



# CHILDREN, FAMILIES, AND THE COURTS



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### Alternative Response

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Since 2004, the Supreme Court of Ohio's Subcommittee on Responding to Child Abuse, Neglect and Dependency has participated in ongoing efforts to develop and implement recommendations to improve Ohio's system for accepting and investigating reports of child abuse and neglect. One of the fundamental components of the Subcommittee's recommendations was initiating an Alternative Response\* child protection model in Ohio. This targeted approach to intake and case management authorizes child protection agencies to provide differentiated responses to reports of child maltreatment based on the individual circumstances or risk factors presented. This issue of the *Children, Families and the Courts Ohio Bulletin* focuses on alternative response child protection models and will

- Present an overview of alternative response;
- Examine the national data on alternative response structures;
- Outline the Subcommittee's alternative response proposal; and
- Provide an update on Ohio's progress toward implementation of an alternative response model.

\* *Alternative Response is also referred to as differential, dual or multiple response. For the purposes of this article, these terms will be used interchangeably.*

#### *What is Alternative Response?*

Alternative response allows child protection agencies to divert cases to different tracks or response paths in order to better address the specific circumstances and needs of each report of child maltreatment. The philosophy behind alternative response is quite straightforward – one size does *not* fit all in child protection matters. In our current child protection model, all *accepted* reports of child maltreatment *must* be investigated. Under an alternative response system, child welfare agencies have the capacity to respond to reports of maltreatment in a manner that is consistent with the level of risk and that corresponds to the severity of the presenting concern. Alternative response embodies the principles of family-centered practice by allowing for a more precise intervention. Alternative response models include two or more response paths through which families may be served, usually consisting of the following:

- A traditional child protection investigation path; and
- One or more “alternatives” to the traditional child protection investigation. (This alternative intervention often is referred to as a family assessment.)

Encouraging public children's services agencies to initiate family contact from an assessment perspective, rather than an investigative perspective, helps establish a foundation on which a more positive and productive partnership is built between the agency and family. Data on existing alternative response models have shown that for lower to moderate risk cases, a non-adversarial, non-threatening family assessment approach aids parental engagement and increases the likelihood of voluntary participation in services.<sup>1</sup>

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### *Scope of Alternative Response*

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A number of variations on alternative response have been implemented in jurisdictions across the United States and abroad over the past decade. However, because of the divergence in local system adaptation, it is difficult to pinpoint the precise number of jurisdictions currently utilizing "alternative response." In 2003, the Department of Health and Human Services' *National Study of Child Protective Services Systems and Reform Efforts* defined alternative response as "a formal response of the agency that assesses the needs of the child or family without requiring a determination that maltreatment has occurred." Under this definition, twenty states self-reported as offering an alternative response to the traditional child protection investigation.<sup>2</sup>

In 2005, the Child Welfare League of America (CWLA) and the American Humane Association (AHA) undertook efforts to further define alternative response in order to better understand the number of jurisdictions that have formally adopted alternative response systems and the structures of those systems. CWLA and AHA identified specific "core elements" to differentiate alternative response from other child protection reforms and to build consensus for an operational definition. These eight core elements of alternative or differential response structures are:<sup>3</sup>

- The inclusion of two or more differentiated response pathways or tracks.
- The availability of more than one type of response or intervention to an *accepted or screened in* report of child abuse or neglect.
- The selection of a response pathway based on various factors, typically including such factors as risk level, the number or type of previous reports, whether there may be an immediate

safety concern, the nature of the report (type of reported maltreatment), or the age of the child.

- The flexibility to change response tracks or pathways based on new information or an increase or decrease in risk level.
- The authorization for agencies to provide differentiated response tracks established in statute, policy, and/or protocol.
- The provision of *voluntary* services for families who receive a non-investigative assessment response.
- The absence of a formal determination of maltreatment (substantiation or unsubstantiation) for cases referred to a non-investigative response.
- The reservation of a state's central registry for use in those cases that receive a traditional investigative response. For cases on a non-investigative assessment track, there is no entry of an alleged perpetrator on the central registry.

CWLA and AHA conducted a national survey that found a total of fifteen states that had incorporated these core elements – Alaska, Florida, Hawaii, Kentucky, Louisiana, Minnesota, Missouri, North Carolina, Oklahoma, Pennsylvania, Tennessee, Virginia, Washington, West Virginia, and Wyoming. Eleven of these states have implemented alternative response on a statewide basis, and Florida, as of 2005, was working toward statewide implementation through a "phase-in" process.<sup>4</sup>

In addition to the fifteen states that met all eight of the identified operational criteria of differential response, nine additional states were found to be implementing various community-based, assessment, or family-centered child protection practices closely resembling aspects of alternative response. Several of these states refer to their own systems as alternative or differential response structures, and many of these program models include one or more of the AHA/CWLA core elements. These states include California, Iowa, Massachusetts, Michigan, New Jersey, New Mexico, North Dakota, South Dakota, and Wisconsin. Additionally, Westchester County in the state of New York began implementing a differential response structure in 2004.<sup>5</sup>

Child welfare systems outside of the United States are also exploring the benefits of alternative response structures to better serve families. Several Canadian provinces as well as jurisdictions in England, Australia and New Zealand have implemented differential response models.

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## Key Policy Considerations

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Examining established alternative response systems provides insight into policy considerations involved in developing an effective program model. Key considerations include (1) the number and designation of response pathways, (2) the criteria and tools used for assigning cases to a particular response path, and (3) the established mechanism for re-tracking of cases in the event that circumstances change.

### Response Pathways

*A key policy consideration in developing parameters for response pathways is to determine the number and scope of “tracks” that child maltreatment cases may follow.*

The majority of jurisdictions implementing alternative response models have implemented dual track systems. In a dual track system, there is typically an investigatory response pathway and a family assessment response path (although the designations given to these two basic tracks may differ from state to state). Exceptions to the two-track structure include the state of Wyoming, which has implemented a three-pathway system: Prevention, Assessment, and Investigation; and the state of Hawaii, also a three-track system: Family Strengthening Services (low risk), Voluntary Case Management Services (moderate risk), and Child Welfare Services Assessment/Investigation (high risk/safety concerns).<sup>6</sup>

It should be noted that the described alternative response pathways are designed to serve families who have met statutory definitions of child maltreatment and do not contribute to a “net widening” effect in jurisdictions that have implemented the model. Some jurisdictions have also implemented formal “referral” response pathways to link families with preventative assessments or services in cases that do not meet statutory requirements for a child protection response.

### Track Assignment

*A key policy consideration in developing parameters for track assignment is establishing clear directives for the types of cases that trigger automatic investigation versus those cases that can be referred to an assessment path.*

Most alternative response systems have established parameters that require specific types of reports to be assigned to the investigative track. Some of the most common examples include reports of sexual abuse, those involving serious physical injury or hospitalization of a child, and those involving a child death, or reports of institutional abuse or neglect. The types of reports that trigger automatic investigation vary widely from state to state. Other examples that are not as consistent from jurisdiction to jurisdiction include reports of abandonment, medical neglect, or drug-exposed infants.<sup>7</sup>

Several other factors may be considered when making the initial case tracking decision, including:

- The age of the child,
- The number of previous reports, and
- Whether those previous reports have been substantiated.

