant information, and then the social worker needs to be responsible for gathering all relevant information.
- ✓ Social workers should have opportunities for ongoing training, feedback, and support with regards to all court-related activities.
- ✓ Social workers should utilize existing case summaries or other case file documents to inform the attorney about the case.

Social Worker: *“Our attorneys don’t properly prepare us for court, both in general and on specific cases.”*

Response and Recommendation:

Some social workers feel that attorneys don’t ask the right questions during their trial preparation meetings, particularly when attorneys ask broad rather than specific questions. Attorneys carry heavy dockets and spend a substantial amount of time in court, leaving little time in the office to work with social workers to prepare for trial. Attorneys may assume that the social worker is comfortable with the court process and understands the mechanics of the system. An attorney may assume that the social worker knows the type of evidence to collect and present and, therefore, does not provide guidance or direction in that area. An inexperienced attorney or an attorney inexperienced in the child welfare field may not be in a position to provide sufficient guidance.

- ✓ Attorneys must meet with all witnesses, including social workers, well in advance of trial. During these meetings, attorneys must prepare the witness for his/her testimony and answer any questions the witness may have about the court process, cross examination, etc.
- ✓ Train attorneys on how to prepare a witness, particularly a social worker, for trial.
- ✓ Attorneys and social workers need to take more time to communicate and work together.
- ✓ Attorneys should consistently review cases with social workers after court to assist with each other’s development.
- ✓ Attorneys should recognize that they continually teach law to their clients, the social workers.
- ✓ Use a court liaison to assist with communication between the attorney and social worker.

- ✓ Ample attorneys and legal resources are needed, prepared and skilled to effectively respond to cases and provide social workers with preparation, support, and guidance.
- ✓ Involve the attorney early in the case (e.g. what the complaint should say, what is needed to conduct the removal and approach the court, etc.).

Court Involvement

Social Worker: *“Our attorneys care more about winning the case than they do about the children, and, as a result, they either won’t accept a case or they back off at court.”*

Response and Recommendation:

Attorneys are ethically required to pursue only those cases on which they reasonably believe they can prevail. This ethical requirement affects an attorney’s ability to accept a case for filing and it also affects the adjudication and disposition the attorney can seek once the case gets to court. If an attorney refuses a filing or doesn’t follow through with the requested adjudication and disposition at court, it may be because there wasn’t enough evidence to prove the case.

- ✓ When an attorney refuses to take a filing on a case, the attorney needs to thoroughly explain to the social worker why the filing was refused. Similarly, when the requested adjudication and/or disposition are altered at court, the attorney needs to make sure that the social worker fully understands the reasons for the change.
- ✓ Implement a mediation or alternative dispute resolution process for appropriate cases for a win/win outcome.
- ✓ Train social workers on the basic legal elements required to obtain the different adjudications and dispositions.

Social Worker: *“Our attorneys often meet privately with defense counsel at court without the social worker present and they agree to something less than what we wanted.”*

Response and Recommendation:

Once at court, the agency’s attorney may speak with the other attorneys on the case without the social worker present. This interaction may occur outside the courtroom or inside the courtroom with the magistrate or judge. Social workers may perceive this interaction as suspicious, thinking that the attorney is somehow selling out the agency and the child. But this interaction may be the most effective way to obtain the desired result on behalf of the agency and the child. Particularly if the agency has a weak court case, the agency may be more likely to obtain the desired result, or something close to

it, if the parties reach an agreement in advance rather than taking chances with the judge or magistrate in court.

In the courtroom, the magistrate or judge may want to talk briefly with the attorneys on the case without any parties present, including the social worker. This is often just to enable the court to learn where everyone stands before the hearing proceeds.

- ✓ When an agency attorney is meeting informally with opposing counsel, the attorney should consider having the social worker participate in such discussions.
- ✓ Attorneys shouldn't make any agreements contrary to the agency's requested adjudication and/or disposition without first discussing the matter with the social worker.

Attorney: *"Sometimes, our social workers talk directly to parents' attorneys and they end up jeopardizing our case."*

Response and Recommendation:

Social workers may be contacted directly by attorneys representing other parties to a case. It is not unusual for the guardian ad litem to want to gain information directly from the social worker as the guardian prepares the report to be submitted to the court. However, attorneys representing parents and other parties may contact the social worker directly, rather than going through the agency's attorney, to learn more about the agency's position and assist defense counsel with trial preparation. Alternatively, a social worker may talk casually about a case with defense counsel present, perhaps not thinking about the role that defense attorney plays on the case, and the social worker may inadvertently provide the defense attorney with valuable information about the agency's case.

These kinds of information transfer directly from the social worker to opposing counsel and can seriously jeopardize the agency attorney's ability to persuasively present the agency's case at court.

- ✓ Social workers need to be trained to be very conscious of the information that they provide directly to attorneys representing parties to a contested case.
- ✓ In appropriate cases, attorneys and social workers should discuss the social worker directing calls from defense attorneys through the agency attorney.

Attorney: *“Some of our social workers don’t dress professionally for court.”*

Response and Recommendation:

Social workers often dress for court the same way they dress for the rest of their workday, and they may dress more casually for several reasons. They may not want to alienate clients during home visits by appearing different. In addition, more formal attire may not be appropriate for visits to homes that are unsanitary or physically dangerous. However, more professional attire is necessary for court appearances. The more professional a witness appears, the more credible the testimony. Inappropriate attire may also be considered an insult by the court.

- ✓ The PCSA should implement a dress code that specifically provides for more professional attire for court appearances.

