

Children, Families, and the Courts



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Ohio Family and Children First

Hunter Hurst IV, NCJ

The previous issue of *Children, Families and the Courts* examined Ohio's pioneering role in the development of a judicial approach that serves the intent of a unified family court, as well as the expansion of family court principles. Ohio historically has led the way in integrating leadership and coordination of health, education, and social services for children and families. Since the early 1990s, Family and Children First Councils (FCFCs) in every Ohio county have provided the structure for energetic local leadership and collaboration, capacity development, seamless service coordination, and family empowerment and engagement.

This issue of the *Ohio Children, Families and the Courts* will provide some background on the history and activities of FCFCs, and note the advantages of the FCFC framework during difficult economic times. It also will call attention to the natural fit between the FCFC approach and the family court principles of local leadership and collaboration, point out the many opportunities for FCFC collaboration with the courts, and describe selected examples of productive juvenile or family court participation in local FCFCs.

and improvise and share economical solutions to common problems—that can be vital to ensuring the health and safety of Ohio's most vulnerable citizens in times of economic disarray.

As the various cost-cutting options have been weighed at a state level, it has been critical that advocates for families and children focus on common goals and speak in a unified manner about the likely repercussions of proposed cuts. The FCFC network has been able to keep state leadership in close touch with local health, education, and social service needs. In fact, as of the beginning of the economic downturn in 2008, the Governor's Ohio Family and Children First (OFCF) Cabinet Council, chaired by First Lady Frances Strickland, already had completed visits with all 88 county coordinating councils in local and regional forums. The visits are part of a continuous cycle of informal communication designed, in the First Lady's words, to give state leaders insight into "real world problems facing Ohioans...people whose lives have significantly benefited from supportive services as well as those whose needs fall through the proverbial crack."¹

Doing More with Less

With a \$4 billion budget shortfall in the 2010-2011 State Biennium budget, Ohio leaders are facing some difficult decisions, many of which will require child welfare stakeholders to do more with less. Fortunately, the collaborative FCFC framework provides unique flexibility—ways to pool funding, eliminate duplication,

FCFC Origins and Structure

Though formally established in 1993 by Section 121.37 of the Ohio Revised Code (ORC), the FCFC system has its roots in the 1980s with Governor Celeste's efforts to coordinate funding for services to youth involved in more than one health or social welfare system. These were youth with complex needs and their plight spurred class action suits against the State of Ohio. Settlement of the

lawsuit led to an Executive Order which established a new model of joint planning and interagency coordination entitled the Ohio Interdepartmental Cluster for Services to Youth, but commonly known as “Cluster.” Subsequent legislation required that each county establish its own collaborative Cluster. The Cluster process helped advance coordination by organizing the collective voice of the local health and human services agencies for children and families and aligning county work with a state counterpart. The State Cluster also utilized pooled funding to secure specialized services, including placement costs, for youth referred from the counties because of especially complex needs. Outcomes were carefully tracked for these multi-system children, and successful results produced a line item in the state budget to support the system.

The Voinovich administration advanced the concept of organized interagency planning for children with a 1992 Executive Order creating a FCF “Cabinet Council” that reports to the Governor. Governor Voinovich charged the new state Council with expanding its work and scope of collaboration beyond the pooling of funds for multi-system youth to broader policy issues requiring coordination across the various systems for children and youth, 0-24. The OFCF Cabinet Council also was tasked with generating greater parental involvement and responsibility in county-level planning. The state framework was reflected in a new system of county Family and Children First Councils (FCFCs), which began with a 1993 pilot that was quickly expanded statewide in 1994.

Each subsequent administration has taken steps to adapt and advance the system in the common pursuit of a community-based system that offers seamless care for families and children needing assistance.

The OFCF Cabinet Council currently is comprised of the directors of the Ohio Departments of Alcohol and Drug Addiction Services, Budget and Management, Education, Health, Job & Family Services, Mental Health, Developmental Disabilities, Youth Services, Aging, Rehabilitation and Correction, and Rehabilitation Services Commission. The Governor, or a designee, chairs the Cabinet Council. The First Lady of Ohio currently fills this role.

Ohio law requires each county board of commissioners to establish its own FCFC and mandates voting seats for the directors of local alcohol and drug addiction and mental health services; the health commissioner or a designee of the local or regional health board; the director of the county job and family services agency;

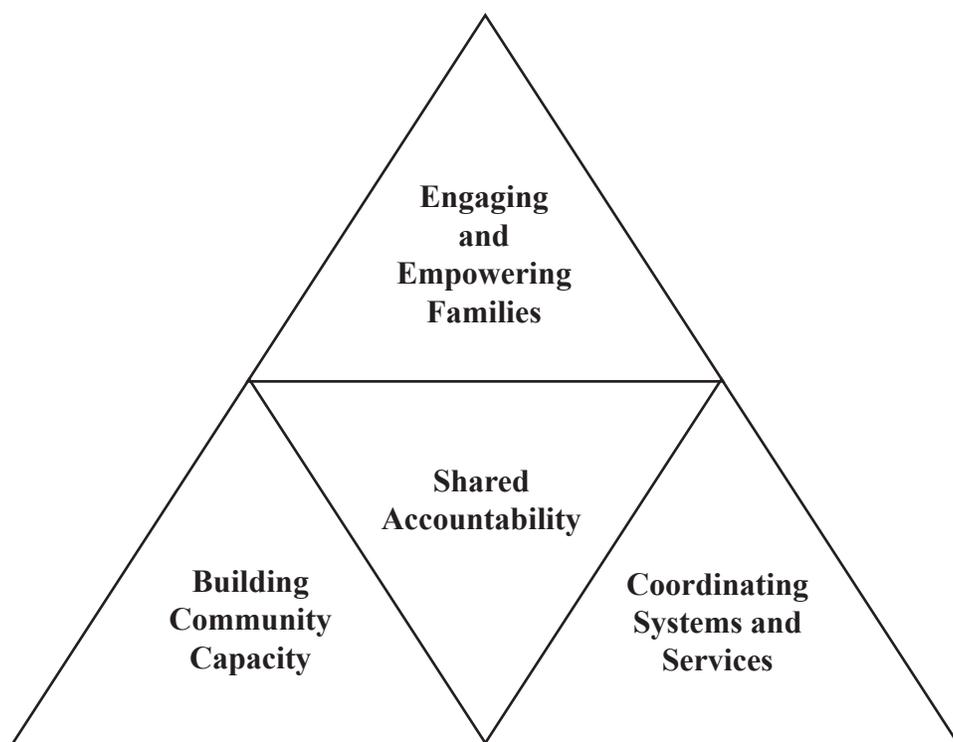
the director of the public child protection agency; the superintendent of the county developmental disabilities board; the superintendent of the local school district with the largest number of pupils; and, a superintendent representing all other school districts.² Additionally, the FCFCs are required to have a place for a representative from the largest city or town in the county; the president of the board of commissioners or a designee; and a representative from the department of youth services. FCFCs also must include a representative from the county’s Head Start agencies; the county’s early intervention collaborative; and a local nonprofit entity that funds, advocates or provides services to children and families. Finally, and most notably, the FCFC enabling statute requires at least three voting members from the community at large that are current or past recipients of FCFC services. The Commissioners, ideally, will appoint one such member for every four agency/government members. This system sets Ohio apart from most other states, where local health, education, and social services planning and governance structures are not nearly so carefully organized, broad-based, and inclusive of the client base being served.