With a few exceptions, the majority of states utilizing alternative response have not restricted the use of the assessment path by the age of the child involved. North Carolina specifies that reports of babies under the age of one who have been shaken or corporally punished may not be referred to the assessment path. Additionally, West Virginia and Wyoming have restricted assessment path tracking to families with children age six or older. There is substantial variation in the way that previous maltreatment reports and/or substantiations are treated among alternative response jurisdictions.<sup>8</sup>

### Re-Tracking of Cases

*A key policy consideration in developing parameters for re-tracking of cases is the establishment of clear boundaries. This ensures that re-tracking does not become a coercive action that negates an alternative response system’s emphasis on voluntary engagement.*

Re-tracking cases (the ability to move cases from one response path to another) is a critical “safety valve” in the system to be employed when case circumstances change or new information becomes available. Virtually all of the differential response states identified in the AHA/CWLA survey have a mechanism for re-tracking of cases from the assessment path to the investigative path built into their program models. About half of the states included in the survey also have a means to move cases from the investigative path to the assessment path as circumstances or new information warrant.<sup>9</sup> However, data indicate that with effective screening procedures, the re-tracking of cases should occur infrequently. For

example, under Virginia’s differential response system, data indicate that only two percent of cases on the assessment path were re-tracked to the investigative path from 2002 through 2004.<sup>10</sup>

In most states utilizing alternative response, the assessment path response is not available to families when court-mandated services must be pursued or when children are placed in foster care. Some states will allow families to remain on the assessment path even after a court petition has been filed to require services for higher risk cases. A few states, including Kentucky, Minnesota, Missouri, Pennsylvania and Tennessee, allow families with children placed in foster care to receive an assessment response.<sup>11</sup> This is a particularly important consideration in light of individualized family circumstances that may warrant placement as a means to address children’s mental health or developmental needs.

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### *Outcomes of Alternative Response Research*

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Evaluative data on alternative response continue to emerge in jurisdictions around the country. Several states have completed comprehensive pilot studies of their alternative response systems utilizing independent researchers to evaluate systems prior to statewide implementation. California opted to implement a continuous quality improvement model — the Breakthrough Series Collaborative — to promote rapid testing of small changes and feedback sharing among counties piloting differential response. Other states and individual jurisdictions have maintained internal monitoring and evaluation efforts. Broadly, the data indicate that alternative response systems have **not** compromised child safety, and that these models have produced positive outcomes with regard to parental engagement, family satisfaction, child protection worker satisfaction, and recidivism rates. The following section examines outcome data produced by Minnesota’s pilot alternative response system—the most rigorous evaluation of alternative response to date,<sup>12</sup> as well as a description of some of the other outcomes being measured across the United States.

### *Outcomes: Minnesota*

In 2001, Minnesota began pilot testing a dual track alternative response system that included both a traditional investigative track and an alternative family assessment path. Families who were eligible for the family assessment response were *randomly* assigned to receive *either* a traditional investigation (control group) *or* a family assessment (experimental group).<sup>13</sup> Because the families in the control and experimental groups were similarly situated in their eligibility for the alternative response option, researchers were able to draw direct comparisons between the two groups. The Minnesota pilot evaluation included process, impact, and cost analyses. Data were gathered and analyzed with respect to how the new model was implemented, the family’s response to the new practice model, worker response, child safety and family well-being, and fiscal implications. Feedback from both child protection workers and families indicated a genuine shift in child protection culture and practice under the new model. The following is a brief summary of the family response, worker response, child safety and family well-being indicators, and the fiscal implications as reported from the findings of the Minnesota pilot study:

#### *Family Response*

When compared with similarly situated control group families who had received the traditional investigative response, the alternative response families more often reported that:

- They received friendly and fair treatment;
- Workers met with the family when everyone was present;
- They were more involved in planning and decision-making;
- They had higher levels of satisfaction with the help they received than control group families;
- They had increased positive feelings following the initial visit from a child protection worker, including feeling “relieved, reassured, hopeful, and optimistic;” and
- The family was, in fact, “better off” because of the alternative response intervention.<sup>14</sup>

## *Key Practice Considerations*

Alternative response is intended to provide child protection agencies with the flexibility and authority to provide the best, most appropriate response to a given report of child maltreatment. In many cases, this will be the traditional investigative response. A primary goal of alternative response is to move away from a “one-size-fits-all” orientation in child protection. To replace all investigations with family assessments would be counterproductive to achieving more precise interventions with families. Within alternative response models, *all* available response paths are integral to the success of the system.

When implemented correctly, the establishment of an alternative response model involves a significant cultural and practice shift for child protection agencies. Establishment of an alternative response protocol must include a corresponding adjustment in practice. To maximize child safety, a strong alternative response system must organizationally and individually ensure that its workers:

- Thoroughly understand the multi-track system,
- Emphasize parental engagement and family strengths, and
- Prioritize early intervention and prevention efforts.

While family assessments and traditional investigations are both focused on the safety of children in the home, there are several key differences between the two approaches:

<i>Family Assessment</i>	<i>Traditional Investigation</i>
<ul style="list-style-type: none"><li>■ No formal finding of maltreatment</li><li>■ Strengths-based</li><li>■ Works under the assumption that families want to address child safety concerns</li><li>■ In general, workers talk to parents prior to interviewing children or collateral contacts</li><li>■ Focus on safety through engagement</li></ul>	<ul style="list-style-type: none"><li>■ Substantiation or Unsubstantiation of maltreatment</li><li>■ Incident-based with fact-finding focus</li><li>■ More likely to feel adversarial to both the worker and the family</li><li>■ More forensic in nature</li><li>■ Voluntary services may or may not be offered</li></ul>

### *Worker Response*

Workers utilizing the alternative response assessment approach also reported greater satisfaction with the new practice model. Worker satisfaction with the model generally increased over time as workers gained experience and became more proficient with the approach.<sup>15</sup> Additionally, workers reported positive outcomes relative to parental cooperation. Upon initial contact with the families, both assessment and investigative workers were asked to rate the primary caregiver’s level of cooperation on Minnesota’s risk assessment instrument. Workers reported that the assessment path families were much more cooperative than the investigative path families.<sup>16</sup>

### *Child Safety and Family Well-Being*

Child safety and family well-being indicators also showed very positive outcomes for children and families who received the assessment response. Study findings revealed that:

- Following the initial assessment or investigation, 36% of the families on the assessment path had a formal “services” case opened, as compared with only 15% of investigative path families.<sup>17</sup> Although the families in both groups presented with similar issues and levels of risk, more than twice as many assessment path families were engaged in voluntary services following the initial intervention.

## Minnesota Extended Research

Based on the positive evaluative data that emerged from the pilot study, the Minnesota legislature authorized statewide implementation of alternative response in 2004. Since that time, all of Minnesota's 87 counties have implemented alternative response. Following the initial three-year pilot study, the state elected to continue working with the Institute of Applied Research on a two-year follow-up of the original pilot study. This extension allowed the state to continue to track outcomes and costs for the families involved in the original pilot study for an additional twenty-one month period, meaning that the average total length of time families were studied was more than three and a half years. The results of this extended evaluation were published in November 2006.<sup>a</sup>

The analyses included in the follow-up study indicated that the positive outcomes related to family well-being and child safety that were achieved during the original pilot study were, in fact, sustained over the extended research period and, in some instances, further strengthened. Compared to families who had received the traditional investigative response, alternative response families continued to have fewer new reports of child maltreatment overall. Those families who did have a recurrence continued for longer periods of time without a new report than the control group families who had received the traditional investigation. Families on the alternative response track were more likely to receive post-assessment services than their counterparts on the investigative track, reducing the recurrence of future reports. Additionally, the non-threatening, non-adversarial family assessment approach led to fewer new reports of child maltreatment, regardless of whether or not families received services following the initial assessment.<sup>b</sup>

Study findings related to family and worker satisfaction were also sustained over the extended follow-up period.<sup>c</sup> During the follow-up study, the percentage of experimental group (alternative response) families reporting that "they felt more able to care for their children now" increased from 42% to 62%, while the percentage of control group (traditional investigation) families reporting the same fell from 49% to 42%.<sup>d</sup> In a survey conducted during the follow-up period, 93% of workers indicated that their practice with families had changed as a result of alternative response.<sup>e</sup> Comments from social workers surveyed regarding the alternative response approach include:

- "It (family assessment response) really takes the blame out of the CP assessment and families are much more willing to voice their family concerns rather than minimize and hide."<sup>f</sup>
- "For families who do accept AR Services, I think they feel supported and are more likely to ask for services in the future to assist with family issues."<sup>g</sup>

Fiscal impact data gathered during the extended follow-up period showed continued growth in the cost effectiveness of the alternative response approach over time. Throughout the entire research period – both the initial pilot study and the extended follow-up – mean costs for families who had originally received the traditional investigative response were \$4,967, and mean costs for families who received the family assessment response were \$3,688.<sup>h</sup> Among families who presented with similar issues and levels of risk at the time of the initial report, the state realized, on average, \$1,279 in savings per family for case management, services, placements, etc. for the alternative response families, as compared to those who had received the traditional investigative response.

