Foster Care Advisory Group

Recommendations

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child SAFETY summit

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Table of Contents

Permanency and Safety....4
Foster Parent Participation....5
Guardian ad Litem Noncompliance with Rules of Superintendence Rule 48....7
Mentoring for Foster Youth....10
Normalizing the Experience for Youth in Foster Care....11
Funding the Child Welfare System....13
Accountability in Child Welfare....14
Planned Permanent Living Arrangements....15
Foster Youth Voice in Court....17
Medical Care for Foster Youth....19
Appendix A....21
Appendix B....22
Appendix C....25
Appendix D....28
Appendix E....29
Appendix F....36

Executive Summary

Almost exactly one year ago, Attorney General Mike DeWine began to travel across the state to gather facts on the current state of the child welfare system in Ohio. Major issues and themes that arose during these eight Child Safety Summits and a daylong Foster Youth Symposium held by Attorney General DeWine were released in December 2012 in the Child Safety Summit Report of Findings. At the time the report was released, the Attorney General assembled a Foster Care Advisory Group of experts in child welfare. The group's mission was to recommend solutions to the issues raised in the Child Safety Summit Report of Findings to improve the child welfare system, focusing in particular on the safety and well-being of the children in foster care in Ohio.

The Foster Care Advisory Group's recommendations include:

Permanency and Safety: Ohio should work to lower the number of times a child comes in and out of foster care to give the child the greatest chance of finding a safe, permanent, and loving home.

Foster Parent Participation: Foster parents are not always permitted to participate in the court process, despite their direct knowledge of the day-to-day activities of the child. Ohio should focus on training for foster parents, child welfare professionals, and judges to highlight foster parents' right to attend court hearings and present evidence and to emphasize the importance of foster parent input.

Guardian ad Litem Noncompliance with Rules of Superintendence Rule 48 : There are complaints across the state of guardians ad litem who represent abused and neglected children not following Rules of Superintendence Rule 48, which sets out mandatory minimum expectations of guardians ad litem. Ohio should add a reference to Rule 48 in statute, and eliminate distinctions among abuse, neglect, and dependency cases to reflect the reality that abuse and dependency cases often plead to dependency cases. Ohio should further support the Court Appointed Special Advocate programs to ensure that children have effective representation.

Mentoring for Foster Youth: Foster youth have expressed the need for mentors to assist them as they transition to adulthood. Ohio should support existing foster youth-specific mentoring efforts across the state and investigate whether existing mentoring programs can serve youth in foster care.

Normalizing the Experience for Youth in Foster Care: Youth in foster care often are not permitted to engage in normal activities, such as spending the night at a friend's house. These restrictions further stigmatize youth in foster care and make it more difficult to transition to adulthood. Ohio should clarify in statute that agencies are not liable for a child's participation in normal activities.

Funding the Child Welfare System: Ohio ranks low in providing state funding to its child welfare system.[i] This lack of funding is detrimental to the foster children it serves. Ohio should consider creating a state-level fund to ensure that children in the custody of county public children services agencies are provided with minimum services.

Accountability in Child Welfare: Foster parents across the state expressed a frustration with a seeming lack of accountability within the child welfare system. Ohio should examine the statewide Ombudsman model to see if there are pieces of this program that Ohio could model to increase accountability and transparency within the child welfare system without creating an entirely new bureaucracy.

Planned Permanent Living Arrangements: A Planned Permanent Living Arrangement is essentially long-term foster care that almost guarantees children will age out of the system without a safe, permanent family. While a child is in a Planned Permanent Living Arrangement, the agency is not required to make efforts to reunify the child, but the child is not eligible for adoption. Ohio should pass a statute to narrow the use of Planned Permanent Living Arrangements and explore a mechanism to maintain safe and appropriate biological connections crucial to the child's identity.

Foster Youth Voice in Court: It is critically important that youth in foster care be informed of developments in their case and to actively engaged in case planning and court hearings that affect their lives. Ohio should ensure that youth in foster care are given an age-appropriate guide to explain the foster care process, and public children services agencies should ensure that youth are advised of their court hearings and facilitate their presence at these hearings when age-appropriate.

Medical Care for Foster Youth: It is difficult to provide continuity of medical treatment to youth in foster care because their medical files do not follow them when they change placements. Ohio should create a central registry through which pediatricians treating youth in foster care can input and retrieve a foster youth's medical file to provide greater continuity of care. In addition, Ohio should ensure that new Medicaid requirements allow youth in foster care to continue to receive Community Psychiatric Supportive Treatment, which focuses on youth who are having severe emotional and/or behavioral challenges in their home, school, and community.

The Foster Care Advisory Group proposes these recommendations to agencies, legislators, and policy makers to better the lives of youth in foster care in Ohio.

Permanency and Safety

Going in and out of foster care is a traumatic event for a child and delays a child's ability to have a safe, loving, and permanent home. As reported by the Public Children Services Association of Ohio in its 2012 Summer Permanency Forums, Ohio needs strategies to reduce re-entries into foster care. Data shows that nearly half of all foster youth ages 13 through 17 have been in care more than once, and of that group, almost 40% have been in and out of care three or more times.[ii] In these cases, parents have not made the permanent changes needed to maintain custody of their children, and the children are unable to achieve stability in a permanent home. The Foster Care Advisory Group recommends adding an additional provision as grounds for termination of parental rights to allow public children services agencies to reduce re-entries for these youth and give them a better chance at securing a permanent home.

Recommendation:

1. Ohio should add an additional provision that would allow courts to terminate parental rights after there have been three distinct adjudications of child maltreatment over time. Ohio Revised Code (ORC) Section 2151.414 outlines the circumstances under which a court may permanently terminate parental rights, freeing the child for adoption. This would address situations in which a child frequently re-enters the custody of a public children services agency, which prevents the child from obtaining a permanent home. For suggested legislative language, please see Appendix A.

Foster Parent Participation

A consistent theme throughout the Child Safety Summits was the lack of foster parent inclusion in the court process. Foster parents are not always included in the process as required by Ohio law (ORC 2151.424) and federal regulation (45 Code of Federal Regulations 1356.21(o)). The practice of permitting foster parents to be a part of the court process varies by jurisdiction. As primary caregivers, these foster parents could serve as a valuable resource to the court in its decision-making regarding the best interest of the child.

In creating recommendations to address this issue, the Foster Care Advisory Group believes it is crucial that all key players — including foster parents, child welfare workers, and judges — have training on foster parents' rights to receive notice of a court hearing involving a foster child in their care and to present evidence in court.

Recommendations:

2. The Ohio Child Welfare Training Program should include training for foster parents in the existing mandatory pre-service training to make them aware of their right to be given notice of court hearings and to present testimony. This training should provide foster parents with the name, title, e-mail address, mailing address, and phone number of a person to contact if they are not given notice in a hearing and are not permitted to testify in court.

3. The Ohio Child Welfare Training Program should create a separate, non-mandatory training for foster parents to teach them how to be engaged in the court process.

4. The Ohio Family Care Association, in collaboration with the Supreme Court of Ohio, the Ohio Department of Job and Family Services, the Public Children Services Association of Ohio, and other members of the Foster Care Advisory Group, should create a fact sheet or guide for foster parents, relatives, or prospective adoptive parents to explain the requirements of court, their rights, and how the court process works (including party status). This guide should provide foster parents with a direct contact to assist them in navigating this system.