Core FCFC Functions

Capacity building is one of 4 FCFC core functions (see Figure 1 on page 3) and requires FCFCs to mobilize communities to identify and address the ongoing needs of children and families through planning, implementing effective strategies, monitoring and reporting, and evaluating progress toward achieving desired outcomes. It requires leadership, partnership, and collaboration to truly build a community’s capacity to address the counties’ greatest priorities and needs.

The FCFC planning process is actuated by the core functions and structured by a 2006 state law known as HB 289, which requires FCFC members to collectively gather information, including descriptive statistics that help to assess county resources and gaps in services, and methodically select indicators to impact and strategies to improve them. Planning cycles occur every four years; the current sequence began with the first comprehensive plan submitted in July 2007 and reports submitted every year after. For the 2011 cycle, the planning process will be evolving yet again to allow county FCFCs to align local community data-informed plans under their umbrella thus building on the council’s

Figure 1:
Families and Children First
Effective Core Practices Framework



capacity for coordination and reducing duplication of efforts. The OFCF Cabinet Council shares this planning responsibility as it is required to have a plan as well as monitor the results of the county FCFCs efforts.

All FCFCs are given access to state-level assistance and expertise, which includes coaching in a sophisticated, data-driven approach to identifying change priorities and tracking results through a model known as Partnerships for Success (Pfs). (See sidebar, “A Partnerships for Success Academy.”)

In some counties, shared commitment to local solutions takes the form of sharing funds to support FCFC activities or staffing. Currently, annual state support for each local FCFC, apart from pass-through funding for state-sponsored programming, is limited to \$16,000 from the General Revenue Fund. But FCFC member agencies in many counties chip in to do more. In Medina County six key FCFC member agencies pool funds for administrative purposes. In Columbiana County, supplementary contributions from FCFC members amounted to \$28,483 in 2008, with some agencies

A Partnerships for Success Academy

A Partnerships for Success Academy has been established at the Ohio State University’s Center for Learning Excellence to coach local councils in using the Partnerships for Success approach to effective planning and outcome tracking. To date, 55 of Ohio’s 88 county FCFCs have been coached in the model. For additional information, including county profiles and outcome results, visit the Partnerships for Success website at <http://cle.osu.edu/projects/partnerships-for-success/>.



contributing substantial additional funding to support particular programs and activities. In Stark County \$200,000 is pooled to support the FCFC operations budget to manage program activities.

Shared funding may have modest goals—for example, to staff a part-time position to assist Council members in planning and coordinating services. In Cuyahoga and Montgomery counties, where FCFC offices are supported by urban county government, sufficient funding is available to support several FCFC staff positions for managing large human services operations and multi-million dollar budgets—a 2008 \$155 million annual budget in Montgomery County.

At the state level, the OFCF Cabinet Council pools funding to support its office which consists of a director, administrative assistant, and three regional staff to support the county FCFCs. The pooling of funding is accomplished through an interagency agreement and a sound formula based on several variables. Another core function of local FCFCs is the requirement to coordinate systems and services for children (0-21) and their families. The FCFC enabling statute requires local FCFCs to develop Service Coordination Mechanisms (SCM) which must include:

- Inviting families and all appropriate agency and school staff to service coordination meetings
- Receiving and triaging referrals by agencies or families voluntarily seeking services
- Screening referrals for needs and strengths in a manner that engages families in the process of developing a strength-based family service coordination plan
- Providing multi-disciplinary FCFC staffing of any non-emergency out of home placement being considered in the county before the placement is made and similar staffing within 10-days of emergency placements
- Monitoring and tracking family service coordination plans
- Establishing protections for privacy of family information and delivering culturally responsive services in a least restrictive environment
- Providing a dispute-resolution process for member and family disagreements in family service coordination plans.

SCM expectations for ongoing case-level planning require each FCFC to immerse itself in the needs of the most vulnerable and complicated service provision cases.

The knowledge acquired through service coordination activities—which are often conducted by middle-level supervisors—helps inform the vision of participating leaders, enabling them to address deficits, realign resources and make county-wide changes in a way that is sensitive and responsive to the needs of families. The OFCF Cabinet Council has the responsibility to review service and treatment plans for families and youths referred from counties, collaborating to overcome service barriers and resolve any local disputes.

Beyond individual service coordination, county FCFCs and the OFCF Cabinet Council are responsible for the coordination of systems to improve the effectiveness and efficiency of service delivery and reduce duplication. Most of these efforts occur through the planning process whereas the county FCFC and the OFCF Cabinet Council identifies areas of needed improvement. For example, the OFCF Cabinet Council is currently working on the improvement of coordination for youth and young adults in transition, family engagement efforts, interagency data sharing, and increasing opportunities for flexible funding. One major system local FCFCs are charged with coordinating is the early childhood birth-3 system with some counties extending the coordination through age 5.

Perhaps most importantly, FCFCs engage families not only through service planning but in FCFC governance. Families who have benefited from services may become voting or at large members who help balance FCFC planning with an experiential perspective and bring case-level challenges to the attention of county leadership. Moreover, the process enables each community to develop homegrown leaders, capable of making a difference in planning, decision-making and child and family advocacy. This leadership can serve as a resource to the Governor’s Cabinet Council and its member organizations and raise county issues to regional and state attention.

Family engagement is a core function for FCFCs, but local councils vary in the extent to which they effectively engage families in planning and governance, raising them through the ranks as volunteer parent advocates and toward leadership roles. At the high-end of engagement, FCFCs in Stark, Cuyahoga and Montgomery counties promote broad family involvement that connects the governance structure to a network of community volunteers for health and human services. (See sidebar on Montgomery County’s Volunteer Corp. for Results-Based Accountability.) At the other end of the continuum are counties where the work of recruiting family support is in

progress with ongoing OFCF Cabinet Council support.

