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Ohio Hearing Quality Study Final Report

Examining the Quality of Child Welfare
Court Hearing Practice in Ohio

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Introduction

The Ohio Court Improvement Program (CIP) has long worked to improve the child welfare court system in Ohio. In 2017, fifteen sites around the state participated in the round three of the Child and Family Service Review, which found that the state had room for improvement in achieving timely permanency for youth. A potential strategy to help improve outcomes for families and youth is to provide training to court professionals. However, it is important to first identify what the need for training is. Conducting a hearing quality study allows the CIP to observe court practice in multiple sites around the state to gain a better understanding of what current practice looks like, where there are strengths and opportunities for improvement, and potentially, how hearing practice may relate to case outcomes. In 2018, the CIP contracted with researchers to assess child welfare hearing quality in Shelter Care and Permanency Hearings as well as links between hearing quality factors and case outcomes in the state of Ohio. The study used a multi-method approach, including court observation and administrative data review to examine hearing quality and its relationship to case outcomes

For 2018, the Ohio CIP decided to examine child welfare hearing practice within the state and contracted with researchers to conduct a hearing quality study. The study had three goals:

1. Examine county hearing practice to identify county-specific strengths and opportunities for hearing quality improvement;
2. Explore statewide trends in hearing practice to identify areas of strengths and opportunities for improvement across the state; and
3. Examine how hearing quality is related to case outcomes in Ohio.

Hearing quality, for the purpose of this study, was defined based on what should occur in a hearing, prescribed by Ohio Statutes and taken from the National Council of Juvenile and Family Court Judge's *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Hearing quality factors included active presence and participation of key parties, engagement of parents and youth, in-depth discussion of key topics, and oral findings on the record. These hearing quality factors are discussed in more depth later in the report.

Hearing quality represents an important part of the child welfare process. Prior research has demonstrated that components of hearing quality such as discussion, presence and engagement of parties, and making judicial findings on the records are related to improved outcomes for children and families. Several studies have linked court discussion with

better outcomes including the presence of parents at future hearings¹, increased rates of reunification², and timelier permanency³. Presence of parents at the hearings has also been shown to be related to reunification on cases⁴. Further, the engagement of parents has also been shown to be related to reunification and timelier permanency⁵. Taken as a whole, the studies suggest that the quality of hearings is related to improved outcomes for children and families.

Method

The hearing quality study used a mixed method approach to examine hearing quality in the state. All the counties that participated in the CFJR review were invited to participate. If a site declined participation, the CIP outreached to other similar sites so that the sample of hearings of observed would be representative of the statewide population. A total of 12 counties agreed to participate. The methods included court observation and review of administrative data. Each method is described below.

Court Observation. The primary method for obtaining data to examine hearing quality is court observation. For the current study, the researchers asked all counties to provide a sample of recorded hearings. The sample varied depending on the dependency filings for each county, with larger counties asked to submit more hearings. Each county was asked to randomly identify a minimum of 10 cases (maximum of 30 depending on size) that closed in mid-2018 and extract the recorded Shelter Care Hearings and subsequent recorded permanency (or annual review) hearing for the cases. If the case did not make it to Permanency (i.e., the case closed before that point in the case), then the site was asked to select an additional case and just extract and submit the recorded Permanency hearings. This should result in an equal number of recorded Shelter Care and Permanency hearings for each site. The random sample of recent hearings was provided electronically to the researchers via or secure file transfer site (e.g., FTP site, Dropbox). The structured court observation tool provided data on parties present, engagement of parties, length of hearing, key areas of discussion, level or depth of discussion, and findings on the record.

¹ Summers, A., Gatowski, S.I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490-498.

² Bohannon, T., Nevers, K., & Summers, A. (2015). Hawaii courts catalyzing change case file review and court observation pre and post benchcard. Reno, NV: *National Council of Juvenile and Family Court Judges*. Summers, A. (2017). Exploring the Relationship Between Hearing Quality and Case Outcomes in New York. New York, NY: New York State Unified Court System Child Welfare Improvement Project.

³ *Supra note 1*; Summers, A. & Gatowski, S. (2018). Nevada Hearing Quality Study: Examining the Quality of Child Welfare Court Hearing Practice in Nevada. Carson City, NV: Nevada Court Improvement Program.