5. Ohio should consider providing training opportunities to juvenile court judges on the importance of foster parent involvement and the requirements around foster parent participation in the court process under Ohio law. Opportunities for training include:
    - The Ohio Judicial College
    - Ohio Juvenile Judges Association annual and winter conferences

6. The Supreme Court of Ohio should consider promulgating a juvenile rule to clarify that the foster parent has the right to receive notice of court hearings and to present evidence.

7. The procedure for sending notice to foster parents is currently unclear in Ohio. This confusion makes it necessary to clarify responsibilities for ensuring that foster parents receive notice of court hearings between the public children services agency and the court. The Supreme Court of Ohio should consider drafting a juvenile rule to create a procedure for local juvenile courts to send notice to foster parents. This procedure should consider the confidentiality of foster parent names and contact information.

8. The Supreme Court of Ohio should consider revising its current bench card for juvenile court judges to direct judges to request updated foster parent contact information from the child welfare professionals associated with an abuse/neglect/dependency case.

9. The Ohio Child Welfare Training Program should include training on foster parent notification and right to present evidence under Ohio law in the mandatory core training for all child welfare professionals. This will ensure that all child welfare professionals who enter the profession from this point forward have knowledge of this requirement.

10. Private organizations that provide Continuing Educational Units for social workers, such as the Ohio Association of Child Caring Agencies and the Ohio Chapter of the National Association of Social Workers, should consider training existing social workers on the foster parent right to receive notice and present evidence.

Guardian Ad Litem Non-Compliance with Rule 48

Those who attended the summits reported that many attorney guardians ad litem who are not court-appointed special advocate (CASA) volunteers are not meeting minimum requirements set by the Supreme Court of Ohio and consequently are not representing the best interests of foster youth. Guardians ad litem serve an integral role in the child welfare system. It is absolutely critical that each guardian ad litem is fully investigating each case prior to making a recommendation concerning the child's best interests to the judge.

In creating recommendations to address this issue, the Foster Care Advisory Group recognizes that there are individual attorney guardians ad litem who adequately represent the best interests of foster youth. However, certain barriers create systemic issues for attorney guardians ad litem to adequately represent the youth they are assigned. Many attorneys do not have the training or the time to effectively represent the best interests of foster youth.

)CASAs, on the other hand, are highly trained volunteers who keep small caseloads. The volunteer nature of their work ensures they have a passion to protect the best interests of children, while the limit on caseload sizes ensures that they have the proper time to investigate each case they are given. Children with a CASA volunteer are more likely to have their case permanently closed and less likely to re-enter the child welfare system.[iii] For this reason, the Foster Care Advisory Group recommendations below focus on incentivizing the creation of CASA programs across the state, eliminating distinctions between abuse, neglect, and dependency cases, and making necessary changes to hold all guardians ad litem accountable for fully discharging their duty to protect the best interests of the children they are assigned.

Recommendations:

11. The Supreme Court of Ohio should consider reviewing the Ohio Rules of Superintendence Rule 48 with the goal of providing greater guardian ad litem accountability and additional transparency to ensure that all youth have quality representation that works in their best interests.

12. Ohio should revise its guardian ad litem statute to require guardians ad litem to follow Rules of Superintendence Rule 48 and should require courts to follow this rule in determining which guardians ad litem remain on the court-appointed guardian ad litem list. Ohio Revised Code 2151.281, which sets out the duties of a guardian ad

litem, has not been updated since the creation of Ohio Rules of Superintendence Rule 48 in 2009. This statute directs the guardian ad litem to "perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the child, and shall file the motions or other court papers that are in the best interest of the child." ORC 2151.281(I). Ohio Rule of Superintendence Rule 48, created after this statute was in place, contains a much longer set of investigation requirements for guardians ad litem. Revising this statute to cross-reference Ohio Rules of Superintendence Rule 48 would clarify the guardian ad litem's responsibilities. For suggested legislative language, please see Appendix B.

13. Ohio should further revise its guardian ad litem statute to require the appointment of guardians ad litem in dependency cases. Currently, Ohio Revised Code 2151.281(B)(1) only specifies that a guardian ad litem be appointed in child abuse and neglect cases, leaving out the category of dependency cases. Parents' willingness to plead to a dependency adjudication, rather than an abuse or neglect adjudication, leads to dependency cases being factually indistinguishable from abuse and neglect cases. Children should be appointed a guardian ad litem to protect their best interests in dependency cases, as the practice of dropping an abuse or neglect case to a dependency case makes the line between these cases indistinguishable. For suggested legislative language, please see Appendix B.

14. The Supreme Court of Ohio should consider amending the Ohio Rules of Juvenile Procedure Rule 4 to remove distinctions between abuse, neglect, and dependency cases in terms of whether and what type of representation a child receives, consistent with Recommendation 13 (above). The rule should be changed to provide all children with a guardian ad litem and to remove roadblocks to having a CASA volunteer serve as guardian ad litem in abuse cases.

    First, all children should be appointed a guardian ad litem to represent their best interests. Currently, the rule requires a court to appoint a guardian ad litem in abuse and neglect cases, but not dependency cases. As dependency cases often are factually similar to abuse and neglect cases, the rule should be amended to match the statutory suggestion in Recommendation 13.

    Second, the Supreme Court of Ohio should remove the requirement that abuse cases be appointed counsel in order to allow abuse cases to be taken by CASA volunteers. Under Rule 4, there are two types of representation a child can receive: a court can

appoint an attorney to serve as counsel to represent the child's interest (what the child wants), or the court can appoint either an attorney or a CASA volunteer to serve as guardian ad litem to represent the child's best interest (what is best for the child). In abuse cases, the judge is required by the rule to appoint an attorney as counsel. The rule also requires that abuse cases are provided with a guardian ad litem. Courts often appoint the same attorney as both counsel and guardian ad litem for the child. This often precludes CASA volunteers from serving as guardians ad litem in abuse cases, as courts are reluctant to provide a separate guardian ad litem and counsel. As abuse cases often are factually indistinguishable from neglect and dependency cases, there is no reason abuse cases should automatically trigger the appointment of an attorney to serve as counsel. Practically, this requirement merely keeps children who are placed in the statutory category of abuse from having the benefits of a CASA volunteer serve as their guardian ad litem. Making the current mandate that counsel be appointed in abuse cases permissive will allow abused children to be represented by a CASA volunteer.

15. Ohio should strengthen and expand CASA programs across the state by providing a state-level funding stream. Currently, 51 counties do not have a CASA program. Only 2% of CASA funding (in the 37 counties that have a CASA program) comes from the state, with 48% of funding coming from various county sources. Ohio should consider creating a state-level funding stream for CASA programs to ensure their sustainability. Implementation across the state could be sustained at $25,000 per year per program, with an additional $200,000 per year for Ohio CASA (for training and support of the local programs and to monitor and enforce established standards).

Mentoring for Foster Youth

The value of mentors for youth in foster care was stressed at Child Safety Summits in Cleveland, St. Clairsville, Youngstown, Toledo, and Akron. The concept of foster youth needing a mentor was nearly always mentioned by the youth in attendance at the Child Safety Summits. In addition, Ohio Administrative Code 5101:2-42-19, Requirements for the Provision of Independent Living Services to Youth in Custody, lists mentorship as one of the services that should be given to youth in foster care. Many promising programs currently exist in Ohio and across the country. Adoption NetworkCleveland operates one foster care-specific mentoring program, the Permanency Champions Mentoring Program. This program provides mentors who help prepare foster youth awaiting adoption for loving, permanent adoptive families.[iv] The Foster Care Advisory Group recognizes the need for foster youth to have support, such as the assistance of a mentor.