<sup>a</sup> Institute of Applied Research. *Extended Follow-up Study of Minnesota's Family Assessment Response Final Report* (November 2006).

<sup>b</sup> Institute of Applied Research. *Extended Follow-up Study of Minnesota's Family Assessment Response Final Report* (November 2006), p. 5.

<sup>c</sup> Ibid., p. 6 & 7.

<sup>d</sup> Ibid., p. 65 & 66.

<sup>e</sup> Institute of Applied Research. *Extended Follow-up Study of Minnesota's Family Assessment Response Final Report* (November 2006) p. 47.

<sup>f</sup> Ibid., p. 54.

<sup>g</sup> Ibid.

<sup>h</sup> Ibid, p. 7.

- When compared over time, the assessment path families were less likely to have new reports of child maltreatment than their counterparts who had received a traditional investigative response.<sup>18</sup>
- Among alternative response and investigative response families that did receive services, the alternative response families reported greater satisfaction with the services they received.<sup>19</sup>
- While engagement in services was associated with a more robust outcome, families who received the assessment response had fewer new reports of child maltreatment overall, whether or not services were offered. The family assessment approach itself, apart from the provision of additional services, made a difference in reducing the recurrence of child maltreatment.<sup>20</sup>
- One year after final contact with the child protection system, families who had received the alternative response approach were less likely to report substance abuse or domestic violence issues.<sup>21</sup>

### Fiscal Implications

The Minnesota study examined the costs of serving families on the assessment path versus the traditional investigative response path over time. For purposes of the fiscal analysis, costs were broken down into two time periods: costs from the point of the initial report of abuse or neglect through the agency's final contact with the family resulting from this initial report; and costs from the point of final contact with the family after the initial report through the end of the research period.<sup>22</sup> The findings established the following:

- Costs during the *initial* service period were significantly higher for families on the assessment path than for those on the investigative path. Because of the services offered to families on the assessment path and because many cases on the investigative path closed earlier due to an unsubstantiation, the average total cost for each assessment path family during the initial time period was \$1,132, compared to an average of \$593 per family on the investigative path.<sup>23</sup>
- However, during the follow-up research period, this trend was reversed dramatically. The average total cost for services to each alternative

response family was \$804 during this time period, as compared to an average of \$1,538 per control group family.

- Assessment path families had fewer new reports of child maltreatment during this period, resulting in lower costs as fewer cases were opened and fewer children were subsequently removed from home.<sup>24</sup> When examining the entire research period, the additional costs of providing alternative response were ultimately more than neutralized by savings resulting from the positive outcomes achieved with this approach.

### *Outcomes: Missouri*

Missouri began a trial demonstration of a dual track alternative response system with family assessment and investigative pathways in 1994. While the research design of the Missouri pilot study was somewhat less robust than the Minnesota evaluation study, it provided a comprehensive exploration of the impact of an alternative response protocol.<sup>25</sup> Like the Minnesota study, this evaluation focused on worker and family satisfaction, child safety and family well-being indicators. Additionally, the Missouri pilot study examined the responses of community stakeholders to the new family assessment approach. The following is a brief summary of the major findings of the study:<sup>26</sup>

- Families on the assessment path experienced fewer new reports of maltreatment to county child protection hotlines than families in the comparison counties.<sup>27</sup>
- Family cooperation and engagement in decision-making improved under the alternative response pathway.<sup>28</sup>
- Families who received the assessment response reported greater levels of satisfaction with the way they were treated by child protection workers.<sup>29</sup>
- Workers in the pilot counties reported a greater level of satisfaction with the effectiveness of the child protection system than workers in the comparison counties.<sup>30</sup>
- Services were delivered to families more quickly under alternative response. In comparing data from the pilot counties and their corresponding comparison sites, researchers found that assessment path families in the pilot counties had some service activity initiated within 17 days of

the initial report, compared to 35 days for the comparison families.<sup>31</sup>

- Workers in the pilot counties providing alternative response engaged in greater collaboration with community service providers. More referrals were made for assessment path families for resources, including referrals for material support (such as food stamps), local community-based resources (such as churches, food pantries, mental health services, schools, etc.), and more informal support networks (such as neighbors, extended family members, etc.).<sup>32</sup>
- Community stakeholders in the pilot counties were more likely to rate the local child protection agency as “a source of services and assistance to families” and to view the child protection agency as “more effective in protecting children at risk of physical abuse and neglect.”<sup>33</sup>

Based on the positive findings of the alternative response demonstration project, the Missouri legislature decided to move forward with statewide implementation of the alternative response protocol in 1998. By the end of 1999, all Missouri counties had implemented the family assessment response as an alternative to the traditional child protection investigation for lower to moderate risk cases. The positive outcomes of the initial pilot evaluation were, in fact, sustained over time, as indicated in the follow-up research study. Additionally, a subsequent study out of Missouri has found that the state’s differential response protocol has strengthened the effectiveness of the traditional investigative response in cases of severe physical and sexual abuse. The availability of the family assessment response has greatly reduced the number of cases being investigated, which has resulted in more robust investigations and successful criminal prosecution of the most egregious cases of maltreatment.<sup>34</sup>

### ***Outcomes: Other Jurisdictions***

Evaluative data from other states implementing alternative or differential response protocols have been consistent with the positive outcomes observed in both Minnesota and Missouri:

- The evaluation of North Carolina’s Multiple Response System (MRS) found that MRS has led to significantly increased frontloading of services to families, resulting in reduced recurrences of maltreatment.<sup>35</sup> Additionally, the evaluation found that MRS has not adversely

impacted child safety or the timeliness of agencies’ response to reports of child maltreatment in North Carolina.<sup>36</sup>

- The most recent evaluation report of the Virginia Differential Response System found that the family assessment response is being utilized to an increasing degree by local child protection agencies without compromising child safety.<sup>37</sup> An earlier evaluation report of the Virginia model found that assessment path families with identified needs received services “as frequently, or more frequently,” than families with a substantiated investigation.<sup>38</sup> Program evaluators from the Virginia Polytechnic Institute and State University (Virginia Tech) indicated in their report that these data provide some evidence that the non-adversarial assessment approach facilitates engagement of families in services.<sup>39</sup>
- Preliminary findings in a multi-year evaluation of the state of California’s differential response system indicate that it is having a positive impact on parental engagement and service referrals. Additionally, the implementation of differential response is resulting in the development of stronger community partnerships between child protection agencies and community service providers in pilot counties.<sup>40</sup>
- A two-year program evaluation of differential response in Alaska found that families participating in the differential response program had lower rates of recurrent child maltreatment than families in a closely matched comparison site without differential response.<sup>41</sup>

While monitoring and evaluation efforts in relation to alternative response programs continue across all jurisdictions utilizing the approach, overall outcomes to date have been promising. Current evaluation data suggest that alternative response is helping to provide child protection agencies with the flexibility they need to realize the concept of family-centered practice. Positive outcomes with regard to family engagement, parental and worker satisfaction, community collaboration, and most importantly, child safety are strong indicators that well-implemented alternative response structures are doing exactly what they are intended to do – keeping children safer by allowing agencies to provide the most targeted and appropriate response to each report of maltreatment.