Ohio is remarkable among states in its efforts to organize families in support networks and in leadership advisory roles. State support includes a “Family Rap” newsletter, the development of county self-assessments for family-friendly systems as well as planning and research on advancing the support system for family engagement in services to children and in local FCFC governance.

Court Involvement in FCFCs

How do juvenile and family courts fit into the FCFC structure of leadership and collaboration across systems?

Juvenile or family court judges statutorily were named as FCFCs voting members until 2002, when the Ohio Supreme Court’s Board of Commissioners on Grievances and Discipline issued an advisory opinion concluding that FCFC work was not directly concerned with matters of law or the administration of justice. This advisory opinion suggested that involvement in FCFC might be, or seem, inconsistent with judicial impartiality.³ While the

opinion was informal and non-binding, it was reinforced by a 2003 report of the Judicial Ethics Committee of the Ohio Judicial Conference.⁴

This advisory opinion was not collectively accepted without some interpretative reservation. Also, for many, it represented a significant barrier to the progress that communities had experienced with active judicial participation. Judicial insight, cooperation and authority were valuable assets in the collaborative work of FCFCs. First Lady Frances Strickland noted from her FCFC tours that where judges involved themselves in FCFC work they had overwhelmingly positive effects⁵ as judicial involvement in an advisory capacity is permitted under the FCFC enabling statute as currently revised in 2006.⁶

The manner in which juvenile and family courts engage with FCFC is as diverse as the counties themselves. What appears important is not so much the specificity of the approach as the commitment to a meaningful relationship in support of common goals. Three counties—Clark, Erie and Muskingum—provide illustration of the important contributions that active judicial participation can make to the success of FCFC collaboration.

Montgomery County’s Volunteer Corp for Results-Based Accountability

The Montgomery County FCFC has organized a volunteer cadre over time that exceeds 150 individuals committed to helping define and communicate successes and challenges within the community. The history of the effort to organize volunteers in this role—many of them prominent community leaders in a variety of professions—goes back to the introduction of Mark Freidman’s Results-Based Accountability model in 1996. Fifteen years later, volunteers are organized in six standing FCFC Outcome Teams, each assigned a role in canvassing community needs and developing strategies to meet them.

The Volunteer Corp plays an integral role in setting community direction. Volunteers have been assigned the responsibility to lead ongoing data review efforts, verify existing and emerging issues, develop recommendations to advance community/system change, and tailor initiatives and projects that are likely to return results.

The work of Outcome Team volunteers is tracked with easy community access to trend data in the FCFC Community Indicators Website. The website was built by a team of University of Dayton School of Business Administration students, and helps provide answers based on user friendly questions concerning indicators tracked by the Outcome Teams. Please visit www.montgomerycountyindicators.org.



Clark County

Clark County FCFC has benefited from the active support and cooperation of the juvenile court since its formation tracing back to the Cluster years. When it became necessary to discontinue the judge's formal FCFC role as a result of the 2002 advisory opinion, the county's juvenile court director was appointed instead. With the revision of ORC 121.37 specifically allowing judges to participate in FCFCs as advisory members, the judge returned to the Council.

This tradition of court involvement has engaged the juvenile court's middle management and supervisory staff in FCFC work. This clearly can be seen in the collaborative way Clark County handles the special challenges posed by dual jurisdiction youth who may be delinquent and have prior and current involvement with the public child protection system and dependency court. Clark County Juvenile Court and the Ohio Department of Job and Family Services have entered into a IV-E maintenance agreement for delinquent youths, and the court's placement director works closely with the FCFC Interagency Review Committee to manage the placements of these youth and overcome barriers to their successful return home. According to the Clark FCFC Director, Marilyn Demma, positive involvement of court leadership cascades to enhanced collaboration at the line level. Clark County benefits from the successful coordination of both court-controlled services for delinquent youth and those available from the other social service agency members of the FCFC.

Active judicial involvement has established a custom of community collaboration with children services agencies that has enabled Clark County to pursue other opportunities where a foundation of partnership is essential. For instance, Clark submitted a successful

proposal to become one of ten Alternative Response pilot counties. (See sidebar, "Alternative Response in Clark County.")

Erie County

To comply with the 2002 advisory opinion, the Erie County juvenile court judge continued FCFC participation, but transitioned into a non-voting or ad hoc seat. This judicial commitment to remain involved reflects the court's ongoing investment in the county's collaborative work on behalf of children. It is an interest that has made a difference to the success of the county's wrap-around pilot project. For example, the court assigned an energetic court services staff member to the project with a background in mediation and wrap-around. It also has contributed Reclaim Ohio funds to support needed wrap-around services that keep youths in the community.

Muskingum County

In Muskingum County, the juvenile court judge has been succeeded by the juvenile court director as an active participant on the local FCFC. One product of this history of court involvement is a successful Muskingum County re-entry program under the DYS Reentry Roadmap. The Roadmap is a 25 point strategy aimed at helping communities do a better job both of using local resources to avoid unnecessary state commitments and ensuring the successful return to the community of those youth who must be committed to the Ohio Department of Youth Services (DYS). It calls both for broad collaboration, resource coordination, and community education. (See sidebar, "The Reentry Roadmap.")

The juvenile court in Muskingum County works closely with FCFC to coordinate locally available services and placements that minimize state commitments. Reentry

Alternative Response in Clark County

The Clark County FCFC's history is distinguished by active children's services and juvenile court involvement. This joint leadership was instrumental in transitioning from the Cluster system to the FCFC model in the early 1990s, and helped pioneer Family Stability staffing procedures and the implementation of wrap-around intervention models during the same period. When an opportunity emerged in 2007 to become an Alternative Response (AR) pilot, Clark County was poised to act. The FCFC used its framework to support the children's services agency in engaging the broader community and providing AR information to the public by sponsoring a FCFC community training on AR. The FCFC Director collaborated with children services leadership to write the successful AR application and attended early orientation and training, making sure along the way that information about AR flowed to County Council members.