16. Ohio should support existing foster care mentorship programs. The Ohio Department of Job and Family Services is launching such a program, called Connecting the Dots. This program aims to improve educational, employment, and earnings outcomes for foster youth and better support their transition to adulthood. One facet of this program is providing mentors for youth in foster care. For more information on the Connecting the Dots initiative, please see Appendix C.

17. County Public Children Services Agencies and private placing agencies should consider partnering with existing mentoring models to see if these organizations can create a specialized mentoring program for foster youth. For example, one way to provide mentors for foster youth with mental health issues is the Certified Peer Support Specialist model, which trains young adults who have recently transitioned and have experience with mental illness to mentor youth with mental health issues in the system. Beginning in July 2013, the Certified Peer Support Specialists are slated to become Medicaid billable, which will provide a funding stream for agencies that choose to hire these Peer Support Specialists to provide mentoring-type support to youth. Counties should consider such existing opportunities to provide additional supports to their youth in foster care. Agencies should look for models to provide youth with mentoring opportunities.

Normalizing the Experience for Youth in Foster Care

During the Child Safety Summits, former foster youth reported feeling increased stigma because of restrictions placed on them while in foster care. Youth in foster care often report being unable to have "normal" teenage experiences, such as riding to the mall with friends or sleeping over at a friend's house without having a full background check on the friend's parents completed beforehand.

The Foster Care Advisory Group recognizes that foster care is not a "normal" childhood situation. The goal in child welfare should be to allow the child to experience a normal childhood by moving the child to permanency (which can be a host of familial arrangements, including reunification with biological family, kinship care, or adoption) as quickly as possible. However, the Foster Care Advisory Group recognizes that Ohio should work to address the experience of youth in foster care to reduce stigma and allow them as normal a childhood as possible. To that end, the Foster Care Advisory Group identified public children services agencies' fear of liability as a major barrier to agencies allowing children in foster care to experience normal activities. Limiting liability for normal childhood activities will make agencies more comfortable with allowing children in foster care to share in the activities of their peers. Once the limits of agency liability are codified, agencies should review their policies to see which are truly essential for the safety of children in foster care and seek innovative solutions to help children experience the activities and opportunities their peers enjoy.

Recommendations:

18. Ohio should codify the limits of liability for public children services agencies, private placement agencies, and foster parents when children in foster care are permitted to engage in "normal" childhood activities. Whether or not a foster child is permitted to engage in "normal" activities is a county-by-county policy decision. Barriers to children in foster care participating in normal activities are erected because of county public children services agencies' concerns about liability if a child is injured during these activities. For suggested legislative language, please see Appendix D.

19. The Ohio Department of Job and Family Services should issue a guidance memorandum to county public children services agencies on developing a “youth normalcy” plan that provides more specific direction to public children services agencies, foster care providers, and foster parents on how to encourage engagement in “normal” age-appropriate activities and how to remove potential barriers to youth engaging in these activities.

Funding the Child Welfare System

Despite several recent investments by the state, Ohio ranks low in state spending on the child welfare system.[v] This lack of state funding especially impacts those 43 counties without local levies.[vi] With local budgets increasingly tight, a lack of funding means great variability in services that public children services agencies can provide families and foster children.[vii] The state, through the Ohio Department of Job and Family Services, recently made several investments in Ohio's child welfare system, including hiring up to 35 new Wendy's Wonderful Kids adoption recruiters and two state-level independent living coordinators. Ohio should continue to invest state funds in programs that are proven to expedite permanency for children in our foster care system and improve outcomes for these youth while providing a state-level funding mechanism to deliver more consistent services to children across the state.

Recommendation:

20. Ohio should develop a mechanism to ensure that foster youth and families in each county have at least a minimum level of services. One method of ensuring this is through the creation of a Shared Child Welfare Incentive Fund, which would incentivize local communities to raise additional funds for child welfare by creating a statewide fund to match local commitments. This would help ensure that foster children, regardless of their county, can expect more equalized access to services that help expedite their move to a permanent home, teach them the necessary skills to live independently, and give them the crucial support to successfully emancipate when they turn 18. For more details on the Shared Child Welfare Incentive Fund proposal, please see Appendix E.

Accountability in Child Welfare

Additional transparency and child welfare system guidance is needed. Throughout the Child Safety Summits, foster parents and biological parents alike repeatedly expressed frustration about the lack of accountability within the child welfare system. Families often find themselves without recourse when they feel that a social worker or public children services agency is not acting in the best interest of a foster child in their care. Some counties, such as Franklin and Hamilton counties, have an ombudsman to handle disputes with the public children services agency. But many counties do not have this mechanism. Even among the counties that have an ombudsman to sort out disputes with an agency, an ombudsman employed by the agency is arguably not an unbiased party.

21. Ohio should explore the creation of a system of increased transparency and technical assistance for families and the children in their care. Eleven states — Colorado, Connecticut, Georgia, Indiana, Maine, Massachusetts, Michigan, Missouri, Rhode Island, Tennessee, and Washington — have independent and autonomous ombudsman offices with child welfare oversight. The Foster Care Advisory Group recognizes value in the increased transparency provided by annual reports released by these ombudsman offices that detail the types and number of issues the office handles each year. This data provides valuable information about where system change is needed. In addition, the Foster Care Advisory Group believes that such a person or office could assist families in mediating disputes with county children services agencies. Ohio should look to its existing agencies in an attempt to create increased transparency and a mediation process without creating an entirely new system of bureaucracy.

Planned Permanent Living Arrangements

In Ohio, one custody status into which a child can be placed is a Planned Permanent Living Arrangement.[viii] Planned Permanent Living Arrangements are a major barrier to permanency, because this custody status means that no reunification efforts with the child's biological parents are necessary, but the child is ineligible for adoption.[ix] This leads to children lingering in foster care and almost inevitably aging out without a permanent family to help them successfully transition into adulthood.

The need to narrow or abolish this custody status was a common theme across many of the working groups during the Attorney General's Foster Youth Symposium held during the 2012 Two Days in May Conference on Victim Assistance. However, there also was a hesitance to terminate parental rights, as this effectively severs the ties with the child's entire biological family, including grandparents and siblings. This is troublesome, particularly for older youth who have strong connections with their biological family members. For this reason, the Planned Permanent Living Arrangement has been utilized to keep children in foster care, while still allowing them to maintain connections to their biological family.

The Foster Care Advisory Group recognizes a need to narrow the use of Planned Permanent Living Arrangements but also is sensitive to the concern that terminating parental rights severs the connection with the child's entire biological family. The fear that the child will lose the right to see all members of his or her biological family is a barrier for adoption, especially for older youth. Children should not have to choose between having a safe, loving, permanent adoptive family or maintaining connection with the part of their biological family that is safe and appropriate. For these reasons, the Foster Care Advisory Group recommends narrowing the Planned Permanent Living Arrangement to those situations in which the living arrangement is truly intended to be permanent and exploring a mechanism for ensuring that a child is given the opportunity to maintain connections with biological family after adoption in appropriate circumstances.

22. Ohio should pass legislation to limit Planned Permanent Living Arrangements to those youth who are truly in a permanent living arrangement. For suggested legislative language, please see Appendix F.