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## *Alternative Response in Ohio*

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### ***The Subcommittee's Proposal***

Based on cumulative data from other jurisdictions implementing alternative response as well as feedback from Ohio child welfare professionals, the Supreme Court of Ohio's Subcommittee on Responding to Child Abuse, Neglect, and Dependency included a series of recommendations for developing and pilot testing an alternative response protocol in Ohio in its *Final Report to the Advisory Committee on Children, Families and the Courts*. The entire report, along with supplementary documents, is available online at the Subcommittee's website at [www.ohiochildlaw.com](http://www.ohiochildlaw.com). The report contains several global recommendations regarding the establishment of an alternative response system in Ohio, leaving detailed planning for a pilot development and implementation phase of the project. The Subcommittee's recommendations for an alternative response model in Ohio include: (1) statutorily authorized dual investigative and family assessment tracks; (2) criteria that would mandate an investigation defined by administrative rule; (3) strong alternative response screening, risk, and safety assessment processes; (4) a provision to allow for re-tracking of cases; (5) established timeframes for initiating and completing a family assessment; and (6) a rigorously designed pilot program. The following presents an overview of the recommendations presented by the Subcommittee and details some of the "next steps" needed to ensure the success of an alternative response system in Ohio.

#### ***1. Statutorily authorized dual investigative and family assessment tracks***

The creation of a dual track alternative response system in Ohio would provide public children's services agencies with the flexibility to offer a more targeted response to reports of child maltreatment and the authority to engage caretakers through a non-threatening, non-adversarial response protocol in appropriate circumstances. The option to provide a family assessment response is consistent with current best practice standards for family-centered child welfare services. To maximize the potential for parental engagement, this track should be made available through an alternative response screening process implemented *as soon as the agency has accepted* a report of child maltreatment.

It is critical to note that the proposed alternative response structure is not intended to result in greater inclusiveness in initial case screening decisions. As in the current system, when an agency receives a report of child maltreatment, the initial screening criterion is whether the report falls within the agency's jurisdiction. Do the facts of the report indicate possible child maltreatment as defined within the statute? Reports that do not meet the statutory threshold for a child protection agency response would be screened out, as they are currently. In these cases, a referral for other appropriate services *may* be made depending on agency policy and the availability of such services.

#### ***2. Criteria that would mandate an investigation defined by administrative rule***

In order to maximize child safety and consistency in decision-making, there should be requirements defined by administrative rule for the specific types of child maltreatment reports that would automatically trigger a child protection investigation. Examples of these may include reports involving potential criminal child abuse, sexual abuse allegations, or reports involving maltreatment that resulted in serious physical injury or hospitalization of the child.

#### ***3. Strong alternative response screening, risk, and safety assessment processes***

Effective implementation of alternative response requires comprehensive screening, safety and risk assessment protocols. Much of the work around developing the tools and procedures that will support a successful alternative response child protection structure in Ohio is already well underway through the CAPMIS pilot initiative. An additional critical element of the alternative response system design will be the development of a screening procedure for assigning accepted reports of child maltreatment to the appropriate response path. If the report does not fall within one of the pre-determined categories requiring investigation, then the next screening question is whether there are any other factors that would necessitate the investigative response in order to adequately protect the child. Carefully designed screening tools that help ensure consistent and appropriate case-tracking decisions have been developed and tested in other jurisdictions utilizing alternative response.

#### ***4. Provision to allow for re-tracking of cases***

As is the case in other states, Ohio's alternative response model should include a mechanism for cases to be re-assigned from assessment to investigation or from investigation to assessment as new information becomes apparent or circumstances change to warrant a different intervention. Although the assessment path strongly emphasizes voluntary engagement of parents, the agency should have the ability to pursue court-mandated services when necessary to maintain a child safely at home, regardless of the initial case-tracking decision. Specific policies and procedures will need to be developed to ensure both consistency and fairness in the process of making a determination to move a case from one track to another.

#### ***5. Established timeframes for initiating and completing a family assessment***

As there are currently for investigations, there should be designated timeframes for initiating and completing the family assessment process. Without such statutorily defined timeframes, there is a danger that there may be a presumption that cases assigned to the family assessment track are less serious and do not need as much timely attention as investigative path cases. To maximize child safety, the assessment process should be initiated as quickly as possible.

#### ***6. Rigorously designed pilot program***

Prior to statewide implementation of any alternative response structure, a pilot program should be developed and subjected to the most rigorous evaluation standards. The pilot should address child safety outcomes, family and worker satisfaction, fiscal implications, and potential impact on Child and Family Service Review outcomes and/or judicial system outcomes.

#### ***Pilot Status — Ohio's Alternative Response System***

Ohio Senate Bill 238, enacted on June 21, 2006, includes a provision authorizing a pilot alternative response project in the state of Ohio. The bill specifies that this pilot should be independently evaluated over an eighteen-month period in a maximum of ten Ohio counties. County participation in the pilot will be on a voluntary basis and will measure child and family well-being, fiscal impact, caseworker satisfaction, family satisfaction, and any potential impact on Child and Family Service Review or judicial system outcomes resulting from the new model. The Supreme Court of Ohio's Subcommittee on Responding to Child

Abuse, Neglect and Dependency will continue to work closely with the Ohio Department of Job and Family Services (ODJFS) throughout the process of developing, implementing, and testing the Ohio alternative response system.

In early 2007, an independent research consultant was selected to manage the design, implementation and evaluation of the alternative response protocol. (See *Ohio's Alternative Response Team* on page 11).

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### *Next Steps*

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Under the direction of the Supreme Court of Ohio and ODJFS, AIM (Ohio's alternative response team) is undertaking a concentrated effort to facilitate preparations for Ohio's alternative response pilot. The initial phase of the project will be dedicated to creating a detailed implementation plan and developing a series of activities to promote implementation readiness. Pilot site selection will be a critical component of the early work on this project.

As one of its first tasks, the AIM team will convene three half-day regional forums in different locations of the state to provide an opportunity for interested Public Children Services Agencies (PCSAs), community partners, and other key stakeholders to learn more about alternative response systems and the Ohio pilot. Forums will include information on the alternative response model and family assessment approach, including implementation strategies, training needs, the evaluation process, lessons learned from other states, and requirements for participating in the Ohio pilot. During these sessions, the AIM team will also present a draft application for counties interested in becoming pilot sites and gather feedback from county stakeholders regarding the pilot site application process. Feedback from PCSAs and other child welfare stakeholders will be critical in finalizing the plan for the pilot site selection process. The ultimate goal of these sessions, however, is to provide PCSAs with the information they need to determine whether they wish to pursue pilot site status.

Once pilot sites have been selected, county-level representatives from each pilot site will join representatives of the Subcommittee, ODJFS, the Public Children Services Association of Ohio, and the AIM team on an Alternative Response Workgroup. The Workgroup and its subcommittees will be responsible for further

## Ohio's Alternative Response Team

In December of 2006, the Supreme Court of Ohio released a Request for Proposals for an independent consultant to manage the design, implementation and pilot evaluation of an Ohio alternative response protocol in cooperation with the Supreme Court of Ohio and the Ohio Department of Job and Family Services. Following a rigorous proposal review process, a team of experienced consultants headed by the American Humane Association and the Institute of Applied Research was selected for the project – the **AIM** team:

- American Humane
- Institute of Applied Research
- Minnesota leaders

The AIM team brings exceptional experience and comprehensive expertise to this project.

The **American Humane Association** is a national nonprofit organization focused on protecting both children and animals from abuse, neglect and exploitation. The AHA is currently engaged in a broad-based national initiative on differential response in child welfare. They have made significant contributions to the growing body of literature on alternative response, most recently through a national survey on differential response co-authored by the Child Welfare League of America. In 2006, the AHA hosted its first annual national Conference on Differential Response in Child Welfare with more than 400 child welfare professionals in attendance. The American Humane Association arm of the AIM team brings to this project a broad knowledge base; diverse consultation, research, and training experience; national leadership in the area of alternative response; and prior experience with Ohio's SACWIS and CAPMIS initiatives. They are an extraordinary repository for the most up-to-date research and information on alternative response.

The **Institute of Applied Research** is an independent, nonprofit research and consulting firm based in St. Louis, Missouri. IAR provides social science research and technical assistance services to state governments and other public service organizations in a wide range of social service and public policy areas. IAR is the preeminent research organization for large-scale alternative response system evaluation. Previously, they have conducted comprehensive pilot evaluations of alternative response systems in Minnesota and Missouri. Additionally, they have provided consultation services to a number of states implementing or considering alternative response models, including California, North Carolina, Utah and Wisconsin.