⁴ *Supra notes 2 & 3*. Wood, S. M., and Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

⁵ *Supra note 2* Summers et al.

Administrative Data. The researchers also gathered aggregate jurisdiction level data on key outcomes of interest. These data represent averages of outcomes, instead of case level outcomes. These data were gathered for 2018 and included: median time to permanency, percentage of cases resulting in reunification, percentage of cases resulting in youth emancipating/aging out of care, percentage of cases that achieve permanency within 12 months, and percentage of cases still in care after 24 months. These data were used to explore aggregate level relationships between typical hearing practice and outcomes by county.

Overview of Report

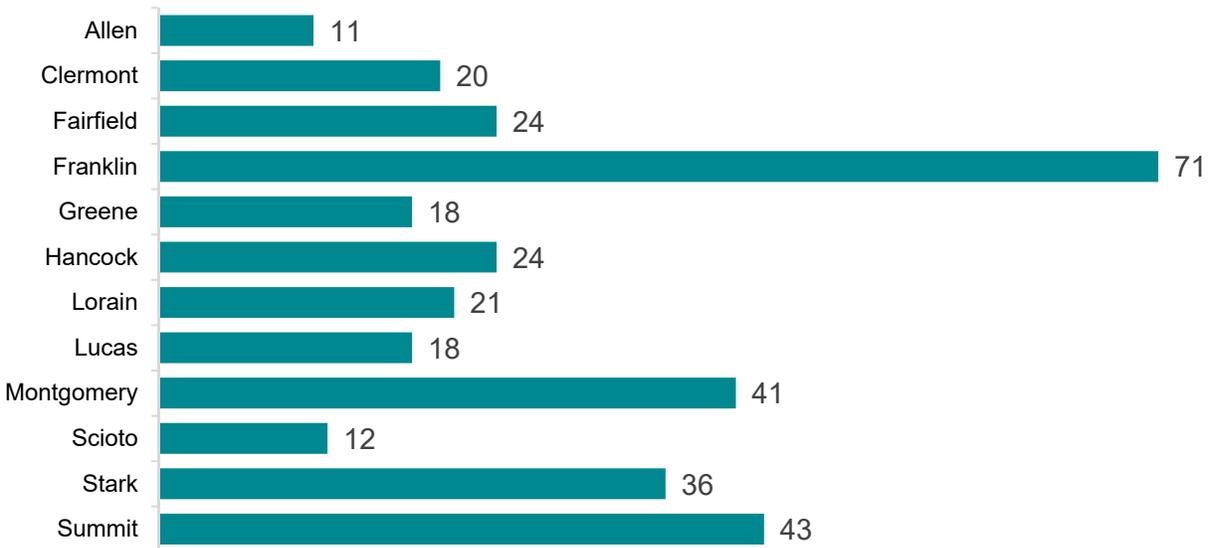
This report presents findings from the 12 sites that submit recorded hearings for the study. This report present findings from the study first by portraying the statewide trends in hearing quality variables of interest. The statewide trends illustrate the variation in practice across the 12 jurisdictions and illustrates the statewide (all counties combined) numbers for comparison. Finally, the report presents information on hearing quality factors that are related to case outcomes.

Statewide Trends

The study includes 341 hearings that were observed across 12 counties participating in the study. Efforts were made to include at least 10 hearings from each site, with larger counties submitting additional hearings. These included 168 Shelter Care hearings (49% of the sample), 160 12-Month/Permanency Hearings (47% of the sample), and 13 “other” hearings (4% of the sample). The majority of “other” hearings were adjudication/disposition hearings. Within the sample of Shelter Care and Permanency hearings, there were some variations between sites. For example, some sites sent a mix of Emergency Temporary Custody (ETC) hearings and Shelter Cares. Other sites sent in hearings that did not identify themselves as a Permanency/12-Month review, instead identified the hearings as “Sunset” hearings or motions to change legal custody.

There were some challenges with data collection, including trouble with recordings, (e.g., no sound, trouble with playback, and hearings out of frame). Data reported below reflect all 341 hearings when examining length of time in hearings and parties present but only 328 hearings when specifically looked at Shelter Care and Permanency Hearing Practice. The twelve sites and their respective number of hearings is presented in Figure 1 below.