23. Ohio should further explore the use of voluntary Post Adoption Contact Agreements and Post Termination Contact Agreements to allow adopted children an opportunity to maintain contact with appropriate biological family members. This is especially important for older youth adopted from foster care who may have important connections to biological family members that are permanently severed when

parental rights are terminated. No child should be forced to choose between having a safe, permanent home and being able to maintain connections with appropriate biological family members.

24. Ohio should continue its investment in the Wendy's Wonderful Kids program in the 2014–2015 budget and consider including children in a Planned Permanent Living Arrangement as part of its target population. Wendy's Wonderful Kids, a child-focused recruitment program run by the Dave Thomas Foundation for Adoption, has proven effective at getting children waiting in foster care adopted. In fact, the impact of Wendy's Wonderful Kids is greatest among older children and those with mental health disorders. In fact, children with mental health disorders and children age 15 and older are three times more likely to be adopted using the Wendy's Wonderful Kids method. In the future, Ohio should consider recruiting "forever families" for children in Planned Permanent Living Arrangements in an attempt to find them a safe, permanent, and loving home that extends beyond their 18th birthday.

Foster Youth Voice in Court

Increasing a youth's voice in his or her case is of critical importance to foster youth. Foster youth who took part in the Child Safety Summits identified the need to increase youth participation and decision-making throughout the process by allowing them to come to and speak in court and participate in developing their own case plan goals. The Ohio Youth Advisory Board, the statewide group of youth and young adults in foster care who advocate for foster care policy, also recommend that courts give youth an opportunity to speak with a judge about their case.[x]

Providing a youth voice in court as a best practice also has been approved on the national level. The American Bar Association Standards for Representing Children in Abuse and Neglect Cases, approved in 1996, recognizes that children should be present at all significant court hearings and that the child has a right to meaningful participation in the case.[xi] The National Association of Counsel for Children also recommends that children be physically present in court at some point in the proceedings to allow all parties the opportunity to become acquainted with the child as an individual.[xii] The Foster Care Advisory Board recognizes that youth should be permitted to participate in the decision-making process and be included in decisions that impact their lives on an age-appropriate level.

Recommendations:

25. Ohio should ensure that foster children receive an orientation guide on what to expect in foster care, how the court process works, and their rights as foster youth. The Ohio Youth Advisory Board has created a Foster Youth Rights Handbook that gives youth an overview of foster care, explains their rights and responsibilities, and includes resources for foster youth. Public children services agencies should distribute such a guide to older youth entering foster care.

26. Ohio should create a mechanism to ensure that older youth are given the opportunity to attend staffings/team decision-making/group decision-making sessions that pertain to their case plans.

27. Public children services agencies should ensure that older youth are given the opportunity to attend court hearings in their cases. Further, the agencies should facilitate their attendance at these court hearings.

28. The Supreme Court of Ohio should consider amending Ohio Rules of Juvenile Procedure to clarify the expectation that older youth should be in attendance at court hearings impacting decisions in their lives. The Supreme Court of Ohio also should explore ways to further engage judges in ensuring that youth are appropriately prepared for adulthood, utilizing tools such as The Foster Youth Advocacy Center at Capital Law School's judicial bench booklet of questions for hearings involving youth aged 13–18.

Medical Care for Foster Youth

Children in foster care experience higher rates of medical and behavioral health issues than other children. Many of these issues are exacerbated by trauma experienced prior to entering foster care. What makes circumstances even less safe for these children are systemic barriers that inhibit optimal medical and behavioral health care. Medicaid access is difficult and time-consuming for case managers and foster parents. Disruptions in placement result in subsequent disruptions in medical care, with no clear paths for child welfare workers to communicate with health care providers and health care providers to communicate with one another to ensure that the child experiences continuity in care. In addition, recent changes to the Medicaid program in Ohio make it difficult for foster youth to receive Community Psychiatric Supportive Treatment (CPST), which is crucial to support the healing and recovery process for abused and neglected children. The Foster Care Advisory Group recommends the creation of a statewide registry to allow tracking of a foster child's medical history and encourages the use of a medical home model of care and the restoration of CPST services to foster youth.

29. Ohio should create a standardized, computer-based system to allow doctors to share medical information about youths in foster care.

30. Every foster child in Ohio should have a clearly identified medical home, defined as care that is accessible, continuous, comprehensive, family-centered, coordinated, compassionate, and culturally effective. This care should be provided by well-trained primary care providers who help to manage and facilitate essentially all aspects of pediatric care. The provider should be known to the child and the family and should be able to develop a partnership of mutual responsibility and trust with them.

    County agencies should identify and partner with these medical providers to ensure adequate ongoing learning within the medical community about the special needs and mandated aspects of medical care of foster children. Collaboration with the Ohio Chapter of the American Academy of Pediatrics and regional children's hospitals throughout Ohio may facilitate this.

31. Ohio should ensure that youth in foster care continue to receive Community Psychiatric Supportive Treatment (CPST). CPST is a service currently being provided by foster care agencies to youth in treatment-level foster care to assist them with daily needs. Services that foster care agencies provide under CPST include monitoring medication compliance, education advocacy for the foster child with schools, and teaching foster children how to cope with anger and outbursts. However, upon implementing a new Medicaid program in Ohio — the Community Behavioral Health Center's Health Home Program — CPST services being provided by

foster care agencies will no longer be Medicaid reimbursable. The new Health Home program, beginning in October 2013, consists of a team of mental health professionals who will coordinate primary health care and mental health services to foster youth. Foster children will benefit from many parts of the Health Home program, which will track their health data and coordinate their appointments with various medical professionals. However, the Health Home program will not include all of the foster care specific services that foster care agencies currently provide with CPST. Because the federal government considers CPST and Health Home services to be too similar, Medicaid will not fund both CPST and Health Home services for foster youth at the same time. Without Medicaid reimbursement, foster care agencies will simply not be able to afford to provide these crucial services to foster youth. Ohio should find solutions to continue to allow Medicaid to reimburse foster care agencies to provide CPST services to foster youth.

Appendix A

2151.414 Hearing on motion requesting permanent custody

(B)(1) Except as provided in division (B)(2) of this section, the court may grant permanent custody of a child to a movant if the court determines at the hearing held pursuant to division (A) of this section, by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody of the child to the agency that filed the motion for permanent custody and that any of the following apply:

(a) The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period if, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state, and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

(b) The child is abandoned.

(c) The child is orphaned, and there are no relatives of the child who are able to take permanent custody.

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.

<u>(e) The parent has had this child or other siblings of the child adjudicated to be dependent, neglected or abused on three distinct occasions by the juvenile court or other similar court in another state.</u>

For the purposes of division (B)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

Appendix B

Ohio Revised Code 2151.281 Guardian ad litem.

(A) The court shall appoint a guardian ad litem, subject to rules adopted by the supremecourt, to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent child or unruly child when either of the following applies:

(1) The child has no parent, guardian, or legal custodian.

(2) The court finds that there is a conflict of interest between the child and the child's parent, guardian, or legal custodian.

(B)

(1) The court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged abused ~~or~~, dependent, or neglected child and in any proceeding held pursuant to section 2151.414 of the Revised Code. The guardian ad litem so appointed shall not be the attorney responsible for presenting the evidence alleging that the child is an abused or neglected child and shall not be an employee of any party in the proceeding.