General Relationship

Social Worker: *“Our attorneys are rotated as soon as they figure out how to do the job.”*

Attorney: *“Social workers leave the agency as soon as they figure out how to do the job.”*

Response and Recommendation:

Rotation of prosecuting attorneys within different divisions of their office is common. Child protection law tends to involve lots of courtroom experience, the rules of evidence are relaxed at many hearings, and results are without prejudice so that the agency can always refile their request if they lose. As a result, this area is considered a good training ground for attorneys who eventually handle cases of murder and other serious felonies. Also, for both attorneys and social workers, this field has a high burnout rate and many professionals choose not to stay in this area for the length of their careers.

Despite these realities, it is in the best interests of the children served by child welfare attorneys and social workers for these professionals to have as much experience as possible. Continuity of the legal and social work staffs is critical for providing skill building opportunities and consistency in child welfare cases.

- ✓ Eliminate or reduce rotation so attorneys have an opportunity to develop skills in juvenile law. In cases where rotation is a reality, attorneys should be selected based on skill and interest in child welfare law.
- ✓ Identify and address the issues that cause staff turnover.

Social Worker: *“Our attorneys don’t return our phone calls or emails.”*

Attorney: *“Our social workers don’t return our phone calls or emails.”*

Response and Recommendation:

Heavy caseloads and a lack of professionalism are probably to blame for people not getting back with others in a timely fashion. While we need to recognize that every profession has workers guilty of not responding to contacts in a timely manner, everyone should be making an effort to respond as soon as possible. We should also recognize that attorneys and social workers in this field have limited time available in the office. Attorneys spend a substantial amount of time in court and social workers spend a substantial amount of their time out of the office making home visits.

- ✓ Develop a system for supervisory follow-up when calls are not returned.
- ✓ Develop protocols for creating accountability (e.g., make the phone call and then follow it with a memo, e-mail, etc., with a copy to the supervisor).
- ✓ Create an in-office day for attorneys and social workers. Distribute the in-office day schedule so others will know when people are available.

Attorney: *“Cases are transferred from one unit to another too often, leaving cases without workers for a period of time.”*

Response and Recommendation:

Unfortunately, many agencies are organized in a way that results in cases being transferred between social workers on a regular basis. Staff turnover also contributes to this problem. Sometimes the transfer of cases isn’t done as efficiently as it could be and families are left without a social worker for too long. Case transfers also result in a lack of consistency for the family and the child. Attorneys may have a hard time keeping track of the current worker on a case, and multiple transfers complicate cases at court as well.

- ✓ Agencies should look at organizational structures that promote a case staying with the same social worker regardless of the stage of the case or the child’s placement.
- ✓ Agencies should implement a system to assure that families are not left hanging while cases are being transferred between social workers.
- ✓ Agencies should hold transfer conferences to assist in the transition of cases between social workers.
- ✓ Social workers need to build relationships with one another and with their attorneys to assure the families do not fall through the cracks during the case transfer process.

Attorney: *“We end up in the middle when intake and ongoing social workers and/or agency administration disagree on what should happen with a child.”*

Response and Recommendation:

It is not uncommon for intake and ongoing social workers to disagree on a case. Each worker was involved with the family at a different time and under different circumstances, and therefore may develop a different opinion about what is in the best interest of the child. To further complicate matters, a social worker’s supervisors, who may focus more on overall agency policies than the facts of a particular case, may disagree with the worker’s recommendation on a case. Then the attorney is left without a clear picture from the agency on the position to be taken at court. Social workers may be inclined to testify to their personal opinion rather than the agency’s official position.

- ✓ Agencies need to resolve internal differences on cases before court so that everyone is on the same page at the hearing.
- ✓ Agencies should implement policies that clearly define the way in which decisions on cases are made.
- ✓ Agencies should consider a structured decision making process that allows for an equal voice between the social worker and the administration.
- ✓ Agencies should authorize staff who are sent to court to make decisions regarding the child and family.

Attorney: *“Our supervisors don’t hold their social workers accountable to social work standards of effective practice.”*

Response and Recommendation:

Supervision is an important element of every child welfare case. Too often, social work supervisors don’t receive adequate training or mentoring from management, and they then don’t adequately train or mentor their social workers. Supervisors often have an excessive number of cases to follow and they have too many other administrative responsibilities.

- ✓ Supervisors need more training and mentoring from management.
- ✓ Supervisors should take an active leadership role in daily case management and oversight.
- ✓ Supervisors need to communicate regularly with their social workers to stay current on the facts and legal status of their cases.

- ✓ Supervisors need to recognize the importance of court cases and set priorities accordingly.
- ✓ Supervisors should be prepared to be involved in communications between their workers and attorneys.
- ✓ Supervisors should accompany all new social workers to meetings with attorneys and to court.

Attorney: *“Our social workers don’t document their cases well enough.”*

Response and Recommendation:

Social work documentation is essential to child welfare cases. Thorough documentation helps the social worker prepare for court and allows more thorough testimony, which makes for a more credible witness and a stronger case. Social workers need to be adequately trained on how to properly document their activities on every case.

- ✓ See Guidelines for Social Work Documentation, PCSAO Socio-Legal Committee.

Social Worker: *“Our attorneys are arrogant, emotionally distant, and condescending, and generally have a lack of respect for the social work profession.”*

Response and Recommendation:

Some social workers may perceive some attorneys as arrogant, emotionally distant, and/or condescending as a result of a number of factors. For example, attorneys may use legal terms with which the social worker is unfamiliar, which may make the attorney appear arrogant and distant. The attorney may have very little time available and may be under a great deal of stress from an unrealistically heavy caseload, and, as a result, treats the social worker curtly. Some people simply have offensive personalities. Whatever the excuse, attorneys should certainly treat social workers with respect.