Figure 1. Sites and Number of Hearings in Sample

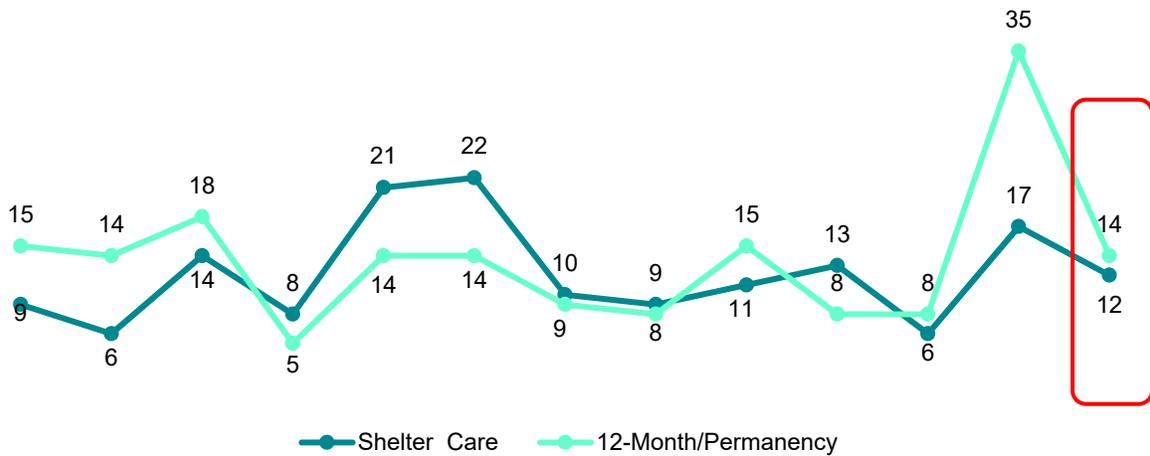


Using these graphs: “The Hearing Length (in minutes) Across the State” graph and many of the subsequent graphs are created to illustrate data points in the twelve counties reviewed. Graphs have 12 columns of data as well as a statewide column (when applicable). The columns are not labeled so as to maintain anonymity of site-specific information. For example, in Figure 2, the first site had an average hearing time of 39 minutes for the Shelter Care hearings and 31 minutes for the 12 Month/Permanency. The second column (6-minute Shelter Care and 8 Minute Permanency) represents another county. Graphs are intentionally setup this way so that trends and variations across sites can be seen without identifying site specific information.

Length

Figure 1 illustrates the diversity of average hearing times across the state. Statewide numbers are depicted at the end of graphs in a red rectangle. Each data point represents the average for a specific judicial district. While hearings averaged almost 16-19 minutes, there was a lot of diversity across the state. Some sites averaged much shorter hearings (closer to 6 minutes), while others averaged closer to 35 minutes. Typically, Annual Review hearings were longer than the Shelter Care hearings.

Figure 2. Hearing Length (in Minutes) Across the State



Parties Present

Parties present varied by site and hearing type. For example, mothers were more likely to be present at Shelter Care hearings than at Permanency Hearings. Attorneys, however, were more likely to be present at Permanency hearings. Table 1 illustrates the percentage of parties present across hearing types.

Party	Shelter Care	Review/Perm
Mother	54%	50%
Father	34%	36%
Child	4%	9%
Mother’s Attorney	50%	63%
Father’s Attorney	29%	49%
GAL/CASA/Child Attorney	46%	84%
Foster Parents/Caregiver	8%	28%

Presence of mothers was somewhat diverse across the state, ranging from an average of 15% (low) to a high of 82% in one site. Mothers were typically more likely to be present at Shelter Care than at the permanency hearings. Most sites hovered around mother present 50% of the time. Figures 3-5 illustrate variations in mother’s, father’s, and youth’s presence at the

Shelter Care and Permanency Hearings. As previous noted, statewide data are presented in the red rectangles.