(2) The guardian ad litem appointed for an alleged or adjudicated abused or neglected child may bring a civil action against any person who is required by division (A)(1) or (4) of section 2151.421 of the Revised Code to file a report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred if that person knows, or has reasonable cause to suspect or believe based on facts that would cause a reasonable person in a similar position to suspect or believe, as applicable, that the child for whom the guardian ad litem is appointed is the subject of child abuse or child neglect and does not file the required report and if the child suffers any injury or harm as a result of the child abuse or child neglect that is known or reasonably suspected or believed to have occurred or suffers additional injury or harm after the failure to file the report.

(C) In any proceeding concerning an alleged or adjudicated delinquent, unruly, abused, neglected, or dependent child in which the parent appears to be mentally incompetent or is under eighteen years of age, the court shall appoint a guardian ad litem to protect the interest of that parent.

(D) The court shall require the guardian ad litem to faithfully discharge the guardian ad litem's duties and, upon the guardian ad litem's failure to faithfully discharge the guardian ad litem's duties, shall discharge the guardian ad litem and appoint another guardian ad litem. The court may fix the compensation for the service of the guardian ad litem, which

compensation shall be paid from the treasury of the county, subject to rules adopted by the supreme court.

(E) A parent who is eighteen years of age or older and not mentally incompetent shall be deemed sui juris for the purpose of any proceeding relative to a child of the parent who is alleged or adjudicated to be an abused, neglected, or dependent child.

(F) In any case in which a parent of a child alleged or adjudicated to be an abused, neglected, or dependent child is under eighteen years of age, the parents of that parent shall be summoned to appear at any hearing respecting the child, who is alleged or adjudicated to be an abused, neglected, or dependent child.

(G) In any case involving an alleged or adjudicated abused or neglected child or an agreement for the voluntary surrender of temporary or permanent custody of a child that is made in accordance with section 5103.15 of the Revised Code, the court shall appoint the guardian ad litem in each case as soon as possible after the complaint is filed, the request for an extension of the temporary custody agreement is filed with the court, or the request for court approval of the permanent custody agreement is filed. In any case involving an alleged dependent child in which the parent of the child appears to be mentally incompetent or is under eighteen years of age, there is a conflict of interest between the child and the child's parents, guardian, or custodian, or the court believes that the parent of the child is not capable of representing the best interest of the child, the court shall appoint a guardian ad litem for the child. The guardian ad litem or the guardian ad litem's replacement shall continue to serve until any of the following occur:

(1) The complaint is dismissed or the request for an extension of a temporary custody agreement or for court approval of the permanent custody agreement is withdrawn or denied;

(2) All dispositional orders relative to the child have terminated;

(3) The legal custody of the child is granted to a relative of the child, or to another person;

(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;

(5) The child reaches the age of eighteen if the child is not mentally retarded, developmentally disabled, or physically impaired or the child reaches the age of twenty-one if the child is mentally retarded, developmentally disabled, or physically impaired;

(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.

If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.

(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, the court shall relieve the person of duties as guardian ad litem and appoint someone else as guardian ad litem for the child. If the court appoints a person who is not an attorney admitted to the practice of law in this state to be a guardian ad litem, the court also may appoint an attorney admitted to the practice of law in this state to serve as counsel for the guardian ad litem.

(I) The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the child, and shall file any motions and other court papers that are in the best interest of the child <u>in accordance with rules adopted by the supreme court</u>.

The guardian ad litem shall be given notice of all hearings, administrative reviews, and other proceedings in the same manner as notice is given to parties to the action.

(J)

(1) When the court appoints a guardian ad litem pursuant to this section, it shall appoint a qualified volunteer or court appointed special advocate whenever one is available and the appointment is appropriate.

(2) Upon request, the department of job and family services shall provide for the training of volunteer guardians ad litem.

Effective Date: 07-01-2000; 08-03-2006; 09-21-2006

Appendix C

"Connecting the Dots from Foster Care to Employment and Independent Living"
Ohio's Initiative for Older Youth in Foster Care

Every year in Ohio approximately 1,000 – 1,400 youths age out of foster care, and the futures they face are often grim. Foster youths are one of the nation's most vulnerable populations. This is evident in the following national statistics:

- 81% of males have been arrested by age 24
- 54 percent report having at least one mental health problem
- 48 percent of females become pregnant by age 19
- 33 percent receive neither a high school diploma nor a GED, compared to fewer than 10 percent of their same-age peers
- 33 percent have household incomes below the poverty level, which is three times the national rate
- 25 percent have experienced post-traumatic stress disorder, compared to 15 percent of Vietnam War veterans and 12 percent of Iraqi War veterans
- 22 percent experience homelessness, and 40 percent of the adult homeless population spent some time in foster care

These statistics are unacceptable, and to turn these numbers around, the Ohio Department of Job and Family Services has launched this comprehensive initiative. Research shows that concerted and relatively inexpensive investments in foster youths can make a very big difference. Each year in America, more than 24,000 teens leave foster care without being adopted. According to a report published by the National Governor's Association, providing better support to these young adults would save more than $5.7 billion over their lifetime by reducing the demand for public spending for services such as welfare assistance and criminal justice. Ohio is making these investments and embracing the vision of a better future for the young people in our care.

"Connecting the Dots" Goals:

- dramatically improve educational, employment, and earnings outcomes
- better support foster youths' transition to adulthood
- prevent and reduce the incidence of early pregnancy
- break down program and funding silos so cross-system strategies are effective

Four-tiered strategy:

1) Statewide training to build common, foundational knowledge

    a. Cross-program training for foster care case managers and WIA youth program staff
    b. Training on Ohio's many self-service career exploration and employment assistance tools for One-Stop youth staff, service providers, and foster care youths, parents, and case managers
    c. Conference for 250 youths, planned with strong youth voice
2) Pilot programs to integrate WIA youth program and foster care independent living services
    a. Five pilot locations selected in February 2012
    b. $5.8 million TANF Demonstration Grant over 2.5 years
3) Comprehensive website providing access to self-service information and resources
4) Statewide implementation of best practice model, in a phased approach

Service delivery model "connects the dots" between:

- Workforce Investment Act (WIA) youth employment and training services
- foster care independent living services
- Big Brothers Big Sisters volunteer mentors
- Temporary Assistance to Needy Families (TANF) demonstration grant funds
- Ohio Department of Health program to reduce pregnancy and sexually transmitted infections

Key service components:

(Studies indicate these reduce risky behavior and positively impact educational attainment, employment, earnings, and self-sufficiency after leaving foster care.)

1) Educational supports such as tutoring, study skills, and dropout prevention with the following benefits:
    - Increased high school or GED completion rate
    - Increased enrollment and retention in post secondary education
    - Increased attainment of degree or industry-recognized credential

2) Career exploration, work readiness training, and job placement with the following benefits:
    - Increased employment during and after high school
    - Increased wage level to enable independent living
    - Reduced percentage receiving public assistance

3) Adult mentoring with the following benefits:
    - Increased pool of trained mentors recruited and matched with youths
    - Increased developmental assets for youths to avoid early parenting and other risky behavior
    - Increased number of youths with an adult to support them as they transition to a 13th year of education

4) Capacity building of youth service agencies with the following benefits:

- Increased coordination of services by multiple agencies
- Improved continuity in plans of service for youths
- Increased knowledge of case managers and front-line staff of the full range of services and resources available to older youths in foster care
- Improved inter-agency organizational infrastructure to comprehensively serve youths aging out of foster care
- Increased information about what services are effective

Primary target audience: youths 16-18 in foster care, older and younger youths as funding permits

Ohio's new view of cross-program services to youths emancipating from foster care:

- Integrated system design
- Blended funding streams
- Synchronized policies
- Strategic case practice
- Meaningful youth engagement, voice, and input
- Collaborative planning

Appendix D

Ohio Revised Code 5103.162 Qualified immunity of foster caregiver.