The Reentry Roadmap

The DYS Reentry Roadmap helps planners on FCFC develop a local strategy for communicating the realities of state youth services commitments. The focus is on mobilizing to prevent youth commitments and tailoring a reentry plan for youth who must be placed. The Roadmap is a 25 point strategy that provides a framework for community partners to develop well-reasoned plans for transitioning youths from state youth services commitments to the community. FCFC have an integral role in adopting the voluntary strategy and coordinating resources to support the transition plans. In addition to Muskingum County, FCFC in Hamilton, Montgomery, Stark, Cuyahoga, Lucas, Mahoning and Allen counties are applying the strategy.

planning for any youth committed to DYS, starting from the moment of disposition, also is reviewed by the FCFC. An FCFC Reentry Team meets bi-weekly with juvenile court staff to manage returning youths and develop plans that build on their strengths using the Search Institute's "40 Developmental Assets" model. The team works to set up reentry visits with youth at DYS facilities and develops local opportunities to connect them to positive social experiences and stable adult mentors. During Reentry Team meetings, the team also reviews the progress of youths in local "second chance" programming, staffing their cases with service provider staff in "roll-call reviews."

The FCFC tracks the overall performance of the collaboration and it has shown results. Prior to the initiative, about one third of youths committed to DYS committed a subsequent offense within a year of release. Since the reentry initiative started only 1 of approximately 40 youths served has been adjudicated for a felony one year after release. Most reentry youths are enrolled in approved educational settings or have earned GEDs; one youth has advanced to college enrollment.

Conclusion

The 2009 Summit on Children helped sustain the partnership between the courts and local FCFCs by publicly renewing Governor Strickland's and Chief Justice Moyer's shared vision for improving child safety, well-being and home stability through local collaborative planning. The County FCFCs—particularly those benefiting from active court leadership and involvement—are well positioned to apply that vision to the everyday work of improving the lives of children and families.

For more information about Ohio Family and Children First Cabinet Council and the county FCFCs visit its website at www.fcf.ohio.gov.

Endnotes

- ¹ Strickland, Frances, "Juvenile Jottings."
- ² Please see ORC 121.37 for the complete list.
- ³ Opinion 2002-9, Supreme Court of Ohio, Board of Commissioners on Grievances and Discipline, August 9, 2002.
- ⁴ Judges on Government Boards, Judicial Ethics Committee report to the Executive Committee of the Ohio Judicial Conference, November 14, 2003.
- ⁵ Strickland, Frances, "Juvenile Jottings."
- ⁶ ORC 121.37.

Ohio Updates

Advisory Committee on Children, Families, and the Courts Subcommittee Updates

The **Subcommittee on Responding to Child Abuse, Neglect, and Dependency**, chaired by Rhonda Reagh, Ph.D., continues its work on the Ohio Alternative Response Pilot Project. The implementation phase of the project concluded on December 31, 2009, and the American Humane Association and its partners from the Institute for Applied Research and the State of Minnesota will issue their final report this spring. The subcommittee appreciates the willingness of the pilot counties to continue their commitment to this project in spite of the economic downturn and resulting reductions in local workforces. Pilot counties are: Clark, Fairfield, Franklin, Greene, Guernsey, Licking, Lucas, Ross, Trumbull and Tuscarawas. Over 5,000 families participated in the study with more than 2,500 served using the alternative response approach. Early results of the study indicate that Ohio is achieving many of the same positive outcomes demonstrated in evaluations of the Missouri and Minnesota Alternative Response programs. The Department of Job and Family Services has received legislative authority for pilot counties to continue with Alternative Response and to open the project to additional counties. A 2006 product of this subcommittee, the Child in Need of Protective Services (CHIPS) legislation, was recently introduced as HB 371.

The **Subcommittee on Legal Representation**, chaired by Jill Beeler, Esq., was formed to identify and recommend strategies for increasing the availability of quality legal representation for the children, families, and child-serving agencies that come before Ohio's Courts. Juvenile courts in Delaware, Hamilton, Harrison, Lake, Mahoning, and Perry Counties concluded the pilot implementation of two sets of attorney practice standards—the American Bar Association's Standards of Practice for Lawyers Representing Parents in Abuse and Neglect Cases and the Ohio Public Defender Commission's Standards of Representation of Clients in Juvenile Delinquency Cases. The subcommittee has completed its work and is finalizing its report which is expected in 2010.

The **Subcommittee on Rules and Statutes**, chaired by Judge Denise Cubbon, completed its study of a proposal from The Ohio Public Defender, Children's Law Center and the American Civil Liberties Union to amend Juvenile Rule 3 and 29 to require juveniles to consult an attorney prior to waiving their right to counsel. A report from the Advisory Committee on these recommendations was approved in January and will be presented to the Supreme Court Justices for consideration. The recommendation includes a revision to Juvenile Rule 3 that reflects recent case law and requires representation in instances where a defendant faces a loss of liberty.

The **Subcommittee on Adult Guardianship**, chaired by Judge Dixilene Park, was formed to make recommendations for standards of practice, data collection, and monitoring protocols in this area. Revisions to the report of this subcommittee were made in light of a recent review of the recommendations by the Ohio Association of Probate Judges. The revised recommendations were approved by the Advisory Committee at its January 2010 meeting and are being submitted to the Supreme Court Justices for consideration.

The **Subcommittee on Domestic Relations Forms**, co-chaired by Judge Craig Baldwin and Heather Sowald, Esq., was created to develop five uniform court forms that will be accepted in all Ohio domestic relations courts. The first set of forms were submitted to the Justices of the Supreme Court and approved to publish for public comment. This group will continue to create additional forms and make necessary revisions to approved forms.

Ohio Updates

Alternative Response

The Ohio Bulletin (Vol. 1, 2009) provided update on Alternative Response as the ten pilot sites were producing the first initiation-to-closure outcomes of working with an alternative approach. At that time, counties were focused on establishing routine and addressing the unanticipated challenges that always arise during the early phases of new programming. Since then, alternative response (AR) has become a customary practice within these sites and managers have turned attention to ways of safely expanding the availability of AR within their communities. Current project milestones include:

- Transitioning AR as a permanent option for families in the ten AR pilot sites
- Developing a menu of training options and programming to ensure that caseworkers and supervisors have ongoing access to the skills needed to work within Ohio's AR framework
- Implementing SACWIS enhancements to address agencies' needs while awaiting Ohio's final design
- Having six Ohio counties selected to contribute to the national body knowledge as federal Quality Improvement Center study sites.

Ohio's evaluation findings indicate positive outcomes that appear to track those realized in Minnesota and Missouri, which include reductions in the areas of recidivism, penetration of families into the child protection system, and the number of children entering care. Most pilot sites accompanied a change in practice with organizational change, often establishing AR-specific work units and caseloads, team staffing and other new processes that encourage creative collaboration. Sites that embraced the philosophical shift of AR also reported improved community relationships, expanded networks of support for families, enhanced worker engagement, and creative solutions to age-old problems. The promising results have contributed to AR being identified as a top departmental priority by Ohio Department of Job and Family Services (ODJFS) Director Douglas Lumpkin.