Figure 3. Percentage Mothers Present

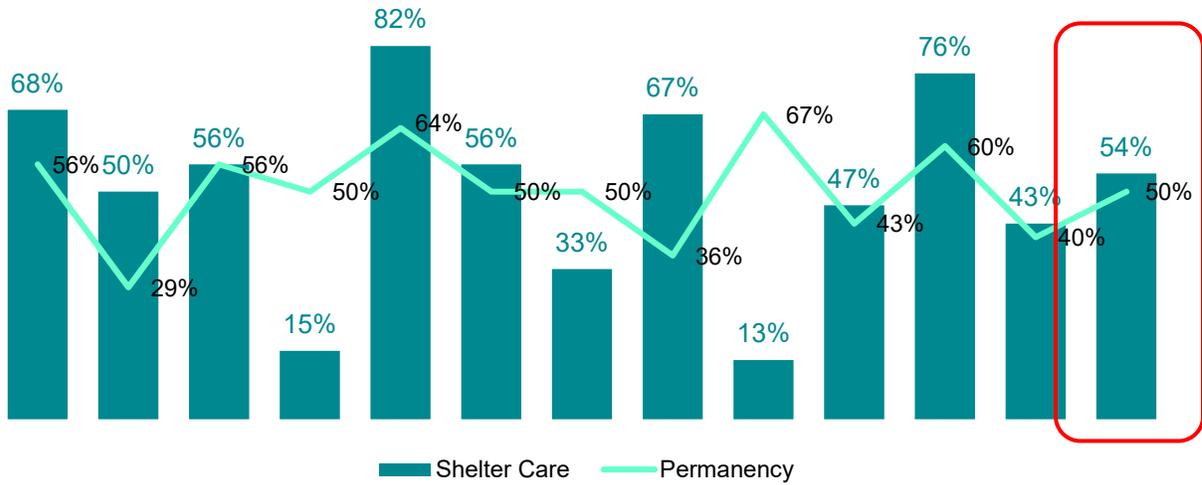


Figure 4. Percentage Fathers Present

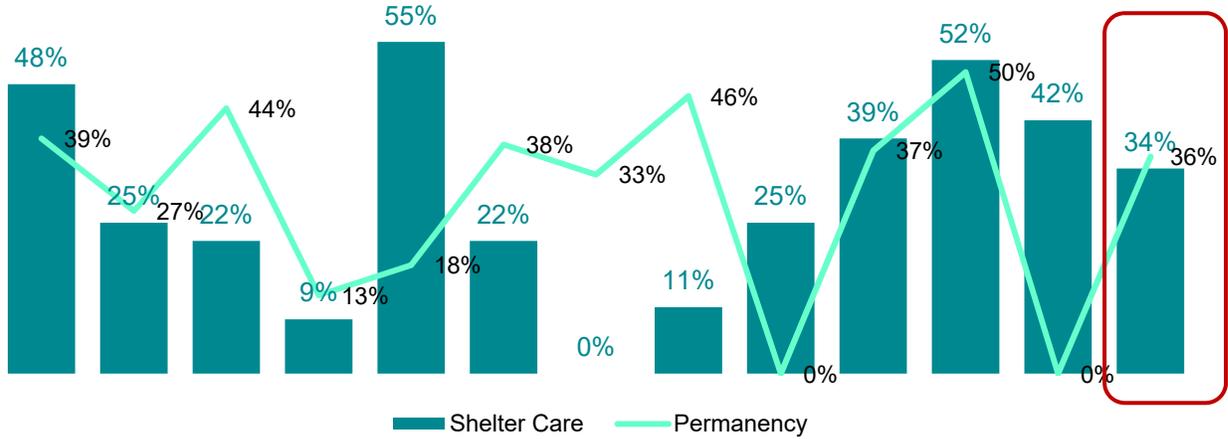
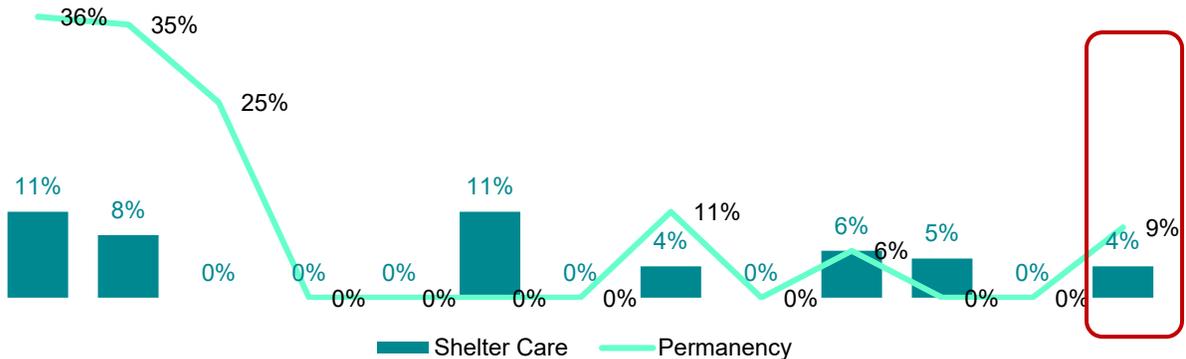