(A) Certified foster caregivers may authorize activities, in accordance with the policies set out by their placing agency, using a reasonable and prudent parent standard such as they would use for their own children. Except as provided in division (B) of this section, a foster caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under this chapter or under rules adopted under authority of this chapter.

(B) The immunity described in division (A) of this section does not apply to a foster caregiver if, in relation to the act or omission in question, any of the following applies:

(1) The act or omission was manifestly outside the scope of the foster caregiver's power, duty, responsibility, or authorization.

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

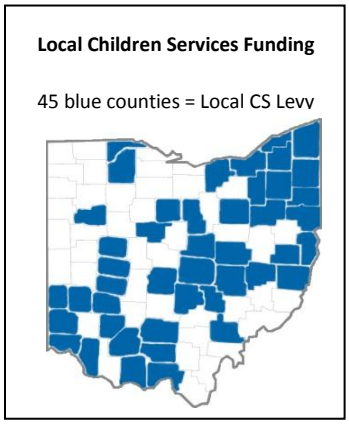
(3) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(C) A public children services agency, private non-custodial agency or private child placing agency that placed a child in a certified foster home acting in accordance with this section in good faith shall not be subject to any civil or criminal liability for injury, death, or loss to person or property incurred or imposed as a result of caregiver or agency decisions made under reasonable and prudent parent standards.

Effective Date: 09-21-2006

Appendix E

The *SHARED OHIO CHILD WELFARE INCENTIVE FUND*



Improving Child Outcomes with Accountability and Shared Investment

Child Safety and Permanency is critical for *every* child in Ohio – but available resources (which definitely impact child outcomes) vary widely, primarily based on the presence or absence of a local children services levy. ***Ohio voters have shown impressive support of children services, with 100% passage of all such levies in the past four years, many with over 60% voter support***. Initiating a new levy, however, is a daunting task for all involved.

Recognizing state and local budget environments, PCSAO seeks to partner with the Administration, General Assembly and Local Governments to create an Incentive Fund to offer local voters the chance to target additional support for child protection.

Requirements to access the Shared Ohio Child Welfare Incentive Fund:

- ***Shared Local Voter Support*** - counties would invest in their child welfare agency meeting a local "effort" amount. Elected officials would have the option of approving a Local Children Services Property or Sales Tax Levy as match for the Shared Ohio Child Welfare Incentive Fund, or increasing local GRF.
- ***Required Performance Improvement*** – based on recently available ODJFS and Supreme Court of Ohio child outcomes data, counties would demonstrate performance improvement or, based on areas of needed improvement, engage from a menu of practice enhancements to improve performance. There are known innovation opportunities for outcomes improvement, and Ohio has excellent partners.
- ***Addressing Equity Concerns*** – the very passage of a local levy, where none exists, would greatly ease inequities. While the state incentive fund match would be used to extend or initiate key performance improvement efforts, the counties that take advantage of the incentive opportunity would have passed that initial levy which is by hard the most difficult levy. Going back for continued voter approval in the future, absent the enhanced state incentive match, would be less daunting, but continue to allow voters to choose how to invest their funds.

Inequities between counties that have local children services levy support vs. those that do not, are widening due to tax and budget changes; according to recent analysis, the average 2009 per child population child welfare investment in Ohio was $344/child. ***Yet 16 counties had less than a $110/child investment.*** (Statewide Ohio Maltreatment Needs Assessment and Evaluation Services, *Child Trends*, June 30, 2011). **State GRF support, averaging only 5% of local child welfare costs (10% when figuring in state level supports)** –

clearly becomes critical when a county has weak local support, as total available child safety and stability resources is much less – the state budget cuts over the past few years have heightened inequities among counties.

Funds to support children services come from three sources: federal, state, and county. Significant differences in the level of funding exist among Ohio's 88 counties. Table 1 summarizes those differences by classifying counties into three groups: the largest 6 urban counties, counties with children services property tax levies (other than the Big 6 counties), and counties without a tax levy dedicated to children services. The Big 6 counties (Cuyahoga, Franklin, Hamilton, Lucas, Montgomery, and Summit) have been separated out because their large size and urban character and challenges, likely create disproportionate child protective service needs.

The table below shows that counties with levies (exclusive of the Big 6) have over three times more in local revenue and almost three times more in total revenue than counties without a children services property tax levy. Clearly, local revenue varies greatly; and the federal revenue (primarily a reimbursement) is driven by available state and local funds.

Table 1: Average FY11 Federal, State, Local, and Total Revenue Per Child for Children's Services by County Group

	# of Counties	Federal Revenue	State Revenue	Local Revenue	Total Revenue
All Counties	88	$145	$31	$138	$314
Counties *Without* Levies	43	$48	$25	$35	$108
Levy Counties (excluding Big 6)	39	$122	$30	$121	$271
Big 6 Counties (all have levies)	6	$216	$35	$207	$459
All Counties With Levies	45	$171	$33	$165	$368

(Note: Averages are weighted averages based on county population under age 18.)

Funding inequity among the 88 PCSAs is great, and thus available child protective and permanency services greatly vary. ***To address equity issues, PCSAO proposes a new state and local fiscal relationship – based on county wealth and effort.***

Shared Ohio Child Welfare Incentive Fund Logistics

While not changing any current state funding available (the State Child Protection Allocation which is distributed by child population formula), this proposal would provide an incentive for all counties to invest in their child welfare services. In a time when local governments have shrinking resources, this offers a new option for funding child welfare.

Essentially a per child resource goal would be set – combining local and state revenues, for instance $169/child would is the average state/local funding according to the chart above ($31 state plus $138 local revenue). Then, **based on an agreed upon local effort (say 1.25 mills), the total revenue goal, in this example $169, would be split between the local investment and a state supplemental amount.** Obviously, a county with high property wealth (i.e. Union) would raise more/child at 1.25 mills, than a low wealth county (i.e. Lawrence) –

both of these counties have about 14,000 child population. Thus, the state supplement for Lawrence would be greater than the state supplement for Union. **While the local effort is measured by millage, counties could use any revenue source for the local investment** – children services levy, local general revenue, even a sales tax.

As counties invest in their child welfare services, their effort would be proportionally matched, up to the minimal resource goal per child. Thus, if a county passed one mill in this scenario (so 2/3 of the local effort goal), then the state supplement would get the county to 2/3 of the goal for state / local resources/child.