Funding

Ohio was fortunate to secure support of both Casey Family Programs and the Ohio Children's Trust Fund early in the pilot phase since AR helps address areas of interest for each of these organizations. Casey Family Programs has a goal to safely reduce the number of children in foster care; the mission of the Ohio Children's Trust Fund is to prevent child abuse and neglect through investing in strong communities, healthy families and safe children. Casey Family Programs and the Ohio Children's Trust Fund resources helped develop community capacity, provided support during pilots' organizational transition, and facilitated flexibility in services that allowed caseworkers to assist families in a manner where need, rather than availability, determined the level and nature of help. Future planning focuses not only on employing a strategy that continues this flexibility in funding and support, but on ensuring that savings realized through AR are reinvested to maintain progress in these reduction goals. Ohio is privileged to have earned continued Casey Family Program support, allowing new sites to develop a more "front-loaded" approach with financial flexibility.

Final Report

The Final Report of the Ohio Alternative Response Project was released late April 2010. To view the entire report and all attachments, including the Executive Summary, visit ohiochildlaw.com. In addition to a review of the activities of pilot, the report made recommendations regarding the advisability of establishing a statewide Ohio Alternative Response System and the steps for statewide implementation, which included examination of:

- Training requirements
- Time frames
- Estimated costs including both direct and indirect cost benefits
- Necessary statutory change, including specific language
- Necessary Ohio Administrative Code or the Rules of Superintendence change
- Necessary practice and/or administrative change.

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Alternative Response...continued

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Ongoing planning

The next years' work will concentrate on the planning issues of infrastructure, capacity and fidelity that will require time to thoughtfully roll out. ODJFS leaders, however, recognize that counties are asking for the opportunity to implement an AR within their own communities on a more immediate basis. In response, state leaders secured authority to expand the number of counties who wish to make AR an option for families under the existing pilot model through a provision enacted in Amended Substitute House Bill 1 (7/09). Additional pilot sites will be added with the same considerations as full implementation: capacity (are there sufficient state resources to adequately prepare and support sites?) and fidelity (has the state sufficiently defined and identified essential characteristics to ensure that children are safe and families are supported in a manner that ensures ongoing child safety?). Some of the basic elements for establishing a state framework are beginning to taking shape:

- The Leadership Council is reviewing a final draft of Ohio's AR practice model.
- A revised AR curriculum has been field tested, with training already being scheduled for new and ongoing staff of existing pilots.
- AIM and the Leadership Council are developing a self-administered assessment tool for sites to monitor ongoing quality assurance and model fidelity.
- AIM and the Leadership Council have developed a Readiness Assessment Tool for communities who may be considering AR.
- An evaluation plan that identifies key data pieces to monitor ongoing effectiveness is planned.
- State staff is joining AIM and county sites during coaching and mentoring sessions to ensure that state capacities grow alongside program development.
- A statewide symposium was held May 13 and 14, 2010 to fully examine the findings of Ohio's AR study and the recommendations set forth in its final report. Fifty-six counties with representatives in excess of the 200 maximum limit, were in attendance.

PARTNERS FOR OHIO'S FAMILIES

The Ohio Department of Job and Family Services is pleased to announce a three-and-half-year partnership with the Midwest Child Welfare Implementation Center (MCWIC) to develop a new model for how the state works with the many stakeholders that support Ohio's child protection system. Learn more at MCWIC.org about the distinct project elements (e.g., formal assessment of organizational culture and climate, development and installation of the technical assistance model, rule review, implementation of organizational structure and function to facilitate the new model, and ongoing fidelity monitoring).

This project is a part of the Ohio Department of Job and Family Services systemic effort to improve child welfare outcomes, and it will materially alter how the counties and department partner together on behalf of families. Ohio was selected through a highly competitive federal process, and this award brings both financial support and access to the resources of the federal Children's Bureau Training and Technical Assistance Network.

Regional Forums: Mark the Dates and Add Your Voice MCWIC will be hosting a forum in each of the Ohio Child Welfare Training Programs Regional Training Centers to understand how the Ohio Department of Job and Family Services can better work with and support Ohio's child welfare stakeholders. Watch your mail for additional information.

July 7 - Cambridge, OH / July 8 - Athens, OH / July 14 - Loveland, OH / July 15 - Columbus, OH

July 16 - Dayton, OH / July 26 & 27 - Cleveland, OH / July 28 - Toledo, OH / July 29 - Akron, OH

All Regional Forums will be from 10:00 a.m. - 3:00 p.m. To register, go to the MCWIC website www.mcwic.org and follow the link to Ohio Regional Forum Registration. Space at each forum is limited and will be available on a first-come basis. Registration will close one week prior to each event. Please direct questions to Kristin.Gilbert@jfs.ohio.gov.

Ohio Updates

Child in Need of Protective Services, House Bill 371

In November, 2009, House Bill 371 was introduced in the Ohio General Assembly. This bill builds upon the work of the Subcommittee on Responding to Child Abuse, Neglect and Dependency and moves Ohio towards a “Child in Need of Protective Services (CHIPS)” statutory structure. House Bill 371’s sponsors are Representatives Connie Pillich and Robin Belcher. Representatives Pillich and Belcher are joined by 28 co-sponsors from districts across the state.

Introduction

As reported in the Ohio Bulletin Winter 2004, The Subcommittee on Responding to Abuse, Neglect & Dependency was established by the Advisory Committee on Children, Families, and the Courts to determine whether Ohio law relating to the investigation and prosecution of child abuse and neglect properly serves children and families in need of government intervention. The Advisory Committee’s charge to the Subcommittee came in response to federal findings that Ohio was inconsistent in its efforts to protect children from abuse or neglect. These findings were echoed in a study by the American Bar Association which asserted that flaws in the state’s definitional framework contribute to inconsistencies among counties in investigative decision-making and follow-up. Poorly defined terms led to widely differing approaches throughout the state in case screening decisions, investigative practices and adjudication. These inconsistencies raised significant questions about whether the law is fair to Ohio families and concerns regarding compromised outcomes for our children. The Subcommittee focused its primary efforts on identifying definitional barriers to consistent and effective practice in child protection case screening and investigation, and on developing proposals for statutory/regulatory revisions aimed at eliminating those barriers.

The Subcommittee’s CHIPS Recommendations

After an 18 month study supported by the work of competitively selected national consultants, the Subcommittee developed a legislative proposal to clarify and focus Ohio child protection law through modified statutory definitions. The subcommittee recommended a “Child in Need of Protective Services” statutory structure. This approach was intended to shift the element that triggers intervention from incident to need. The name of the proposed legislation reflects the child-centered philosophy that guided its development.