The AIM team also includes several consultants from the state of **Minnesota** who bring state and county level expertise in the design, implementation, and testing of alternative response. The state of Minnesota has developed a nationally-regarded alternative response protocol (see *Outcomes: Minnesota* on page 4). Through their participation in this effort, the state of Ohio will have a wealth of hands-on, practical experience to draw from in implementing alternative response in a state-supervised, county-administered child welfare system.

development of the design and implementation plan for Ohio's alternative response system.

The AIM team's project proposal strongly emphasizes the need for intensive collaboration in all phases of the Ohio alternative response pilot. While the AIM team brings to the project a wealth of knowledge and experience in alternative response systems nationally, they will be looking to state and county-level stakeholders in Ohio to contribute their expertise to the development of a model designed specifically to meet Ohio's unique needs.

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### Concluding Remarks

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Alternative response provides a family-centered system of response for child maltreatment cases. States that have successfully implemented the model and have evaluated the results have found that families benefit when approached by the agency from an assessment perspective, rather than an investigative perspective and

that it helps to foster a positive and productive partnership between the agency and family. Ohio can benefit from applying proven research methods and policy considerations as the design, implementation and pilot evaluation of an Ohio alternative response protocol is formed. This bulletin will provide regular updates as Ohio moves through this course of action.

Throughout the process of developing its recommendations, the Subcommittee on Responding to Child Abuse, Neglect, and Dependency engaged in a comprehensive effort to elicit input from all Ohio child welfare stakeholder groups. Over the past several months, the Subcommittee has continued its efforts to educate stakeholders about the proposals contained in its *Final Report* and to gather additional stakeholder response on those recommendations. Please contribute to this process by visiting [www.ohiochildlaw.com](http://www.ohiochildlaw.com) to complete an online survey and provide critical feedback on all of the proposed changes.

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### Endnotes

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- <sup>1</sup> Patricia Schene, Ph.D. "The Emergence of Differential Response," *Protecting Children: Differential Response in Child Welfare*, Volume 20, Numbers 2 & 3 (2005), p.7. 9.
- <sup>2</sup> United States Department of Health and Human Services. *National Study of Child Protective Services Systems and Reform Efforts* (2003).
- <sup>3</sup> Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 10-11.
- <sup>4</sup> These states include HI, KY, MN, MO, NC, OK, PA, TN, VA, WA, and WY. LA, AK, and WV have implemented differential response in select jurisdictions. *National Study on Differential Response in Child Welfare* (2006).
- <sup>5</sup> Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006).
- <sup>6</sup> Thirteen of the fifteen differential response states identified in the AHA/CWLA national survey implemented two-track systems for responding to accepted reports of child maltreatment. Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 16.
- <sup>7</sup> All fifteen of the identified differential response states in the AHA/CWLA survey barred certain types of cases from receiving a family assessment response. Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 18.
- <sup>8</sup> Four of the fifteen differential response states included in the AHA/CWLA survey include some limitation on the assessment path

response based on the number of previous maltreatment reports, the period of time in which multiple reports were received, or whether prior reports were substantiated. *National Study on Differential Response in Child Welfare* (2006) p. 21.

- <sup>9</sup> Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 14.
- <sup>10</sup> Virginia Tech. for the Virginia Department of Social Services. *Evaluation of the Differential Response System*. (December 2005) p. 14.
- <sup>11</sup> Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 21.
- <sup>12</sup> The Institute of Applied Research completed a longitudinal evaluation of Minnesota's alternative response pilot in 2004. This three-year study gathered data from twenty pilot counties representing 70% of the state's child maltreatment reports. Carole Johnson, MSW, Erin Sullivan Sutton, JD, and David M. Thompson, MSW. "Child Welfare Reform in Minnesota," *Protecting Children: Differential Response in Child Welfare*, Volume 20, Numbers 2 & 3 (2005), p.58.
- <sup>13</sup> In researching the outcomes of the family assessment response pathway, the Institute of Applied Research conducted a field experiment with randomly assigned control group and experimental group families in fourteen of the twenty pilot demonstration sites. L. Anthony Loman, PhD and Gary L. Siegel, PhD. Institute of Applied Research. *Minnesota Alternative Response Evaluation Final Report* (November 2004).
- <sup>14</sup> Ibid.
- <sup>15</sup> L. Anthony Loman, PhD and Gary L. Siegel, PhD. Institute of Applied Research. *Minnesota Alternative Response Evaluation Final Report* (November 2004).
- <sup>16</sup> Workers rated the primary caretaker among control group (investigative path) families as uncooperative 44% of the time, as compared to less than 2% of the experimental group (assessment path) families. L. Anthony Loman, PhD, and Gary L. Siegel, PhD. "Alternative Response in Minnesota: Findings of the Program Evaluation." *Protecting Children: Differential Response in Child Welfare*, Volume 20, Numbers 2 & 3 (2005), p.82.
- <sup>17</sup> Ibid. p. 84.
- <sup>18</sup> L. Anthony Loman, PhD and Gary L. Siegel, PhD. Institute of Applied Research. *Minnesota Alternative Response Evaluation Final Report* (November 2004).
- <sup>19</sup> Ibid.
- <sup>20</sup> Ibid.
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid.
- <sup>23</sup> L. Anthony Loman, PhD, and Gary L. Siegel, PhD. "Alternative Response in Minnesota: Findings of the Program Evaluation." *Protecting Children: Differential Response in Child Welfare*, Volume 20, Numbers 2 & 3 (2005), p.88-89.
- <sup>24</sup> Ibid.
- <sup>25</sup> In Missouri, data from fourteen alternative response pilot counties were compared with data from fourteen demographically similar comparison counties only implementing the traditional investigative response (and selected parts of St. Louis City and County). Gary L. Siegel, Ph.D and L. Anthony Loman, PhD – The Institute of Applied Research. *The Missouri Family Assessment and Response Demonstration Impact Evaluation: Digest of Findings and Conclusions* (January 2000), p. 3.

- <sup>26</sup> It is important to note that the alternative response pilot demonstration in Missouri was implemented on a cost-neutral basis. No additional funds were provided for expanded services to families on the assessment path, as in the Minnesota pilot [Gary L. Siegel, Ph.D and L. Anthony Loman, PhD – The Institute of Applied Research. *The Missouri Family Assessment and Response Demonstration Impact Evaluation: Digest of Findings and Conclusions* (January 2000), p. 2]. Although the findings of the study were largely positive, the researchers noted that the overall impact of the demonstration project was somewhat diminished by large worker caseloads and the limited availability of resources [L. Anthony Loman, PhD. and Gary L. Seigel, PhD. – The Institute of Applied Research. *Differential Response in Missouri after Five Years: Final Report* (February 2004) p. 2].
- <sup>27</sup> Gary L. Siegel, Ph.D and L. Anthony Loman, PhD – The Institute of Applied Research. *The Missouri Family Assessment and Response Demonstration Impact Evaluation: Digest of Findings and Conclusions* (January 2000), p 11.
- <sup>28</sup> Ibid. p.10.
- <sup>29</sup> Ibid. p. 25.
- <sup>30</sup> Ibid. p. 29.
- <sup>31</sup> Gary L. Siegel, Ph.D and L. Anthony Loman, PhD – The Institute of Applied Research. *The Missouri Family Assessment and Response Demonstration Impact Evaluation: Digest of Findings and Conclusions* (January 2000), p 16.
- <sup>32</sup> Ibid. p. 21.
- <sup>33</sup> Ibid. p. 28.
- <sup>34</sup> L. Anthony Loman, PhD. – The Institute of Applied Research. *Differential Response Improves Traditional Investigations: Criminal Arrests for Severe Physical and Sexual Abuse* (May 2005).
- <sup>35</sup> The Center for Child and Family Policy, Terry Sanford Institute at Duke University. *Multiple Response System (MRS) Evaluation Report to the North Carolina Division of Social Services* (June 2005) p. 44.
- <sup>36</sup> Ibid. p. 45.
- <sup>37</sup> Virginia Tech. for the Virginia Department of Social Services. *Evaluation of the Differential Response System*. (December 2005) p. vi.
- <sup>38</sup> Virginia Tech. for the Virginia Department of Social Services. *Evaluation of the Differential Response System* (December 2004) p. v.
- <sup>39</sup> Ibid.
- <sup>40</sup> Child and Family Policy Institute of California for the California Department of Social Services. *Child Welfare Services System Improvement 11 County Pilot Implementation Evaluation: Initial Assessment Phase* (June 2006) p. 5 & 6.
- <sup>41</sup> Lisa Merkel-Holguin, Caren Kaplan, and Alina Kwak - American Humane Association and The Child Welfare League of America. *National Study on Differential Response in Child Welfare* (2006) p. 27.