- ✓ Provide training on roles and responsibilities and difficulties of each of the positions. Educate attorneys about the social work profession.
- ✓ Social workers should be well educated and thoroughly trained to increase their credibility both in and out of court.
- ✓ Attorneys should routinely accompany social workers in the field to help sensitize attorneys to the realities of the children and families served.
- ✓ Both social work and legal supervisors need to be aware of the difficulties their staff are experiencing and advocate for their positions.

- ✓ Create opportunities for informal discussion regarding shared problems and concerns. Develop mediation opportunities between the attorney and social worker when the relationship is fractured and contentious.
- ✓ Social workers need to inform the attorney about details of the family's experiences to humanize the experience for both parties.
- ✓ Implement routine (quarterly or semi-annual) image exchange intervention ("in order to effectively do my job I need you to do... and I think that you will say that to do your job more effectively you will ask that I do...").
- ✓ Social workers and attorneys should socialize together more, recognizing the importance of their relationship and establishing connections outside of the office.

Attorney: *"Our social workers become personally and emotionally involved with the family and lose objectivity."*

Response and Recommendation:

Emotional connections often naturally form between social workers and families as a result of working together. Concerns may arise if a social worker's personal feelings about a family are altering their judgment in making recommendations about the child. Some social workers may focus on a specific outcome and become invested in the family and protecting that outcome.

- ✓ Social workers need to keep in mind that the best interest of the child is paramount and overrides any personal feelings that the social worker may have about the parents or other relatives.
- ✓ Both social workers and attorneys need training to understand their roles and to communicate more effectively.

GUIDELINES FOR SOCIAL WORK DOCUMENTATION



DEVELOPED BY
THE PCSAO SOCIO-LEGAL CPS COMMITTEE

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GUIDELINES FOR SOCIAL WORK DOCUMENTATION

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The social worker and prosecuting/staff attorney must work together to assure that the family documentation is complete. Having the following documentation will assure that the agency's position regarding the child and family is well represented when, and if the family case goes to court.

I. Referrals to the Agency

A. SCREENING

Screening is a method to determine what intervention, if any, is the most appropriate response to a referral. Screening takes into consideration current risk to the child(ren), as well as safety issues. Screening gives the agency the opportunity to gather as much information as possible up front through reporter information, collateral contacts, and record checks. [Ohio Administrative Code (O.A.C.) 5101:2-34-06]

Securing complete information allows the agency to determine the extent of child risk(s) and whether an investigation/assessment should be conducted and provides critical information for court hearings. The following information should be accessible for court: [O.A.C. 5101:2-34-32(A); O.A.C. 5101:2-34-06(A)]

1. Who is Involved

Learning the identifying information of all parties (including mother, father, legal and alleged fathers, alleged perpetrators, etc.) will assist the social worker in the investigative process and provide critical information for court hearings. Information needed includes: legal names, aliases, nick names, birth dates, social security numbers, current addresses and their relationship to the child. Identifying information in regards to the person providing care at the time of the complaint and their relationship (if any) to the child is also necessary.

2. What are the Concerns

The screening process should identify the substance of the referral in narrative form. The social worker should identify risk factors associated with the specific allegation(s). The agency's screening tools should be based on safety/risk assessments. All activities and information gained during the screening process is imperative and must be documented. This includes referrals that are screened and opened for investigation and those which are screened and referred for community resources. Screening a referral must also

include completing a FACSIS check to determine any previous involvement with the agency. [O.A.C. 5101:2-34-32 (A)(2)]

3. When the Activity Occurred

The screener should document the time and date of the referral as well as the time, date and location of the alleged incident. Documenting this information is critical. Based on the information gathered, documentation of the determined priority rating and the appropriate response time is necessary. (one hour for an “emergency” and 24 hours for a “non emergency”) [O.A.C. 5101:2-34-32(C),(D),(E)]

4. Where the Activity Took Place

As information is gathered during the screening process, the worker should identify: where the child resides; where the child is currently located; the nature of the maltreatment and location of any injuries to the child. This will aid in the investigation and determine jurisdiction for the court, law enforcement, and Children Services.

B. INTAKE-INVESTIGATION ON NEW AND OPEN CASES

Complete documentation is absolutely essential and must include the worker’s dictation, contacts, summaries, details pertaining to the substance of the investigation itself: photographs; (who took the photographs and the date the photographs were taken), etc. Documentation must be accurate, succinct and legible.

Emergency removals and family crises sometimes make it difficult to gather all information needed for court. To increase the likelihood that the agency’s position is seriously considered by the court, the following information should be gathered at the time of the removal or as soon thereafter as possible so that court presentations are complete, thorough and efficient.

1. Safety Assessment/Level of Risk

Evidence that supports the facts of the case should be documented under each element of the Structured Decision Making tool or Risk Assessment Matrix. Documentation should be written in measurable and behavioral language based on observation and responses provided by interviewed persons. [O.A.C. 5101:2-34-33]

2. Prior History

When a case is screened and opened for investigation the social worker should conduct a records check for prior agency involvement. When a record of prior agency involvement exists, the assigned social worker should review the child and family's previous history. [O.A.C. 5101:2-34-32 (A) (2)] Clearing and crosschecking principles and parents with other CPS involvement is required.

3. Background Checks

Whenever possible a criminal background check and FACSIS check should be conducted on all household members and perspective custodians. Workers should utilize any and all resources available (i.e., Web check, Internet prison records, Bureau of Criminal Identification and Investigation, etc.)

4. Relatives and Collateral Contacts

The social worker should identify any relatives, collateral contacts, and witnesses (This should always include addresses, phone numbers, relationships, and their intentions in regard to the child).

5. Witness(es)

The ability to identify and contact potential witnesses is crucial to the adjudication. The individual who conducts the investigation or completes the filing should list ALL potential witnesses for adjudication. Addresses and phone numbers are extremely important here. The worker should also note the expected content of their testimony.

