

The Courts and Child Protective Services

Current Projects of the Supreme Court of Ohio Subcommittee
on Responding to Child Abuse, Neglect, and Dependency

Speakers

Moderator:

- Megan McCombs Heydlauff, Senior Attorney, Family & Youth Law Center at Capital University Law School

Panel Speakers:

- Judge Matthew P. Puskarich, Henry County Probate/Juvenile Court
- Magistrate Michelle Edgar, Fairfield County Juvenile Court
- Judge Denise Cubbon, Lucas County Juvenile Court
- David Edelblute, Manager, Children and Families Section, Supreme Court of Ohio

Agenda

- Introduction to the Supreme Court Subcommittee on Responding to Abuse, Neglect, and Dependency
- CHIPs workgroup Overview
- Quality Hearing Workgroup Overview
- FFPSA QRTP Court Oversight Workgroup Overview
- Other SCO projects/initiatives
- Questions/Discussion/Feedback

CAND/CJA Overview

- Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND)
- Children's Justice Act Task Force:
 - Section 107(a) of CAPTA outlines the purpose of CJA funding: to assist states developing, establishing, and operating programs designed to improve:
 - (1) The assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;
 - (2) The assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;
 - (3) The investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and
 - (4) The assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect

CAND/CJA Overview

- Structure/members
 - Law Enforcement Community
 - Criminal Court Judge(s)
 - Civil Court Judge(s)
 - Prosecuting Attorney(s)
 - Defense Attorney(s)
 - Child Advocate(s) (Attorney(s) for Children)
 - Court Appointed Special Advocate Representative(s), where such programs are in operation
 - Health Professional(s)
 - Mental Health Professional(s)
 - Child Protective Service Agencies
 - Individual(s) experienced in working with children with disabilities
 - Parents and Representative of Parent Groups
 - Adult former victims of child abuse and or neglect; and
 - Individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).
- Workgroups

CHIPS Workgroup Overview

CHIPS: Why?

- Ohio's current abuse, neglect, and dependency definitions lead to drastically different treatment for children throughout Ohio's 88 counties.
- CHIPS would seek to achieve consistency by removing the labels.
- Without labels, it may be possible to avoid disagreements during the adjudicatory phase, shifting focus, time, and attention to disposition.
- CHIPS will lead to judicial economy and financial savings.
- CHIPS would align with the state's larger goals and initiatives.
- Removing the stigma associated with abuse and neglect labeling can increase family engagement, reduce time to permanency, reduce litigation time, focus on solutions and services, and normalize the process of requesting help.

CHIPS Workgroup Overview

CHIPS History

- 2003 Ohio Children and Family Services Review (CFSR) findings.
- Subcommittee on Responding to Child Abuse, Neglect, and Dependency (CAND) established to determine if Ohio law relating to the investigation and prosecution of child abuse and neglect properly serves children and families in need of government intervention.
- American Bar Association Center on Children and the Law (ABA Center) study.
- November, 2009: Representatives Connie Pillich and Belcher introduced CHIPS legislation as House Bill 371. H.B. 371 did not move out of committee during the 128th General Assembly. Attempts to secure sponsorship during the 130th General Assembly were not successful.
- http://archives.legislature.state.oh.us/BillText128/128_HB_371_I_N.html

CHIPS Workgroup Overview

Subsequent CHIPS Efforts

- Subsequent approach to CHIPS: new definitions for three of the seven categories included in the original CHIPS legislative proposal.
 - Dependency, Sexual Harm, and Harm by Substance Misuse.
- November 2017 CAND meeting: efforts shifted back to a comprehensive CHIPS proposal.
- The 2020 proposed framework includes four sections:
 1. New Adjudicatory Framework, Conceptually
 2. CHIPS Terminology
 3. Child Welfare Impact
 4. Court Process
- Current Status

Quality Hearing Workgroup Overview

- The Quality Hearing Project workgroup began as a direct result of feedback received from the CFSR process
- Goal: to explore current practice in statewide abuse, neglect, and dependency cases and identify strengths and opportunities for improvement.
- Evaluation process
 - Review of Hearings
 - Summary of Findings
- Work products
 - Court Report
 - Bench guides
- Current status

FFPSA QRTP Court Oversight Workgroup Overview

Workgroup Charge

- Recommend relevant statutory/administrative code changes.
- Create a comprehensive toolkit inclusive of sample forms and a detailed curriculum.
- Develop and provide comprehensive trainings in coordination with the Ohio Judicial College that include a combination of both in-person and online training options.

FFPSA QRTP Court Oversight Workgroup Overview

Juvenile Court Responsibilities

- Within 60 days of the placement in the QRTP, the juvenile court is required to:
 - Consider the qualified individual's assessment, determination, and documentation;
 - Determine whether the needs of the child can be met through placement in a foster family home, if not, whether placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment and whether that placement is consistent with the child's short and long-term goals as stated in the permanency plan; and
 - Approve or disapprove the placement. [42 U.S.C. 675a(c)(2)]

FFPSA QRTP Court Oversight Workgroup Overview

At every status review and permanency hearing, the State must:

- Demonstrate that on-going assessment shows that: the needs of the child cannot be met through placement in a foster family home; placement in the QRTP provides the most effective and appropriate level of care in the least restrictive environment; and the placement is consistent with the child's short and long-term goals as stated in the permanency plan.
- Document the specific treatment/services the child needs and for how long.
- Document the State's efforts to prepare the child to return home or placed with a relative, guardian, or custodian.

Other SCO projects and initiatives

- Court hearing texting project
- Dual Status Youth project
- QIC/CCCT regional trainings and expansion project
- Abuse, Neglect, Dependency mediation
- Cornerstone/Redbook training
- Family Dependency Treatment Courts
- Tech Grants
- Ohio CASA

Questions/
Discussion/
Feedback