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# Ohio Updates – CAPMIS

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## *Comprehensive Assessment Planning Model Interim Solution (CAPMIS)*

*Barry Salovitz, Associate Director, Child Welfare Institute*

*Judge Kathleen Kearney, National Director for Training and Consultation, Child Welfare Institute*

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The Adoption and Safe Families Act of 1997 (ASFA) mandates child safety as a “paramount concern” of national child welfare policy. Chapter 2151 of the Ohio Revised Code and Ohio Administrative Code 5101 are clear that safety concerns must be addressed throughout the life of a juvenile dependency case. However, safety decision-making is far from an exact science. If anything, it is informed judgment. While some success has been gained in identifying characteristics of people taken as a group that are associated with members’ choice of actions, little success has been achieved regarding the prediction of individual future actions. Yet, that is precisely what child welfare professionals and Juvenile Court judges are asked to do every day.

Ohio’s new Comprehensive Assessment Planning Model Interim Solution (CAPMIS) now provides a systematic casework protocol to support safety decision-making throughout the life of a case. This should facilitate informed decision-making in Court-involved cases, including reunification and termination of Court supervision.<sup>1</sup>

### **Differentiating Risk and Safety**

Although risk and safety are terms that often are used interchangeably, there are two differentiating criteria: immediacy and severity.

*Risk* refers to the likelihood that maltreatment will occur or recur in the future. Risk concerns are family characteristics, behaviors and conditions that suggest that the caretaker may maltreat his/her child in the future.

*Safety* is a subset of the broader risk concept. Child safety is jeopardized when specific risk concerns rise to the level of a safety threat and, concurrently, the family’s protective capacities are not sufficient to protect a child. The assessment of risk identifies the likelihood of re-maltreatment of **any severity** at some point in the **future**. The assessment of safety identifies whether there is **immediate** danger of **serious** harm to a child. In addition, in the reunification, placement and case closing context, safety decision-making adopts both an immediate and a more prospective timeframe.

### **How Does CAPMIS Support Safety Decision Making From a Social Work and Judicial Perspective?**

The Ohio Department of Job and Family Services (ODJFS) and its PCSA partners, in consultation with the Child Welfare Institute, have developed a new and comprehensive set of decision support protocols that emphasize child

#### *Highlights of Ohio’s CAPMIS Model*

- Child safety is emphasized, both during the investigatory phase and throughout the life of the case.
- Each tool is designed with a specific focus to support one or more related case decisions.
- The Model’s tools are designed to encourage clear, concise documentation of key information that supports the agency’s decisions and recommendations.
- Accelerated case review is encouraged to support changes in the safety plan and/or case plan, as needed, to more assertively promote child safety, well-being and permanency.
- The tools and protocols are consistent with child welfare best practices and Ohio’s child welfare statutes and Administrative Code.

## Ohio Updates – CAPMIS

### *How to Incorporate Consideration of Child Safety and Risk*

**If you are a *child welfare professional*, ask yourself these questions:**

- ✓ Do I assess credible evidence of existing threats of serious harm, protective capacities and child vulnerability at each stage of my case work?
- ✓ Do I personally observe the situations, or rely upon valid and reliable information from proxies, which form the basis of my opinion and document my findings in my chronological case notes and the child's case file?
- ✓ Do I inform the court of my assessment of the family in my written judicial review reports and back up my assessment and recommendations with specific facts?
- ✓ Am I prepared to give oral testimony concerning my safety assessment and case plan recommendations and withstand rigorous cross examination about the basis for my opinion?

**If you are a *juvenile court judge*, ask yourself these questions:**

- ✓ Do I require written reports and oral testimony on existing threats of serious harm, family protective capacities and child vulnerability at every stage of a dependency court case?
- ✓ Do I question child welfare caseworkers, foster parents, CASAs/Guardians ad Litem, and other individuals with knowledge of the child's prospective safety issues prior to terminating court oversight or ordering reunification?
- ✓ Do my judicial review orders contain an analysis of the key prospective safety decision support factors?
- ✓ How much time do I devote to conducting each judicial review in order to fully explicate these safety decision support factors?

safety, targeted risk and family assessments and case plans, and an assertive permanency focus. Known as Ohio's Comprehensive Assessment and Planning Model – Interim Solution (CAPMIS), these protocols are specifically designed to assist caseworkers in their decision-making efforts by including a series of revised rules and policies, manuals, field guides, and documentation and decision support tools. The CAPMIS protocols have been piloted and independently validated, incorporating child welfare best practices (see Ohio Bulletin, Winter 2004).

There are six (6) primary CAPMIS tools that caseworkers use as a guide for practice expectations, decision support and case documentation:

- 1) The ***Safety Assessment*** and (2) ***Safety Plan*** guide caseworkers' identification and response to signs of present danger, each child's degree of vulnerability and the family's own protective capacities. The Safety Assessment tool concludes with a determination regarding the family's ability to control identified safety factors and the level of immediate intervention necessary to protect each child in the household. When one or more children need protection, the development and implementation of a Safety Plan, which may include community-based crisis or emergency services as well as legally authorized out-of-home placements, is based on information gathered during the safety assessment process.
- 3) The ***Family Assessment*** is designed to help workers identify and evaluate the safety threats that precipitated or caused serious harm or risk thereof to any child, so that a responsive case plan can be developed and implemented.

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## Ohio Updates – CAPMIS

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This assessment also provides for a timely review of Safety Plan appropriateness. Furthermore, the Family Assessment guides workers' risk level classification and the identification and evaluation of key family dynamics and characteristics that provide a framework for understanding child maltreatment within a specific family context. One purpose of the Family Assessment tool is to identify families in need of ongoing services and prioritize those services that will resolve safety threats, build protective capacities, reduce child vulnerability, reduce the risk of future child maltreatment, and promote child well-being and permanency.

- 4) The ***90-Day Case Review*** has multiple purposes. Every three (3) months, it provides formal documentation of the worker's comprehensive review of the impact and effectiveness of services provided. The 90-Day Case Review is also used to meet ODJFS Semi-annual Administrative Review requirements at the six (6) month period, and provides a thorough assessment of changes in the family prior to case closure. Having thorough, up-to-date information regarding the child and family's participation and response to services is critical for the agency to accurately assess any changes - positive or negative - in the family's ability to protect and provide for the needs of their children.
- 5) The ***Semi-annual Administrative Review (SAR)*** reviews the appropriateness of the case plan and whether services provided to families have impacted safety, risk and child well-being. It provides the opportunity to re-assess and update the permanency plan for the child, assess the continued safety and appropriateness of the child's placement, and determine whether supplemental planning is necessary. This review occurs every six months based upon which occurs first: the original Court complaint date, the date of the child's placement or the date of the Court ordered legal status (e.g. protective supervision, shelter care or emergency temporary custody).
- 6) The ***Reunification Assessment*** focuses on identifying whether or not a child and family are ready for reunification. By re-evaluating the reasons the child was removed and also assessing the current dynamics and needs of the family, the worker is better equipped to recommend to the Court whether it is safe for a child to be returned home. Completing this tool also provides the rationale for services that may be needed to provide a reunification support plan.