6. Investigation Results

Once the investigation has been completed, any finding of maltreatment should be clearly documented. Along with the finding, the type of maltreatment and level of severity should be noted. Written notification of the findings must be sent to the alleged child victim, the child's parents/guardians, and the alleged perpetrator. Parties should be advised of their rights to a review. [Ohio Revised Code (O.R.C.) 2151.421; O.A.C. 5101:2-34-32 (L); O.A.C. 5101:2-39-02]

7. Home Study

All home studies need to be thoroughly investigated, documented and available.

8. Case Plan

The case plan must be filed with the court prior to the adjudicatory hearing, but no later than thirty days after the earlier of the date on which the complaint was filed or the date on which the child was first placed into shelter care. In the event an amendment to the case plan is required, the amendment must be filed within seven days of placement. [O.R.C. 2151.412(C); Juvenile Review (Juv. R.) 34 (F); O.A.C. 5101:2-39-081]

9. Verification

It is imperative that all parties have accurate information when filing a complaint. For this reason the social worker should confirm first hand all demographic and relationship information gathered during the agency's involvement.

10. Preliminary Hearings, Shelter Care, Adjudication

It is important to be able to present accurate first hand information. For this reason, the investigating and/or removing social workers are required to attend the adjudicatory hearing. Any ongoing social worker involved with the family and any potential placements should also attend.

C. DISPOSITION

Case disposition is the determination as to whether or not abuse, neglect or dependency has occurred or is occurring. A case that has been screened and opened for investigation must have a case disposition/resolution. An allegation may be either substantiated (founded), indicated, or unsubstantiated (unfounded) depending on the evidence collected during the investigation.

1. Time Frame for Disposition

The social worker must complete a case disposition/resolution no later than thirty days from the receipt of the report (forty-five days with an authorized extension by the supervisor documented in the case file). [O.A.C. 5101:2-34-32]

2. Risk Assessment

The social worker must complete the Structured Decision Making tool or the Family Risk Assessment prior to a disposition/resolution being made.

3. Disposition

Documentation of the findings of the investigation as supported by evidence gathered by the social worker is imperative. Examples include pictures, witness statements, collaterals, medical reports, police reports, etc. [O.A.C. 5101:2-1-01 (A)]

4. Notification

Written notification of the disposition of the case must be sent to the alleged perpetrator, alleged child victim, and the child's parent(s)/guardian. Parties should be advised of their rights to a review. [O.R.C. 2151.421; O.A.C. 5101:2-34-32 (L)]

D. RISK ASSESSMENT

1. Risk Assessment

According to the statewide manual, family risk assessment is a structured systemic collection of information. The document collects a variety of information on the severity and occurrences of child abuse and neglect. The criteria for the risk assessment is complete and written in measurable and behavioral language based on observation and responses provided by interviewed persons, with a fully developed review of strengths, weaknesses and concerns. [Please note that it is important to complete a risk assessment for both the paternal and maternal members of the family]

2. Ecomaps

Ecomaps are diagrams that focus on the ecological environment of the family system. Elements may include relatives, community systems, employment sites, and social systems that interact with the family. Ecomaps also reflect current relationships in which the family engages.

3. Genograms

A genogram is a format for drawing a family tree, which records information about family members over at least three generations. Genograms display family information graphically in a way that provides a holistic overview of complex family patterns and a rich source of hypotheses regarding how a clinical problem may be connected to the family context over time.

E. FATHERS

Current, valid information regarding a legal or putative father is critical in child protection cases. This information is necessary to ensure due process, to reduce delays in hearings and permanency planning and to involve fathers or fathers' families in the care and support of the child(ren).

1. Names, Aliases, Nicknames

Learning the identity of a father will assist the social worker in his/her efforts to locate a "missing parent". Often, this information can be ascertained simply by asking the mother, children or relatives. Another resource is checking the child's birth certificate to see if a father's name was provided.

2. Current Address

The search for a current address can be as simple as checking a telephone directory or as complicated as contacting multiple resources. In any event, a diligent search must be made to find this information.

3. Phone, Pager Number, E-mail Address

In situations where an address is unknown, the mother or the children may have a telephone number or pager number for the father. Social workers must always request this information and follow through on contacting the father. If a phone number is known, a criss-cross directory can be used to find an address.

4. Determine whether Father Signed Birth Certificate

If the mother was not married at the time of conception or birth (or between conception and birth), the name of the father of such child shall be inserted on the birth certificate if both the mother and the father sign an acknowledgement of paternity affidavit before the

birth record has been sent to the local registrar. [O.R.C. 3705.09(F)(2)]

5. Birthdate, Social Security Number

Many records can be accessed by a person's birthdate or social security number, even if the name is unknown. Further, in the case of very common names, the only way to confirm an identity is with this additional information.

6. Employment Information (occupation, employer, employer address, phone number)

A father can be contacted at his place of employment, either via the telephone or through correspondence.

7. Legal Marriage Status

A man is presumed to be the natural father of a child if the man and the child's mother are, or have been, married to each other, and the child is born during marriage or is born within three hundred days after the marriage is terminated. [O.R.C. 3113.03] Marriage records can be accessed through a city's Department of Vital Statistics.

8. Ethnicity

Social workers must always ask the parents whether either is a Native American. In cases involving Indian children, tribes must receive notice and are subject to transfer to tribal court. Further requirements can be found in the Indian Child Welfare Act, 25 U.S.C.A. Section 1901.

9. Ohio Putative Father Registry

Putative fathers who want to be notified in the event that their child may be placed for adoption may register with the Ohio Putative Father Registry. The social worker can request a search of the registry by calling 1-888-313-3100.

10. Person Locator Services

There are a number of websites that can be accessed to find phone numbers and addresses of individuals in any United States city.