The intent of CHIPS is to:

- ***Create a civil child protection statute that is distinct from criminal child protection codes.***
The proposed statute establishes a civil child protection statute which does not rely on ambiguous, confusing, or circular cross-references to the criminal code. The new statutory language substantially modifies and clarifies civil child protection laws while fundamentally leaving the criminal system as is.
- ***Establish clearer, more comprehensive child protection definitions that will be easier to apply consistently.***
There are seven carefully defined categories of circumstances in which a child could be found to be and/or adjudicated a “Child in Need of Protective Services.” CHIPS would replace abuse, neglect, and dependency in Ohio and is designed to maximize the likelihood that similarly-situated families in different parts of the state will be treated in a consistent manner.
- ***Authorize state intervention when articulated conditions – independent of fault – are demonstrable.***
In addition to providing more focus on the needs of the affected child, this structure establishes a single, less stigmatizing category of adjudication. With this single adjudicative category structure, there is no longer a need to consume valuable time and resources in an adversarial “plea bargaining” effort to get an allegation of abuse “reduced” to one of dependency.

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Child in Need of Protective Services, House Bill 371...continued

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Under the proposed system, parents are still accountable for conduct which is harmful or risky to their children and are required to correct behavior in accordance with a well-developed case plan. The creation of seven discrete categories of circumstances under which a child is to be considered “in need of protective services” will encourage increased accuracy in characterizing parental conduct.

House Bill 371

It is important to view House Bill 371 in the context of the role it plays in the overall child protection reform towards which the state is moving. Although alternative response and CHIPS are separate initiatives, CHIPS will provide a strong legislative foundation to support the philosophical and practice changes established under alternative response. Together, CHIPS and alternative response reflect an overall shift in how the state and its 88 public children services agencies engage and interact with families. Ohio’s child protection definitions are the doorway through which families engage with the system, setting the parameters for when support is needed. Alternative Response is one option for how families may be supported when a child protection response is required. In addition to providing more focus on the needs of the affected child, CHIPS is intended to provide a single, less stigmatizing category of adjudication when the leverage of court intervention is needed. With this single adjudicative category structure, there is no longer a need to consume valuable time and resources in an adversarial “plea bargaining” effort to get an allegation of abuse “reduced” to one of dependency. CHIPS and Alternative Response complement and support each other, creating consistency in statutory language, practice, and underpinning philosophy.

The Ohio Department of Job and Family Services and Public Children Services Association of Ohio are working with Representatives Pillich and Belcher to facilitate input from the wide range of professionals that will be impacted by this definitional reform. It is important that all individuals who work within this field review the proposed language in light of daily practice to ensure that a final produce fulfills its intent to craft statute that best serves families and children.

For more information, please visit the Ohio Child Protection Law Reform Initiative website at: <http://www.ohiochildlaw.com>. In addition to a direct link to House Bill 371, ohiochildlaw.com provides historical documents, case scenarios, FAQ specific to each discipline and access to other resources. Soon, the site will allow visitors to directly comment on specific language to ensure that application effectively meets concept.

What is wrong with the existing statute?

Extensive field research conducted during the early phases of the Subcommittee on Responding to Child Abuse, Neglect and Dependency’s work revealed that Ohio’s child welfare professionals share many concerns regarding Ohio’s child protection laws. Surveys, interviews, and focus groups were conducted with over 600 child-serving professionals in more than 60 of Ohio’s 88 counties, including child protection caseworkers, supervisors, and agency administrators; juvenile and family court judges; prosecutors; defense attorneys; guardians ad litem; educators; pediatric medical professionals; and child advocacy center personnel. Ohio child welfare practitioners identified numerous areas in Ohio law where confusing language, overly broad or narrow definitions, murky categories, and

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Child in Need of Protective Services, House Bill 371...continued

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unnecessary cross-references lead to inconsistent treatment of families and compromised outcomes for children.

What is an example of a term being too broad in definition in the current statutes and rules?

The definition of “dependency” is overly broad, which leaves its use open to many different interpretations all over the state. Dependency is defined in wholly conclusory terms rather than explanatory terms: a dependent child is one whose “condition or environment is such as to warrant the state, in the interests of the child, in assuming the child’s guardianship.”

What is an example of a term being too narrow in definition in the current statutes and rules?

The civil sexual abuse definitions are fundamentally reliant on cross-references to the criminal code for definitions of relevant sexual activity. Currently, the child is not referred to by a typical practice-based term such as “sexually abused,” but as “a victim of sexual activity,” as defined in the criminal code.

What is an example of a term that is currently undefined?

One type of neglect under the Ohio Revised Code is “abandonment,” which is not defined. The definitional section of the code creates a “presumption” of abandonment, but does not define the term. The Ohio Administrative Code says that “abandoned child”... “means a child presumed abandoned [pursuant to the language of the definitional section of the abandonment code].”

What is an example of a definition that is too confusing in the current statutes and rules?

In the Ohio Revised Code, the juvenile section defines an “abused child” ... as one who has been “endangered” and the criminal section lists “abuse of the child” as a form of endangerment. This circular reference does not assist caseworkers, prosecutors or judges in determining the definition of abused child or endangered child. This ambiguity could lead to different interpretations or applications throughout the state.

ohiochildlaw.com

Your source for all documents related to
CHIPS and Alternative Response.

Ohio Updates

Ohio IPV Collaborative Project Overview

The Ohio IPV Collaborative is a new capacity-building initiative linked to Ohio's Alternative Response System. The Collaborative is an outgrowth of ongoing efforts to evolve child welfare responses to abuse and neglect, particularly where reports may involve intimate partner violence (IPV). The project, which started in September of 2009, is funded by Casey Family Programs. **The overall objective of the initiative is to develop a model response plan in relation to Intimate Partner Violence when addressed through an Alternative Response pathway.** The initiative will explore avenues for building internal agency capacity as well as community partnerships and resource development.

Project Objectives

- ✓ Develop worker response skills, particularly in relation to DV/IPV concerns
- ✓ Engage service providers and assist community partners in developing programs and services that effectively address DV/IPV concerns
- ✓ Develop screening and response protocols in relation to IPV/DV-related cases
- ✓ Establish capacity within the child welfare agency as an IPV resource using technical assistance and consultation from both Ohio and nationwide experts and resources
- ✓ Provide training for agency staff in order to support a sustainable Model DV/IPV Response Plan that will continue after consultation and technical assistance concludes.
- ✓ Collaborate with community partners to develop a sustainable Model IPV Response Plan that:
 - Establishes a common vision among community partners who work with families on an ongoing basis
 - Includes strategies for meeting the needs of children and non-offending parents as well as strategies for improving responses to the aggressor
 - Identifies and utilizes existing local and statewide resources as appropriate
 - Includes instruction for batterer intervention counselors, and
 - Develops a structure for peer case review and/or an equivalent as identified by jurisdiction.