The CAPMIS tools are designed to document and support critical decision making in child welfare cases. Their inclusion, or the information contained within, is very relevant in Court cases in the following ways:

### ***Removals and Shelter Care Hearings***

- Requests of ex parte orders to remove children may be based on the Safety Assessment and Safety Plan. Information obtained through the completion of these tools may form the basis for the establishment of probable cause in a Shelter Care Hearing.
- "Reasonable efforts" to prevent the removal of the child from his or her home will be clearly documented in both the Safety Assessment, Safety Plan and associated case notes. Both CAPMIS tools require an assessment of interventions that are available and can be put in place to protect a child, enhance the family's protective capacities and minimize child vulnerability.
- The availability of suitable alternative emergency placements for the child will be considered in the safety assessment process. The Court can and should inquire about the assessment of these potential placements at the Shelter Hearing.

### ***Disposition and Case Planning***

- Ohio Revised Code §2151.35 permits the admission of all relevant evidence at disposition hearings, including hearsay, opinion and documentary evidence. The Court should consider the admission of the Safety Assessment, Safety Plan and the Family Assessment. They provide supporting documentation for the

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## Ohio Updates – CAPMIS

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Court's determination of tasks and services necessary to assist the family in attaining the goals and objectives identified in the case plan.

- The Family Assessment can serve as a means to collect and analyze information to support motions for protective supervision and Court-ordered services. Because dispositional orders must be entered within seven days of the dispositional hearing, the Family Assessment promotes the consideration of the most relevant information to support several key decisions, particularly the following:
  - ✓ Is the child adequately protected from serious harm?
  - ✓ Have there been any changes in the safety status of any household children?
  - ✓ What are the most relevant and significant strengths and needs in the family?
  - ✓ What is the assessed level of risk of future maltreatment?
  - ✓ What should occur with the case next?
  - ✓ If needed, what services and/or interventions are suggested to resolve safety threats, strengthen protective capacities and/or reduce risk?
- Use of the Family Assessment can assist the Court in determining appropriate placement of the child and which services and tasks should be included in the Court-ordered Case Plan to ensure the health and safety of the child as required by O.R.C. 2151.412(G) and Ohio Administrative Code 5101:2-39-11. The completion of the Family Assessment by the caseworker will assist in negotiating Case Plan terms with all parties. It will also reduce the number of dispositional hearing continuances by allowing for the preparation and filing of the proposed plan in a timelier manner.
- Services ordered by the Court following a review of the Family Assessment tool should be more meaningful and targeted to meet individual family needs. There should be fewer Case Plan amendments required if services are used to implement strategies that change underlying conditions and contributing factors associated with safety threats, risk concerns or child well-being needs.

### ***Judicial Review Hearings***

- The completion of the Family Assessment, 90-Day Case Reviews and the SAR helps decision makers understand the root causes and correlates of child maltreatment. A better understanding of these causes and correlations increases the ability of caseworkers, service providers and the Court in engaging families at the earliest possible stage and increasing the likelihood of their success.
- Effective implementation of the CAPMIS tools promotes change readiness and helps to determine if subsequent case progress reflects short-term compliance or is more reflective of longer-term change.
- The 90-Day Case Review and SAR include an evaluation of the progress being made, including identification of behavior change, not just short-term compliance. During judicial review hearings, Courts should inquire about this evaluation, specifically about whether or not the Court-ordered services and/or tasks should be continued, modified or discontinued and the rationales for these recommendations. Barriers to services are addressed in the 90-Day Case Review tools. Court intervention may be required to overcome the barriers identified.
- The Reunification Assessment tool can serve as the primary method of documenting caseworker recommendations for or against returning a child home or to another interested party. Using this tool as a template for questioning the parties during a judicial review will allow the Court to analyze whether or not the conditions which brought the child and family within the jurisdiction of the Juvenile Court have been ameliorated to the extent that the child may be safely reunified and under what reunification support services,

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## Ohio Updates – CAPMIS

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if any. Not only will it assist the Court in making this critical decision, it will also assist the Court in creating a full and complete record of the Court's decision-making process.

- All of the CAPMIS tools will assist the Court in determining the “best interests of the child” by many of the relevant factors set forth in §2151.414(D) of the Ohio Revised Code.

Child safety involves informed decisions, incorporating intuitive judgments, but emphasizing analytic judgments. Good judgments depend upon an analysis of credible, timely and unbiased information that utilizes a decision support model with clear criteria and a solid conceptual base. In our profession, children's lives depend on it. CAPMIS provides this model. As statewide implementation is concluded in 2007, juvenile judges will be able to incorporate this analytic decision support model into their deliberations.

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<sup>1</sup> This article draws extensively from key components of the Ohio CAPMIS model and from: Morton, T. & Salovitz, B. (2003). *Essential Safety Constructs*. Duluth, GA: Child Welfare Institute.

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## Ohio Updates

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### *Advisory Committee on Children, Families, and the Courts*

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The Advisory Committee on Children, Families and the Courts continues to have very active subcommittees and workgroups. Supreme Court staff have been working to draft language for Guardian ad litem Standards based on recommendations passed by the Advisory Committee in 2005. These Standards will be presented to the Commission on the Rules of Superintendence in April.

The **Subcommittee on Legal Representation** co-chaired by retired Judge James Ray (Lucas County Juvenile Court) and by attorney Melissa Graham-Hurd, has been developing data collection tools to gather feedback from judges, magistrates, attorneys and other key professionals. Stakeholders have been asked for their perspectives on the needs of family courts as related to attorney recruitment, retention and training.

A Workgroup on **Juvenile Defendants' Access to Legal Counsel** was formed, co-chaired by Judge Thomas Lipps (Hamilton County Juvenile) and Mark Rhoades, Manager (Athens County Juvenile). The workgroup is examining a proposal by the Ohio Public Defenders Office, ACLU, and Children's Law Center to require juvenile defendants to consult with an attorney prior to waiving their rights to counsel. The workgroup, which includes judges, attorneys, prosecutors, court administrators, and members of the general assembly and county commissioner's office, are studying the proposal and will make recommendations to the Advisory Committee in 2007.

A new **Subcommittee on Adult Guardianships** chaired by Judge Thomas Swift (Trumbull County) was formed. The committee will:

- Conduct a needs assessment,
- Review and revise guardianship data collection forms and procedures,
- Facilitate a dialogue among stakeholders about minimum standards and certification for professional guardians, and
- Develop creative monitoring and service models that local probate judges can use to assure quality guardianship in their respective counties.

Recommendations will be submitted to the Supreme Court for implementation.

The **Subcommittee on Responding to Child Abuse, Neglect and Dependency** has focused recent efforts on selecting the consultant to partner Ohio's Alternative Response Pilot Program. The subcommittee will continue to engage in early project planning, as well as explore initiating the legislative process for the proposed child abuse and neglect definitional reform.

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## Ohio Updates

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### *Meet the New Staff in the Children, Families, and the Courts Section*

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Section Manager, Steve Hanson, is joined by additional staff members in the Children, Families and the Courts Section.

- *Marjorie Briggs Crowder* was hired as Program Manager. Margie Crowder brings over 30 years of legal experience to the section including 25 years in civil litigation as a partner at Porter Wright Morris and Arthur. Margie's desire to give back to the legal profession and to the community led her to change her career focus of representing clients in a variety of family court settings throughout southern and central Ohio. Margie will work in all areas of child and family law, but will specialize in domestic relations law. She will also help with the work of the Advisory Committee on Children, Families and the Courts.
- *Pat Latham* was hired as Program Assistant. Pat will be familiar to many court staff from her work as a Program Assistant in the Dispute Resolution Section. Her creativity, efficiency, and positive attitude will be a great asset, as will her keen interest in family issues, as we go about tackling the challenges of establishing a new section. Pat will be assisting in the development of a webpage that provides courts with quick access to resources, as well as helping support the active work of the Advisory Committee.