11. Incarcerated Parents

If a social worker has reason to believe that a father is incarcerated, the Adult Parole Authority can confirm the place of incarceration, nature of conviction, length of sentence, parole status, birthdate, photograph and inmate number. Their website address is: <http://www.drc.ohio.gov/CFDOCS/inmate/search.htm> and the telephone number is 614-752-1314.

12. Case Plans

Even if the identity and whereabouts of a father is unknown, the father must be made a part of the social worker's Case Plan. If the identity is unknown, the social worker should designate the father as "John Doe" and list recommended services should he become active in the case. Possible Case Plan recommendations could include: establishment of paternity, payment of child support, visitation, substance abuse assessment, parenting classes and psychological evaluation.

13. Child Support Records

A father who is not involved with the mother or child may still be paying child support through the Child Support Enforcement Agency. The social worker should contact the TANF, or CSEA worker to obtain the father's last known address, telephone number and place of employment.

II. Case Opened For Services

A. RISK ASSESSMENT (maternal and paternal assessment)

Reference- Section I (Referrals to Agency) D1 (Risk Assessment), page 6.

B. FAMILY CASE PLAN

A written document that is developed by the Public Children Services Agencies (PCSA) which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanency for the child. [O.A.C. 5101: 2-1-01]

1. For in-home supportive services, the PCSA shall develop and complete the case plan [Ohio Department of Jobs and Family Services (ODJFS) 1444] within thirty days but never longer than sixty days after the PCSA has determined that either the case resolution indicates the need for services, or the parent, guardian,

or custodian has agreed upon the provision of supportive services. [O.A.C. 5101:2-39-08]

2. For children in custody or under court-ordered protective supervision, the PCSA shall file the case plan [ODJFS 1444] with the court based upon whichever of the following occurs first: (1) no later than thirty days from the date the complaint was filed or the child was first placed away from his own home; or (2) prior to the adjudicatory hearing. [O.A.C. 5101: 2-39-081]

C. SUPPLEMENTAL - CONCURRENT PLANNING

A written plan for a child which outlines the agency's plan to locate a permanent placement for the child and which may be developed concurrently with the case plan. [O.A.C. 5101:2-1-01]

D. SAFETY PLANS

A document which is required when there is immediate danger of significant harm to the child. The plan incorporates action steps, identifies who is responsible and identifies time frames for each action step. [O.A.C. 5101:2-1-01]

E. REFERRALS FOR SERVICE

Based upon House Bill 484, it is incumbent upon social workers to make timely referrals for families.

F. PROGRESS

Progress reports should be requested on a quarterly basis from all service providers involved with the children and family. Updated reports of case plan progress, including additions or deletions, should be reported at the Administrative Review and kept in the case record.

G. DICTATION/CASE CONTACT/RECORD OF ACTIVITY

1. Dictation

Any O.A.C. required activity needs to be documented in the case. For example, supportive services; authority to assume and retain custody; pre-placement services; selection of substitute care placement setting; placing the child or arranging the placement; provision of information to potential caregiver; individual child agreement; approval of substitute care placement; case plan;

child's education and health information; documentation of comprehensive health care; visitation; agency visits; foster caregiver approval; preparation of lifebook; substitute care placement disruptions; necessity for continued substitute care and termination of substitute care, etc.

2. Case Contact

PCSA's are required to see all parents, alleged parents, children and placement providers face-to-face on a regular basis.

3. Scheduling and Frequency

Parents/Alleged Parents - A letter is to be sent noting a date and time of the planned visits unless the worker knows for certain that the client will be home on the planned day and time. Face-to-face visits are to occur a minimum of once per month. Unannounced visitation should occur in the home on a regular basis.

Child - A letter is to be sent noting a date and time of the planned visit or the worker can call the child or placement provider to schedule an appointment. Face-to-face visits are to occur a minimum of once per month.

Placement Providers - A letter is to be sent noting a date and time of planned visit or the worker can call the provider to schedule an appointment.

4. Location

Parents/Alleged Parents - In the parents' own home or housing facility or a neutral setting. Visits will occur at the workers office when parent(s) are hostile, violent or uninvolved.

Child - The child is seen alone in a private room of the provider's home. The child may also be seen outside of the provider's home, taken for a ride, for a walk, or an activity, etc. The child may also be seen before, during or after a visitation.

Placement Provider - To be visited in the provider's home.

5. Missed Appointments/Cancellations

Parents/Alleged Parents - If the worker schedules an appointment by letter and the parents are not home, the worker needs to attempt at least one more visit (another letter is not necessary). If the

worker makes an unannounced visit or a phone scheduled visit first and the client is not home, the worker needs to send a letter scheduling another home visit. At least two attempts need to be made every month. If the worker or the client cancels a scheduled appointment, the worker needs to reschedule an appointment in the same month.

Child - If the child is not home for a scheduled visit, the worker needs to schedule another appointment during the same month. If the child or the worker cancels an appointment, the worker needs to reschedule the appointment in the same month.

Placement Provider - If the provider is not home for a scheduled visit, the worker needs to schedule another appointment during that third month. If the provider or worker cancels an appointment, the worker needs to reschedule an appointment during that third month.

6. Content of Home Visits

Parent/Alleged Parents - The case plan should be discussed during every visit. Parents should receive positive “strokes” for their accomplishments. If parents are not accomplishing their objectives, the social worker needs to discuss what needs to be done and remind them of how their objectives can be achieved. Parents need to be constantly reminded of the time frames and the consequences of compliance and non-compliance with the case plan. The social worker needs to continuously assess the situation and discuss with the parents the need for additional services or discontinuation of existing services if no longer appropriate. The social worker needs to discuss the parents' satisfaction/dissatisfaction with current community resources and agency support services. The social worker also needs to update the parents on the child(ren) and discussion issues such as behavior, medical problems, school, or any other concerns and achievements. Visitation needs to be discussed and parents need to be encouraged to visit. Continuous discussions should occur regarding the home environment and support system(s). The social worker needs to provide suggestions, advice and recommendations that will assist the parents with having their child(ren) returned home in the shortest time. Parents should be encouraged to maintain contact with the Court Appointed Special Advocate (CASA)/Guardian ad litem (GAL). The social worker needs to be aware of the parents' behavior (non-verbal and verbal) and interaction with others.