This proposal offers a number of key items:

- Addresses equity among the 88 counties
- Maintains all current state funds to 88 counties
- Requires a SHARED effort and investment for any NEW funds
- Recognizes county capacity to raise funds, based on property wealth
- Allows flexibility for local officials, both in method (levy, LGFR, sales tax) and effort (up to the millage goal or partial)

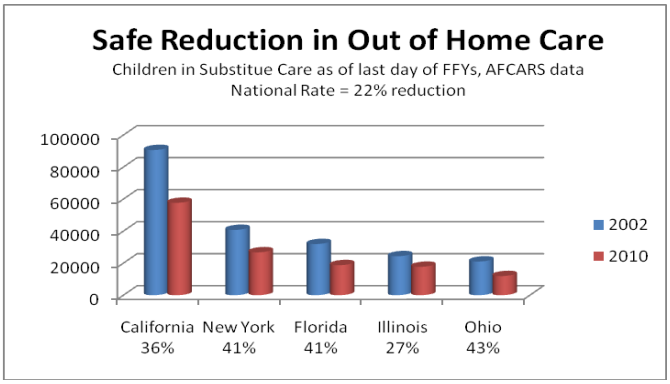
Accountability & Evaluation – Data driven accountability must be incorporated. Counties benefitting from the incentive fund would outline which outcomes they are working to impact, and what practice innovations will be employed. ODJFS and the Supreme Court of Ohio would facilitate a menu of opportunities. Suggest tracking the Supreme Court of Ohio child outcomes data (which is also linked to our federal Child and Family Service Review data).
Levy Campaign Support – PCSAO already offers significant technical support for local levy efforts, as seen with the PCSAO Levy Guide updated in October 2010; we would work to create a team of peer county supports, and we would seek active partnerships with our state and local governments.

Ohio's child welfare system demonstrates impressive results, including leading the nation in a safe reduction of children in out of home care; consistently receiving excellent fiscal accountability audit reviews; we are engaged in innovations and performance data tracking to ensure ongoing quality improvements.

Ohio primarily depends upon federal and local funding for child safety and stability. Not only does Ohio receive excellent federal child welfare fiscal audits (96% compliance), but Ohio county public children services agencies have an impressive legacy of allowably leveraging federal funds for child welfare – other states seek technical assistance at times. And local voters have confirmed their value for child safety and stability and confidence in the county public children services agencies in the 45 counties that support local children services levies - they have enjoyed a high level of voter support in recent years (100% passage in the past four years).

Unfortunately, the 8-10% proportional child welfare contribution from the State of Ohio continues to erode in recent years. This proposal would NOT impact current state funding as distributed to the county agencies, but provide incentive for greater local voter

investment – especially as local GRF is diminishing. While PCSAO is grateful to the General Assembly for restoring funds directly supporting permanent kinship and adoptive families in the 2012-13 biennial budget, we remain concerned about the capacity of all 88 county public children services agencies to provide consistent, quality safety and permanency services for our children.



Not a Silver Bullet – it is recognized that not every community will choose to seek voter support for children services levy funds – even with a state incentive match. But this proposal has the potential to greatly improve the chance for a brighter future for many children impacted by child maltreatment, using data, focusing on improved outcomes and allowing the state to offer a time limited opportunity for engagement.

PCSAO is very excited to share in Ohio's progress in improving child outcomes, while maintaining accountability and engaging all in a shared investment. We know what works, we know where our strengths and weaknesses are, and we are a responsible child welfare system. We have excellent partners in ODJFS, the Ohio Supreme Court, Casey Family Programs and others.

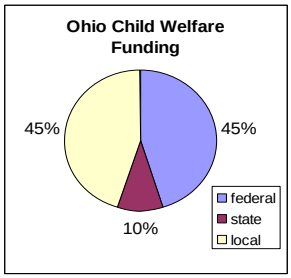
Background and Supporting Information

OHIO CONTINUES TO LEAD NATION IN SAFE RATE OF REDUCTION 2002-2010 – federal AFCARS data were recently released by the US Dept. of Health and Human Services, Administration for Children and Families. Looking at the number of children in care as of the last day of each federal fiscal year, Sept. 30, the displayed chart shows ***Ohio continues to lead the nation in the Safe Rate of Reduction of Children in Care between 2002 and 2010***.

Knowing the trauma involved with disrupting a child from his or her family, it is gratifying to see that Ohio continues to take our job seriously and seek safe strategies for better outcomes. The Safe Rate of Reduction rate results from a variety of strategies including using our CAPMIS Safety, Risk Assessment tools to safely load services up front to prevent removal from the home, using Case Planning tools to actively engage with families and communities to connect needed services and supports, effectively identifying and supporting kinship caregivers for temporary and/or permanent caregiving when needed, and identifying permanent adoptive homes for children when parents or extended family cannot. Ohio's Differential Response expansion is also having an impact to safely maintain more children in their home.

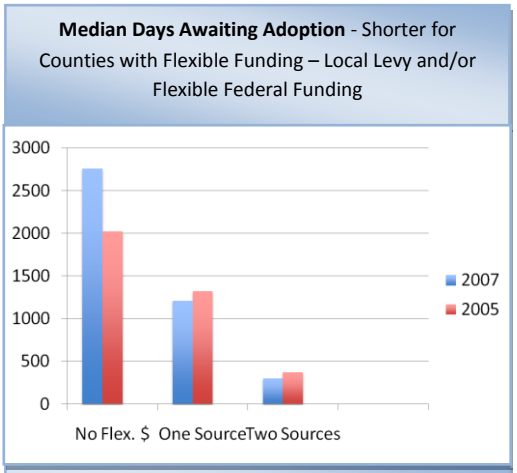
FUNDING TRENDS - The PCSAO Factbook and other state data have demonstrated persistent trends for child welfare funding:

- **Federal Funds** - Ohio's child welfare system is accountable and aggressive in allowably claiming federal funds to ensure child safety, stability and permanency (primarily Title IV-E but also Title IV-B and CAPTA funds). Ohio child welfare professionals are very competent at identifying eligible children and allowable activities, allowing maximum federal claiming; and we have consistently performed excellently on our federal Title IV-E Fiscal Reviews with a 96% compliance rate. However, federal policies are diminishing who is eligible, and recent interpretations have reduced eligible activities. Still, the percentage of federal investment for Ohio's child welfare program usually ranges from 43-49% of the total costs. 18 counties (one-third of the state population) enjoy flexible Title IV-E waiver funding for any child welfare activity, other counties must categorically claim the funds for certain allowable activities.



- **State Funds** – State GRF contributes 8-10% to the total cost of child welfare, the lowest state investment in the nation. In absolute dollars, state funds have deteriorated in recent years. Half of the funds provide a true partnership for adoptions with a small but important support for permanent kinship caregivers, as well as statewide SACWIS (computer) system. The other half (5% of the total cost of child welfare) is distributed to the 88 PCSAs by formula, primarily based on population.
- **Local Funds** – constituting between 41-49% of the total costs, these funds come from either Local GRF (43 counties, 20% child population) or Local Levies (45 counties, 80% of the child population). Available local GRF revenues have been hit hard due to cuts in the Local Government Fund, and both local GRF and Local Levies are being cut due to Tangible Personal Property Tax losses. ***Nevertheless, levy funded counties have enjoyed 100% passage rate of children services levies in the past four years, demonstrating citizens value their local CPS services.***

Unfortunately, the resource gap between counties with and without levies continues to widen – along with the ability to improve outcomes, sometimes to even meet minimal mandates. The average 2009 per child population child welfare investment in Ohio was $344/child. *Yet 16 counties had less than a $110/child investment.* (Statewide Ohio Maltreatment Needs Assessment and Evaluation Services, *Child Trends*, June 30, 2011). While most all counties do an excellent job of allowably claiming federal funds, counties cannot access the federal funds without adequate non-federal match. And unless counties are part of the ProtectOhio Title IV-E Waiver Consortium, most federal funds are only available to support placement activities – the most traumatic and most expensive form of safety and stability for Ohio's children.