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### *Two from Advisory Committee on Children, Families, and the Courts Appointed to Cabinet by Governor Strickland*

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Advisory Committee Co-Chair Helen Jones-Kelley and Barbara Riley, Chair of the Subcommittee on Responding to Child Abuse, Neglect and Dependency, have been named as members of Governor Ted Strickland's Executive Cabinet.

- *Helen Jones-Kelley* was appointed as Director of the Ohio Department of Job and Family Services. Jones-Kelley served as the executive director of the Montgomery County Children Services Department since 1995. In 2006, Jones-Kelley was named the director of the Montgomery County Department of Jobs and Family Services after the Montgomery County departments of Jobs and Family Services and Children Services merged. She also is a licensed attorney and has served as a referee (Magistrate) and Assistant Legal Director for Montgomery County Juvenile Court, where she started the Court Appointed Special Advocate (CASA) Program.
- *Barbara Riley* was appointed as the director of the Ohio Department of Aging, a position to which she brings over 25 years of government, public policy, management and social work experience. Riley has served Ohioans at the Ohio Department of Job and Family Services since 1999, and for the last two years she served as director of the department. Prior to becoming director, Riley worked in other executive capacities at ODJFS, including the assistant director in the Services to Families Division and deputy director in the Office for Children and Families. She also served as the division chief of the Ohio Legislative Budget Office.

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## Ohio Updates

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### *Dates Set for Ohio's Federal Reviews*

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#### ***Title IV-E***

The Title IV-E Federal Foster Care Maintenance Eligibility Review is scheduled for July 9<sup>th</sup> through July 13<sup>th</sup>, 2007. A team of federal and state representatives will review 80 randomly selected cases to ensure compliance with Title IV-E eligibility requirements. Ohio must achieve a minimum passing rate of 95% or better to be considered in substantial compliance with Federal requirements. To successfully pass the 2007 Federal Title IV-E Eligibility Review, Ohio can have no more than four (4) errors statewide; therefore, it is imperative that all Title IV-E agencies do well. States that are not found in substantial compliance will be required to implement a program improvement plan, will be subject to a second eligibility review of 150 cases, and may face additional monetary penalties which may impact Title IV-E funding. Ohio's goal is to achieve a 100% accuracy rating. For additional information, contact Alicia Allen at [allena@odjfs.state.oh.us](mailto:allena@odjfs.state.oh.us) or (614) 752-0267.

#### ***Child and Family Services Review***

The second round of Ohio's federal Child and Family Services Reviews is scheduled for the week of August 18, 2008. The next issue of *Children, Families and the Court: Ohio Bulletin* will examine the revised Child and Family Services Review and the considerable activities that must occur prior to the on-site event.

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### *Beyond the Numbers Update: Highlight on Franklin County*

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Franklin County Juvenile Court has followed its participation in the Dependency Caseflow Management Workshop with ongoing examination and action. The substantive number of dependency docket cases which were dismissed and subsequently refilled was identified early as an issue; already, there has been a 50% reduction in refilled cases. Other performance enhancements include:

- ***Earlier identification of parties, especially absent fathers.*** The Franklin County PCSA (FCCS) has increased efforts to obtain party names and addresses, but when the information is not available at the shelter care hearing, the magistrate places the parties under oath and inquires about the identification and whereabouts of missing parties.
- ***FCCS' improved access to paternity information and determination from the Court's CSEA Liaison.*** Also, when paternity is at issue, the Franklin County CSEA will do DNA testing so long as one of the parties (FCCS when they are the child's temporary custodian) submits an IV-D application.
- ***More diligent tracking of service.*** When service fails, FCCS attempts to reissue service, instead of waiting until the time of hearing to find out that service failed, and then begins the process of reissuing service. FCCS has begun a pilot project using process servers to facilitate more effective service.
- ***Preemptive information exchange.*** FCCS is providing the Prosecutor with discovery information at the outset of the case, rather than upon request. This speeds up response time to defense counsel requests for discovery which in turn eliminates the need for continuances.

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## Ohio Updates

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- ***Restructure of hearing schedules.*** The court has reorganized magistrate dockets so that each magistrate devotes two days each week solely to abuse, neglect and dependency cases. In this way, these cases no longer compete with “higher priority” delinquency cases for hearing time. The court also has accelerated the first hearing and is more active in case management.
- ***New case markers and prioritization.*** The case management computer system was reprogrammed to track cases from the original filing date, rather than the most current filing date. Under this system, cases that have been dismissed and refiled show as delinquent. This also permitted the court to institute a new system that assigns priority to the oldest case on the docket, rather than the case closest to its 90 day limit. Previously, a case that had been pending for 89 days from the time of initial filing would have been given priority over a case that had been dismissed and refiled five times, but was not close to the 90 day limit on the current filing.
- ***Earlier Mediation.*** Cases are being screened for mediation earlier in the process, so hearings are not delayed while the parties are involved in mediation.
- ***Earlier assignment of and access to counsel.*** Public Defenders and appointed counsel are scheduled to be present at preliminary hearings in order to take appointments as they arise, and to provide representation for the parties, either as counsel or guardian ad litem, at all stages of the proceedings.
- ***Intensified data management.*** The court has put special focus in using its data more effectively, including regular comparison of FCCS’, the Prosecutor’s and the Court’s “dismiss/refile” statistics. Changes are being designed to track the reason cases are dismissed and refiled, so that efforts can be focused on trouble areas. The court plans to track time spent by each child in out-of-home placement to determine whether the changes it makes actually impact child placements.

The significant improvements made by Franklin County Juvenile Court in a relatively short period of time reflect the essential framework of Beyond the Numbers: the court’s commitment to change and the active partnership of community partners, such as FCCS. Progress is reflected in partners’ measurements also. For the first time in two years, FCCS has achieved the 32% federal standard for adoption of available children within 24 months. This is one of six outcome indicators of the federal Child and Family Services Review. For additional information, contact Don Martin at [Don\\_Martin@fccourts.org](mailto:Don_Martin@fccourts.org)

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## Ohio Updates

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### *New Tool Assists Judges in Working with Foreign Language Interpreters in Courtroom*

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The Supreme Court of Ohio has released a new reference tool, interpreter bench cards, to assist judges across Ohio who are working with foreign language interpreters in the courtroom. The interpreter bench cards were developed to support judicial officers in determining if an interpreter is needed for a litigant, party or witness and to identify whether an interpreter is qualified.

“Nearly 120 languages are spoken by residents in the state of Ohio,” said Bruno Romero, manager of the Supreme Court’s Interpreter Services Program. “The diversity of cultures and languages in our communities is reflected in our state’s courtrooms, illustrating the importance of interpreter services.”

The bench card walks judicial officers through a series of questions to determine the English proficiency of a party and the need for an interpreter. It also assists the officer with judging whether an interpreter is qualified and encourages that a certified interpreter be used. The card provides the language of the oath to be given to the interpreter and guidance as to how to facilitate communication in an interpreted proceeding, and provides the judge with suggested language to explain the role of the interpreter to the courtroom and the jury.

The bench cards offered by the Supreme Court are in addition to other services, such as training for judges, provided by the Court to better equip judges to work with interpreters and foreign language speaking litigants, witnesses and other parties. Approximately 19,000 interpretations involving nearly 60 different languages are performed in Ohio courts each year with Spanish being the most commonly interpreted language. Franklin, Cuyahoga and Hamilton counties generally have the highest number of interpretations performed each year.

Court personnel interested in finding out more should contact Bruno Romero at (614)387-9403 or [romerob@sconet.state.oh.us](mailto:romerob@sconet.state.oh.us).

To view the “Working with Foreign Language Interpreters in the Courtroom” bench card, please visit:  
[http://www.sconet.state.oh.us/Judicial\\_and\\_Court\\_Services/interpreter\\_svcs/benchcard.pdf](http://www.sconet.state.oh.us/Judicial_and_Court_Services/interpreter_svcs/benchcard.pdf)

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The National Center for Juvenile Justice (NCJJ) is a non-profit organization that conducts research (statistical, legal, and applied) on a broad range of juvenile justice topics and provides technical assistance to the field. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

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