Child - The social worker needs to respond to questions regarding the parents. The social worker needs to discuss how the child is doing in the current placement, how the child is being treated and any concerns about abuse/neglect in the current placement. The social worker needs to discuss with the child how he/she interacts with other children and adults. They also need to discuss how visits with parents are going and the child's feelings about services he/she is receiving (for example counseling). Discussion needs to be held regarding school, how the child is doing, and problems, progress and achievements, etc. The social worker should discuss social activities, hobbies, interests, etc. If the child is age appropriate, discussion of the case plan and time frames should occur on a regular basis. If decisions need to be made and the child is age appropriate, the social worker should ask the child for their input.

Placement Provider - The social worker needs to update the provider on parents' progress or lack of progress on their case plan. Appropriate additional information should be provided regarding the parents. Visitation, including changes in the child's behavior and changes in scheduling need to be discussed. Overall behavior and any specific behavioral problems should be discussed together. The social worker needs to discuss ways for the provider to deal with any identified behavioral problems, their interaction with other children and adults, the child's school performance, the child's response or feelings (according to the provider), about any services the child is receiving. Discussion regarding medical and health concerns should occur. Also, discussion needs to take place regarding the provider's concerns, needs, questions and any suggestions they may have.

7. Relatives

The search for relatives should begin during the initial phase of the investigation and remain an ongoing process throughout the life of a temporary custody case.

Based upon the case assessment, the social worker should be aware of supportive relatives. If an appropriate relative has initially not indicated an interest in placement due to their circumstances at the time, the relative should subsequently be re-evaluated upon their request (without bias) or at the initiation of a social worker when an assessment is being made for a permanent placement. The decision to re-evaluate the potential for relative placement must be balanced with the child's stability and attachment in their current placement as well as with the child's overall long-term best

interests. The issue of relative placement should be explored at the initial family conference/staffing, and reviewed at various intervals (i.e., at the administrative review and permanency planning conference) thereafter until permanency is achieved.

For each potential relative placement, the following must occur:

- a. Clear all adult members of the household through FACSIS.
- b. Complete local police checks on all adult members of the household.
- c. Complete homestudy which includes:
 - Three references
 - Sight and safety check

Once a relative placement has been made, there should be contact in the relative home on a monthly basis, at minimum, which is documented in the case record. Reference the following O.A.C. provisions: 5101:2-42-05 (Selection of a placement setting), 5101:2-42-18 (Approval of substitute care placement settings), and 5101:2-42-6 (Agency visits and contacts)

III. Court Filing

Accurate and complete court filings facilitate the smooth processing of timely court hearings, ensure due process for all parties, minimize delays caused by incomplete service, avoid misunderstandings and miscommunication between the parties, and provide clear and accurate facts and arguments for the court's consideration.

A. SERVICE

Correct spelling of names, addresses and telephone numbers must be provided to the court to ensure timely and accurate service of process upon parties. Additionally, identifying information must be provided for service upon legal custodians and parents of minor parents.

B. PLEADINGS

All pleadings must have accurate headings, captions, case numbers, names of parties and children and clear and concise allegations, which give the parties notice of the cause of action.

C. MOTIONS

An application to the court for an order shall be by written motion, unless an oral motion is allowed by the court. Motions shall state with particularity the grounds upon which they are made and shall set forth the relief or order sought. They shall be supported by a memorandum containing citations of authority and may be supported by an affidavit. [Juv. R. 1]

D. CASE PLANS

Social workers shall prepare a case plan for any child in the custody of the PCSA or who is subject to an order of protective supervision. Case plans shall include the child(ren), mother, father, legal custodian(s) and guardian ad litem, who shall be consulted in an attempt to obtain an agreement regarding the content of the case plan. The social worker must file the case plan with the court prior to the child's adjudicatory hearing, but no later than thirty days after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care. [O.R.C. 2151.412]

E. AFFIDAVITS

When requesting service by publication, an affidavit must be filed with the court. The affidavit must state that the party's residence is unknown and cannot with reasonable diligence be ascertained, as well as the last known address of the party to be serviced. The affidavit should support the claim that reasonable diligence to locate the party was used. Care should be taken when preparing the affidavit ensuring that the child's name is correct as it appears on the birth certificate and the correct name of the party to be served is confirmed.

F. SEMI-ANNUAL ADMINISTRATIVE REVIEWS (SARs)

A summary of the semi-annual administrative review (SAR) shall be filed with the court no later than seven days after the completion of the review. If the agency proposes a change to the case plan as a result of the SAR, the agency shall file the proposed change with the court at the time it files the summary.

G. ADJUDICATION

Social workers must be able to present factual, documented evidence to support a claim of abuse, neglect or dependency at the time the complaint is drafted.

H. DISPOSITIONS

Social workers must have a clear understanding of the agency's plan for the child(ren) regarding disposition and be able to support the dispositional request through evidence and testimony. If a change in disposition is necessary, approval must be in writing either from a new staffing or a chief's written statement.