Project Components

Demonstration Sites

County demonstration sites will participate in a series of training and technical assistance activities to develop a community-specific response plan addressing the intersection of child maltreatment and intimate partner violence. In October 2009, nine AR counties participated in an informational stakeholder meeting about the Ohio IPV Collaborative convened during the Ohio Domestic Violence Network's Prevention in Progress Summit. Counties were invited to submit proposals to become a demonstration site for the Ohio IPV Collaborative. In November 2009, four counties - Clark, Fairfield, Franklin, and Ross - were chosen to participate in the project as demonstration sites.

David Mandel & Associates will provide training and technical assistance to the counties based on their Safe and Together consultation model. The model is designed to "support the agency's mission to promote the safety, permanency and well-being of children by improving case practice, elevating staff competencies and addressing practice, policy and resource challenges."¹ Consultants will work with agency staff to develop a model that:

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Ohio Updates

Ohio IPV Collaborative Project Overview...continued

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- ✓ Addresses the entire family unit
- ✓ Helps staff identify the impact of domestic violence on the children
- ✓ Assists staff in developing plans to intervene with the perpetrator, create effective partnerships with the protective parent, and meet the needs of the children in the home
- ✓ Assists staff in developing plans that are culturally competent and sensitive to the intersection of domestic violence and mental health issues and substance abuse.

Planning Group

An Advisory Planning Group of county agencies, including AR counties as well as non-pilot counties, will be convening to guide the project and look universally at IPV response mechanisms in Ohio. The Planning Group will also include professionals from the medical field, legal field, domestic violence programs, domestic violence shelters, the Ohio Domestic Violence Network, the demonstration sites, mental health providers, and substance abuse providers. The Planning Group will be responsible for developing a broad-based model plan that may be replicated statewide.

Regional Stakeholder Meetings

Throughout the course of the project, counties will have the opportunity to come together and discuss the project in regional stakeholder meetings. These meetings will include county child welfare agencies and community partners. In addition to working with the county agency staff, Mandel's team will provide wrap-around training to several community stakeholders in an effort to prompt collaboration and sustainable programming.

Additional Training Opportunities in Support of AR Practice

In addition to the project demonstration sites and Planning Group activities, several educational and training opportunities will be provided to counties under the auspices of the project. For example, workshops on advanced assessment and interviewing skills will be offered to all AR counties, regardless of their participation in the Planning Group or as a demonstration site.

For Further Information

The National Center for Adoption Law & Policy is serving as the central coordinator of project activities under the Ohio IPV Collaborative. If you would like additional information about the Ohio IPV Collaborative, please contact The National Center for Adoption Law & Policy at 614.236.6730, or email the Center at adoptionctr@law.capital.edu.

¹ *Connecticut Department of Children and Families Domestic Violence Consultation Initiative: A State Child Welfare Agency Response to Domestic Violence. David Mandel, MA, Statewide Services Administrator, March 2008.*

Ohio Updates

National Project on Differential Response in Child Protective Services Awards Funding to Ohio Consortium

Ohio is fortunate to have had a six-county consortium selected to participate as a national research site for the federal Quality Improvement Center on Differential Response in Child Protective Services. The consortium is comprised of Clark, Champaign, Madison, Montgomery, Richland and Summit counties. Congratulations to these communities' winning proposal which will bring resources to Ohio and lead the way for all states' work in this program area. A five-county Colorado consortium of Arapahoe, Fremont, Garfield, Jefferson and Larimer counties and the State of Illinois are also selected as study sites. This four year study will aim to answer the core research question, "Is differential (alternative) response an effective approach in child protective services and, if so, what are the specific elements that make it effective?"

Although Clark County offers alternative response programming as one of Ohio's ten existing pilot sites, the remaining counties do not and will be added under the expansion provisions of Amended Substitute House Bill 1 (7/09). The Ohio Department of Job and Family Services has committed to coordinate and engage with these five new counties who, along with Clark, will be offering alternative response as a option for families sometime during summer 2010. The consortium also receives technical assistance and funding as a selected research site. For more information on the project, please visit www.differentialresponseqic.org.

Child Support Encourages Contact with Agency

Recently, a work group connected with the Interagency Council on Homelessness and Affordable Housing requested some information from leadership within the Office of Child Support. During discussions with the work group, advocates for homeless and families at risk developed a "frequently asked questions" list of child support related topics that arose during their everyday work. In response to those questions, a fact sheet, Connecting with Your Child Support Agency, was created as a tool for the advocates.

The group and several stakeholders have already commented on the helpful nature of the high-level fact sheet. The fact sheet will be placed on the Internet at: <http://jfs.ohio.gov/Ocs/pubsmain.stm> and will also be posted to the Supreme Court Summit website.

If you have a suggestion for a child support fact sheet, please contact Carri Brown at carri.brown@jfs.ohio.gov.

Final Decree of Adoption Update

The Ohio Department of Job and Family Services, Bureau of Family Services previously required a submission of Final Decree of Adoption from a previous statute Ohio Revised Code 3107.10. As of September 21, 2006 the language requiring these decrees to be submitted to ODJFS has been removed from statute. As a result, ODJFS is requesting Ohio Probate Courts not to submit these documents.

Ohio Updates

The Critical Role of the Courts in the Implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008 P.L. 110-351

By Barbara Turpin, LSW
Policy Advocate/KIDS COUNT Project Director
Children's Defense Fund-Ohio

The bipartisan Fostering Connections to Success and Increasing Adoptions Act, signed into law by President Bush on October 7, 2008, represents the most significant federal reforms for abused and neglected children in foster care in over a decade. The Act's numerous improvements are intended to achieve better outcomes for children who are at risk of entering or have spent time in foster care and several will help reduce the racial disparities in the treatment of children in the child welfare systems.

The Act promotes:

- Permanent families for children with grandparents and other relatives, when return home and adoption are not appropriate
- Adoption for children with special needs in foster care for whom adoption is the best permanent plan
- Important linkages to family through the new Family Connection Grants
- Reasonable efforts to place children with siblings or at least connect to siblings when in the child's best interest
- Extended support for older youth in foster care
- Educational stability for children in foster, kinship guardianship, or adoptive families
- Coordinated health planning for children in foster care
- Expanded federal protections and supports for American Indian children
- Improved training opportunities for relative guardians, private agency staff, judges, other court staff, attorneys for parents and children, guardians ad litem, and other court-appointed special advocates.