Median Days Awaiting Adoption - Shorter for Counties with Flexible Funding – Local Levy and/or Flexible Federal Funding

PCSAO 9th Edition Factbook data analysis by Catherine Cerulli, PhD, University of Rochester NY

ProtectOhio Title IV-E Waiver Impact - 18 Ohio counties (one-third of the state) enjoy a flexible federal Title IV-E Waiver. The ProtectOhio evaluation for 2004-2009 clearly demonstrated IV-E waiver counties reduced child placement days, while reinvesting their available funding to provide a

higher rate of in-home services to children and families at risk of placement, thus contributing to Ohio's safe rate of reduction; and we have seen statewide replication of such strategies as local communities invest local levy funding.

Local Levy Investment Impact - PCSAO is engaged with researchers looking at Ohio and nationally at the child welfare outcome impacts of funding availability in regards to source of funds (local, state and federal) and flexibility of funds (categorical or not). While further research / analysis proposals are pending, initial analysis of 88 county Ohio data, clearly shows that flexible local levy funding (as does flexible Title IV-E funding) has a positive impact on outcomes such as timeliness to adoption.

Child Protection Need and Performance - reports of abuse and neglect have increased by 15% in recent years. Recent research released by Ohio's Children's Hospitals showed an increase in the cases of abusive head trauma, correlating with the stressed economy. Meanwhile Ohio's child welfare system has *safely and intentionally reduced the number of children in out of home care*, utilizing critical risk assessment and safety tools, innovations, best practices and reinvestment of funds. This prevents significant trauma that children would experience, it also reduces the longer term governmental costs associated with placements (paid foster/group care) and poorer outcomes (lack of education, welfare dependency, behavioral health issues, incarceration.) Additional statewide performance trends can be seen below.

Ohio Statewide Trends	2009	% Change 2001 - 2009
Children in custody at least a day	23,139	34 % decrease
Children in custody at year-end	11,721	42 % decrease
Children awaiting adoption	2,897	46 % decrease
Reports of maltreatment	116,216	15 % increase

Key Program Improvement Plan Areas – with shared partnership between the Ohio Supreme Court and the Ohio Department of Job and Family Services, Ohio now can produce real time data identifying not only our successes, but also our areas for needed improvement. This new data driven information allows effective focus and investment of our time, talents and limited resources. We can build on our successes, we have evidence informed innovations for success, we have an innovative statewide training program, we have excellent technical assistance partners such as Casey Family Programs, and we have an inspired workforce. Differential Response, Family Search and Engagement/Permanency Roundtables, Foster Youth Educational Performance efforts, Improving Timeliness in the Courts, Trauma Informed Care are all innovation strategies that can be applied to improve outcomes.

Focus on the following outcomes are critical for Ohio's children to become productive, contributing citizens.

- Reducing the number of children re-entering foster care after reunification
- Reducing the length of stay for children in out of home care
- Timeliness of adoptions for children entering the system at age 11 or older
- Reducing the number of youth emancipating out of care without a permanent family
- Improving well-being outcomes for youth in care (e.g. - educational performance, reduced teen pregnancy rates through enhanced youth goals, critical thinking skills, education and awareness, and behavioral health outcomes as shown on tools measuring level of functioning)

Now is the time for Ohio to invest in child safety, stability and permanency - linking outcomes, performance and shared investment.

Appendix F

2151.353 Orders of disposition of abused, neglected or dependent child.

(A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody…

(3) Award legal custody of the child to either parent or to any other person…

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 …

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) <u>To apply to a child sixteen years of age or older</u>, when the parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative, <u>per the report of the child, Guardian Ad Litem and public children service agency. The child must also be placed in an independent living setting or in a family setting in which the caregiver has signed an intent to raise the child through emancipation.</u>

(c) The child is sixteen years of age or older, has been counseled on the permanent placement options available to the child, is unwilling to accept or unable to adapt to a permanent placement, <u>per the report of the child, Guardian Ad Litem and public children</u>

service agency and is placed in a an independent living setting or in a family setting in which the caregiver has signed an intent to raise the youth through emancipation.

Effective Date: 01-01-2001; 04-11-2005; 09-21-2006; 2008 HB7 04-07-2009

PPLA Statement of Intent Form

The Foster Care Advisory Group suggests using the attached A Statement of Understanding form, as used by Pickaway County Juvenile Court, according to ORC 2151.353(A)(3), http://codes.ohio.gov/orc/2151.353 (pertinent language cut and pasted below) as a model for the form stating a PPLA caregiver's intent to raise the youth through emancipation.

2151.353 Orders of disposition of abused, neglected or dependent child.

(A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition: ...

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

[i]Public Children Services Association of Ohio (2011). Narrative. In *2011-2012 Factbook* (10th ed., p. 1); Candisky, C. (2011, May 28). Ohio last in aid to Children Agencies. The Columbus Dispatch, p. 1. Retrieved from http://www.dispatch.com/content/stories/local/2011/05/28/ohio-last-in-aid-to-children-agencies.html.

[ii] Public Children Services Association of Ohio (2012). Recommendations to Improve Permanency for Foster Children, p. 2.

[iii]US Department of Justice, Office of the Inspector General. (2006, December). *National Court-Appointed Special Advocate Program*, p. XV, from http://www.justice.gov/oig/reports/OJP/a0704/final.pdf.

[iv] Permanency Champions Mentoring Program - Adoption Network Cleveland. (2012). *Adoption Network Cleveland*. Retrieved December 8, 2012, from http://www.adoptionnetwork.org/permanency-champions-mentoring-program.aspx.

[v]Ohio contributes only 8-10 percent of the total cost of child welfare services, with the remainder of child welfare services made up of federal and local funds. Public Children Services Association of Ohio(2011). Narrative. In *2011-2012 Factbook* (10th ed., p. 1); Candisky, C. (2011, May 28). Ohio last in aid to Children Agencies. The Columbus Dispatch, p. 1. Retrieved from http://www.dispatch.com/content/stories/local/2011/05/28/ohio-last-in-aid-to-children-agencies.html.

[vi] Public Children Services Association of Ohio, *2011-2012 Factbook*, 10th Ed., 7. http://www.pcsao.org/PCSAOFactbook/2011_2012/Narrative.pdf

[vii]Public Children Services Association of Ohio (2011). Narrative. In *2011-2012 Factbook* (10th ed., p. 7); Ward Allen, C. http://www.pcsao.org/PCSAOFactbook/2011_2012/Narrative.pdf; Public Children Services Association Shared Child Welfare Incentive Fund, 1 (2011) http://www.pcsao.org/News/SharedChildWelfareIncentiveFund.pdf.

[viii] Ohio Revised Code Section 2151.353

[ix] Ohio Association of Child Caring Agencies. (2011, May). *OACCA Discussion Paper: Planned Permanent Living Arrangements in Ohio*, p. 1.

[x] Ohio Youth Advisory Board (2006). The Overcoming Hurdles in Ohio (OHIO) Youth Advisory Board's Policy Recommendations. http://www.pcsao.org/OHIOYouth/2008/Reccomendations.pdf.

[xi] The American Bar Assocation. (1996, Feb.). *Standards for Representing Children in Abuse and Neglect Cases*, p. 11, at http://www.americanbar.org/content/dam/aba/migrated/family/reports/standards_abuseneglect.authcheckdam.pdf.

[xii] National Association of Counsel for Children. (2001, April). NACC Recommendations for Representation of Children in Abuse and Neglect Cases, p.8, at http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/docs/nacc_standards_and_recommend.pdf.

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