I. PRE-TRIAL ORDERS

Social workers must be aware that any pretrial orders must be requested by motions prepared by legal counsel. Pretrial orders may include: an order granting, limiting, or eliminating visitation rights with respect to the child; an order for the payment of child support and continued maintenance of any medical, surgical, or hospital policies of insurance for the child; an order requiring a party to vacate a residence that will be lawfully occupied by the child; an order requiring a party to attend an appropriate counseling program; and any other order that restrains or otherwise controls the conduct of any party that would not be in the best interest of the child. [Juv. R. 13]

J. DISCOVERY

Upon a request for discovery from opposing counsel, social workers will be requested to provide their legal counsel with relevant documentation, including but not limited to: documents from service providers, medical professionals, and mental health professionals, drug screens, case notes, case plans and amendments, names, addresses and telephone numbers of potential witnesses, photographs, correspondence, visitation record and observations, foster home information, etc. This information should be well-organized and immediately accessible from the case record. Social workers should be aware that electronically stored data, case notes, internal memoranda, and e-mail communications are discoverable by opposing counsel.

K. MEDIATION AGREEMENTS

Social workers must remember that a mediation agreement becomes binding when approved by the court and is subject to the same requirements as any juvenile court case, e.g., case plan filing, SARs and annual reviews.

L. AMENDMENTS

When the agency is proposing a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party, a case plan amendment must be filed with the court and written notice of the proposed change must be given to all parties before the end of the day after the day of filing. All parties shall have seven days from the date the notice is

sent to object and request a hearing on the proposed change. If no objections are filed, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court. If an agency has reasonable cause to believe that an immediate change is necessary to prevent physical or emotional harm, it may implement the change without prior agreement or a court hearing, and before the end of the next day after the change is made. The agency must give all parties, the guardian ad litem of the child, and the court notice of the change. Before the end of the third day after implementing the change in the case plan, the agency shall file a statement of the change with the court and give notice of the filing accompanied by a copy of the statement to all parties and the guardian ad litem. All parties and the guardian ad litem shall have ten days from the date the notice is sent to object and request a hearing on the change. [O.R.C. 2151.412]

M. WITNESSES

Social workers should keep a record of all persons contacted during their investigation of the case, including full names, addresses and telephone numbers. This list should be an ongoing list, to include all relatives, service providers, referents, medical professionals, law enforcement officials, caregivers and any other individuals who have provided information to the social worker regarding the family.

N. DOCUMENTS

A case record must include documentation of all activity in a case, including telephone calls, letters, home visits, interviews with children, parents, relatives and witnesses, school visits, doctor appointments, counseling sessions, scheduled and missed visitations, etc. One cannot remember everything that happens in a case and future testimony will be jeopardized if all activity is not recorded and documented. Also, future social workers on the case must be able to review an accurate, concise record for future court testimony and case management. Social workers should, on a regular basis, request written reports from all service providers to the family. Further, any discussions with the parents should be reduced to writing and sent to the parents to confirm the substance of the discussions as well as any agreements reached. Visitation schedules, drug screening appointments, and any other relevant data should be confirmed with the parents in writing and become a part of the case record.

O. ADOPTION

No PCSA employee shall knowingly reveal any information contained in a paper, book, or record pertaining to an adoptive placement or adoption proceeding that is part of the permanent record maintained by the PCSA, without the consent of a court. Records of a child's adoption through the agency should be kept sealed

by the PCSA and shall not be released without a court order authorizing release. [O.R.C. 3107.17]

P. CRIMINAL RECORD OF FAMILY

Social workers should request all parties and caregivers to sign releases of information for criminal background checks and then follow through with obtaining certified records of all indictments, convictions and sentencing.

Q. BIRTH CERTIFICATES

A valid birth certificate for each child should be obtained immediately upon the case being opened with the agency and kept as part of the case record. Social workers should use the birth certificates to confirm the child's legal name, date of birth, and parents' full names.

IV. Case Closed

When cases are closed, upon completion of the investigation, provision of services and/or completion of the Court case (if still opened), there are key documents that must be complete and thorough and in the case file when closed. [O.A.C. 5101:2-39-02] The supervisor's approval is necessary before the case can be closed.

A. RISK ASSESSMENT

The Risk Assessment should have been completed at the time the case was opened, during the investigation process, and should have been revised when there were key events in the family's life (e.g. returning a child to the home, removing a child from the home, etc.) The Risk Assessment should also be updated (if necessary) at the time of mandated reviews and at the time services are terminated. The Risk Assessment should include a Genogram and an Ecomap. See Review of Risk Assessment. All Risk Assessments throughout the life of the case should be in the case file when closed.

B. TERMINATION FILINGS

In the event a case is opened and filed in Court, a motion terminating the Court case should be filed upon determination that a final disposition is warranted (e.g. return home, terminate protective supervision, legal custody to another, permanent custody and adoption, age of majority, commitment to DYS, or death of child). The termination filing should include the progress or lack of progress of the parent and/or child, the reasonable efforts made toward reunification or maintenance in the home, and the facts justifying that the requested final disposition is in the best interest of the child. The termination filing and order, as

well as all motions and orders (including dispositions under O.R.C. 2151.353 (A) (1-6)), filed throughout the Court case should be in the case file when closed.

1. Voluntary Dismissal

A public children's services agency, through its counsel, can file a motion withdrawing its complaint or, if the particular court allows, the complaint can be withdrawn by oral motion. The motion can be made or filed any time after the complaint has been filed. Some courts require the agreement of all parties before allowing an agency to withdraw its complaint. Some Courts do not require this stipulation.