The following provisions of the law are required to be implemented by states:

- Give notice to adult relatives of children who are removed from their parent's custody
- Make reasonable efforts to keep siblings together or connect them to one another
- Ensure the educational stability of children is being met by documentation in the case plan that they have the opportunity to remain in the school they were in when removed from their homes and they are attending school
- For guardianship payments to be made, documentation must be made in the case plan that reunification and adoption are inappropriate
- As part of the case review system, in the 90-day period immediately prior to when the child turns 18 (or 19, 20 or 21 as elected by the state) the caseworker and other representatives must work with the child to develop a personalized transition plan that is as detailed as the child chooses.

Courts are in the position to ensure that these mandates are met not only to assure that the child's best interests are being met but in order for the state to receive the financial incentives provided in the law to support the cost of the mandates, through the following actions:

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Ohio Updates

The Critical Role of the Courts...continued

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- Although there is nothing in the law that requires the court to ensure that notice has been given to adult relatives, as the entity reviewing the child's case plan and status, the court should inquire of the agency what steps it has taken to identify and provide notice to the appropriate relatives and who has not been notified.
- As part of the initial removal hearing the court may inquire about efforts to place siblings together. At the six-month case review and at the 12 month permanency hearing, the court should review the consideration of placement and connection with siblings.
- The requirement that the state agency assure educational stability for the child must be addressed in the child's case plan. The court may inquire about educational stability at the initial removal hearing, at the required six-month review and at the permanency plan review at 12 month intervals. Although not a case plan requirement, the school attendance requirement should be considered at the six-month reviews and permanency hearings.
- During the six-month external review of the child's case plan by the court, any discussion of permanency planning should include the appropriateness of reunification and adoption. The case plan must also describe the reasons why placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interest, the efforts made to discuss adoption with the child's relative and why adoption was not pursued, and the efforts made to discuss the kinship guardianship with the child's parent(s), or the reason why such efforts were not made.
- The transition policy should require transition planning begin earlier than ninety days before discharge, court approval and oversight of the plan, and discharge criteria to eliminate inappropriate termination of court jurisdiction.
- When appropriate services are not provided to move a youth to permanency, the court should make a "no reasonable effort" finding and indicate services must be provided. The transition plan should be aligned with the permanency review hearings to ensure that the plan has significant options for the youth.
- Federal law requires age-appropriate consultation with youths in all permanency hearings and any hearing regarding transition from foster care to adulthood (42 U.S.C.A. § 675(5)c(iii)). The court has a responsibility to actively involve youths in decisions that affect their lives. This can improve the likelihood that the plans are carried out.

Participation is critical for youths who have reached the age of majority and have the legal right to make certain decisions, such as those regarding medical treatment, education and remaining in foster care. The court can help youths understand their rights and support good decision making, offer a forum for discussing the transition plan, determine whether a youth has fully participated in the planning, and ensure that the plan meets the youth's needs and interests.

These reforms will mean little to children unless and until they are effectively implemented to truly benefit children. It is therefore critically important that implementation move swiftly to help and ensure that children benefit from the new improvements and support the momentum at the federal level for additional changes needed to improve outcomes for children and families. To this end, the juvenile courts play an important role in the implementation and oversight of the provisions of this new Act.

For more information, please contact Barbara Turpin with the Children's Defense Fund – Ohio, at 614-221-2244 or bturpin@cdfohio.org.

Ohio Updates

Collaborations Help to Empower Ohio's Incarcerated and Formerly Incarcerated Parents

Spearheading collaborative projects-and turning them into successful practices is becoming a modus operandi for the Ohio Child Support Program. A project with the Ohio Department of Rehabilitation and Correction, for example, now serves as a best practice for the national Project to Avoid Increasing Delinquencies, or PAID.

Begun in 2007, the project makes communication between the partners an important strategy to improve outreach to all stakeholders. It operates with the knowledge that helping parents to empower themselves will help to remove barriers that prevent them from paying child support.

“Following release from prison, parents and children face challenges as the family reunite. Parents have to deal with the challenge of finding work and stable housing while also re-establishing a relationship with their children. Making sure parents know about child support procedures and who to call upon when they have questions can only help,” stated Carri Brown, Assistant Deputy Director of Ohio’s Office of Child Support.

The project has led to more than 900 parents receiving accurate information and referrals about child support, job placement, housing options, legal issues, mental health services, mentoring and education. One father participating in a resource fair obtained information about the importance of staying in touch with the local child support enforcement agency. Upon his release, he verified information with a member of the collaboration and contacted the local agency in order to make arrangements for payment and a modification. This father had never contacted the agency on his own in the past.

As part of the project, seven counties (Butler, Clermont, Delaware, Franklin, Hamilton, Lorain and Lucas) participated in prison diversion pilot programs in 2009. In cases connected with these programs, child support payments increased 98 percent in one year. Statewide, prison commitments based on felony nonpayment of child support dropped about 22 percent in 2009, from 781 to 610.

The collaboration recommended expanding the prison diversion options, and the General Assembly approved the expansion, to be put in place in 2010.

New Child Support Collaboration – Demonstration Grant Project

Building upon the foundation of the collaboration project above, Ohio is set to begin work on a demonstration grant as part of the OCSE Prisoner Reentry Initiative. The primary goal of the project, set in Franklin County, is to remove barriers that reentering parents face in payment of current child support, helping them to navigate the child support and justice system and improving their family connections through partnerships with public, private and faith-based organizations.

“This project is gaining a lot of energy and support from community partners and government officials. We are eager to increase our connections with the prisoner reentry initiative grantees, too,” Brown stated.

The shared vision among project partners is that children of formerly incarcerated parents will have what they need-the emotional and financial support of their parents. These grantees hope to increase connectivity in the family by encouraging parents who have gone home to stay home. The project is expected to last through May 2012.

CHILDREN, FAMILIES, AND THE COURTS - Ohio Bulletin

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Production Editors: Kristy Connors and Hunter Hurst IV.

For additional information contact:

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

Steve Hanson
The Supreme Court of Ohio
614-387-9387
Steve.Hanson@sc.ohio.gov

Kristin Gilbert*
Ohio Department of Job and Family Services
614-752-0236
Kristin.Gilbert@jfs.ohio.gov
<http://jfs.ohio.gov/ocf/>

*Also contact Kristin Gilbert for any mailing address changes or to be added to the mailing list.

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