2. Involuntary Dismissal

Involuntary dismissal occurs when the Court has determined that the allegations in the complaint were not proven or do not rise to the level of neglect, abuse or dependency. [Juv. R. and O.R.C. 2151.35(A)]

3. Legal Custody

Under Ohio law, the court can grant legal custody of a child to a relative or non-relative if such custody is in the child's best interest. Legal custody does not terminate the rights of a biological parent. An agency can ask for legal custody as an initial disposition on the complaint. An agency can also file a motion to modify temporary custody to legal custody if the child is already in the temporary custody of the agency. The agency can ask the Court to grant such custody with or without Court orders of protective supervision. [O.R.C. 2151.353, 2151.415 and O.A.C. 5101:2-39-30]

4. Custody to a Parent

This usually occurs during a temporary custody period when a parent has fulfilled the requirements of his or her case plan and the child is safe to be returned home. The agency can ask the Court to grant such custody with or without Court orders of protective supervision. [O.R.C. 2151.353, 2151.415 and O.A.C. 5101:2-39-30]

5. Terminating Protective Supervision Orders

Protective supervision orders are Court orders that minimize the risk of abuse or neglect to children without removing them from the home. Protective orders can be requested as an initial disposition

of a complaint or can be requested as part of a reunification plan from temporary custody. Protective orders can be extended for two, six-month time periods after the sunset date, but cannot be extended after the second, six-month period; see MOTION TIME FRAMES below. Protective orders will expire on their own if no motion is filed requesting them to be extended. [O.R.C. 2151.31, 2151.353(A)(1), (G) (1) (2) and (3), 2151.415 and O.A.C. 5101:2-39-30]

6. Emancipation and Adoption

The Court can retain jurisdiction over a child until the child reaches the age of eighteen. If the child is mentally retarded, developmentally disabled, or physically impaired, the Court retains jurisdiction until the child turns twenty-one years of age. The Court can retain jurisdiction over the child for a specified period of time to enable the child to graduate from high school or vocational school. The Court loses jurisdiction over the child if an adoption is involved once a final decree of adoption is issued. [O.R.C. 2151.353(E)(1)]

7. Commitment to Department of Youth Services (DYS)

Whether a commitment to DYS constitutes a “termination” depends upon the status of the child when committed to DYS. A child in Permanent Custody of an agency should not be terminated when committed to DYS because the agency retains “residual parental rights” to the child. Whether a child in Planned Permanent Living Arrangement or Temporary Custody can be terminated will depend upon the position of the local Juvenile Court or any agreement or practice established between the agency and DYS.

8. Motion Time Frames

Ohio Juvenile Rules 20 and 22 mandate that motions should be served on all parties when filed and those motions should be filed seven days prior to the hearing.

Once a child is in the temporary custody of the PCSA, the clock starts to tick for the length of time of that legal status.

- a. A child can stay in the temporary custody of an agency for one year. The year begins when the child is removed from the home or when a complaint is filed, whichever came first.

- b. The end of this first year is called the “sunset date.”
- c. Ohio Revised Code 2151.415(A) mandates that if the Court has set a date to review the end of the temporary custody (an Annual Review), a motion must be filed thirty days prior to that review date. If the Court did not set a date to review the temporary custody then a motion must be filed thirty days prior to the sunset date.
- d. If no motion is filed before the sunset date, the agency could lose it’s custody of the child.
- e. At the sunset date or annual review, the agency can do one of the following: ask that its temporary custody be extended for six months; ask that legal custody of the child be given to someone; ask that the child be put into planned permanent living arrangement; ask for permanent custody of the child; or ask that the child be returned home with or without protective orders.
- f. If the agency asks for, and is granted, an extension of the temporary custody after the first year, such extension will last for six months and is called a first extension.
- g. At the end of the first extension the agency must have filed a motion thirty days prior and can ask for the same things in paragraph (e). If the agency requests yet another extension of temporary custody, and it is granted, this is called the second extension and it also lasts for six months.
- h. At the end of the second extension (which would be two years that the child has been in the care of the agency) the agency must file a motion thirty days prior to the termination of the second extension that provides a permanency plan for the child.
- i. Permanency could be any of the options listed in paragraph (e) other than an extension of temporary custody.
- j. If a child has been in the temporary custody of the agency for twelve of the last twenty-two months, the agency must file a motion for permanent custody unless it documents a

compelling reason why permanent custody is not in the best interest of the child. The twelve of twenty-two months does not have to occur in the same temporary custody period. For example, if a child was in the temporary custody of the agency for five months, returned home, and three months later, went back into temporary custody for seven months, the agency would have to file for permanent custody.

C. CASE PLANS, AMENDMENTS AND CONCURRENT PLANS

1. The case plan reflects a critical tool for the family in moving forward with increased child safety and family stability. The case plan should have been timely filed, written using behavioral language, directly tied to the summary section of the Risk Assessment and focused on the presenting problem. The case plan should have the signatures of the parents. [O.R.C. 2151.412, O.A.C. 5101:2-39-081]
2. As an option, the case plan may also include a Supplemental or Concurrent Plan prepared in the event the family was unable to successfully complete the case plan goals and objectives. Any Supplement or Concurrent Plan shall be discussed and reviewed with the parent, guardian or custodian, but does not require their agreement or approval. The criteria for the development of a Supplemental or Concurrent Plan will depend on each county agency. [O.R.C. 2151.412(I), O.A.C. 5101:2-39-081(Q)]
3. The case plan should have been amended each time there was a change in placement, change in goals or objectives and the amendment should have been filed with the Court. [O.R.C. 2151.412(E), O.A.C. 5101:2-39-081(H-N)]
4. The entire case plan, including the concurrent plan and all amendments should be in the case file when closed. [O.A.C. 5101:2-39-081(R)]

D. SERVICE REFERRALS

Throughout the case, referrals are made, either on behalf of the family or by way of giving service provider information for self-referrals. These referrals, and any referrals for assistance after the termination of the case, should be in the case file when closed. [O.A.C. 5101:2-42-87(E), O.A.C. 5101:2-39-07(M)] All service providers should be contacted and informed when a case is closed.