Figure 5. Percentage Children Present



Presence of Attorneys and Foster Parents. Table 2 below illustrates the percentage of all hearings in which attorneys for mothers or fathers were present across sites. Sites varied widely in representation of parents. Often sites had attorneys available to appoint for parents, but they did not represent the parents unless they were present at the hearing. Some sites never had attorneys present in the hearings observed while others always had attorneys for the mother present.

Sites	Mother's Attorney		Father's Attorney	
	Shelter Care	Permanency Hearing	Shelter Care	Permanency Hearing
1	0%	55%	0%	64%
2	8%	83%	0%	67%
3	0%	0%	0%	0%
4	100%	100%	27%	40%
5	18%	63%	9%	62%
6	100%	89%	67%	67%
7	58%	43%	25%	47%
8	92%	92%	76%	63%
9	0%	67%	0	33%
10	53%	51%	42%	37%
11	57%	50%	5%	50%
12	0	60%	0	40%
Statewide	50%	63%	29%	49%

Table 3 provides site level data on the percentage of hearings where a child advocate or attorney was present as well as when a foster parent or caregiver was present. Once again, sites varied widely. One site consistently had an advocate present for the hearings, others were much more likely to have a GAL/CASA present at the permanency hearing than at Shelter Care. However, as noted with parent attorneys, judges often appointed a GAL/CASA at the Shelter Care. Foster parents and caregivers were rarely present at Shelter Care, but much more likely to be present at Permanency hearings.

Sites	Child CASA/GAL or Attorney		Foster Parent or Caregiver	
	Shelter Care	Permanency Hearing	Shelter Care	Permanency Hearing
1	44%	36%	11%	0%
2	25%	100%	17%	42%
3	11%	50%	11%	38%
4	91%	91%	9%	36%
5	9%	88%	0%	11%
6	100%	100%	0	29%
7	8%	57%	0	29%
8	24%	89%	16%	44%
9	0%	67%	13%	33%
10	89%	100%	6%	20%
11	62%	80%	10%	30%
12	0%	100%	0%	20%
Statewide	46%	84%	8%	28%

Parental Engagement

Engagement of parents in the hearing process is considered essential to holding a high-quality hearing. Engagement was measured in two ways. The first way explored how much parents participated in the hearing, when present. The second explored how judges engaged parents in the process. For participation, coders ranked participation on a 3-point scale, ranging from 0=no participation to 2=high participation. Table 4 illustrates the average participation of parties in hearings. Caseworkers had the highest level of participation overall. Participation of parents varied widely by site.

Table 4. Average Participation of Parties				
Mother	Father	Child	Caseworker	GAL/CASA
1.3	.6	1.3	1.8	1.75
1.5	.25	1.5	2	1.25
1.8	2	2	1.9	1
.7	1		1.9	.7
.1	.5		1.9	.9
.1	0	0	1.8	1
1.1	1.2	2	1.9	1.1
.3	.4	.25	1.5	.8
.3	1.5		.4	0
.7	.7	.5	1.2	1.1
.7	.5	0	2.0	.5
1.2	1.3		2.0	1.2
.8	.7	.8	1.7	1.0

Researchers examined judicial interactions and engagement with parents and children in the sample of hearings provided. Parent engagement was operationalized with five yes or not questions, including whether the judge (1) explained the hearing process, (2) Spoke directly to the party, (3) called the person by name, (4) Used understandable language, and (5) provided the party an opportunity to be heard. When parents were present in court, judges mostly spoke to them directly and addressed them by their names. Figure 7 below portrays the percentage of time (when the mother was present) that the judicial officers engaged the party in a specific way. These numbers reflect differences in practice across multiple sites. Engagement strategies varied widely by site, but the most common was speaking directly to the mother. Engagement strategies were similar for fathers (See Figure 8). The sample size was too small to examine engagement of youth across sites.

Figure 7. Judicial Engagement of Mothers

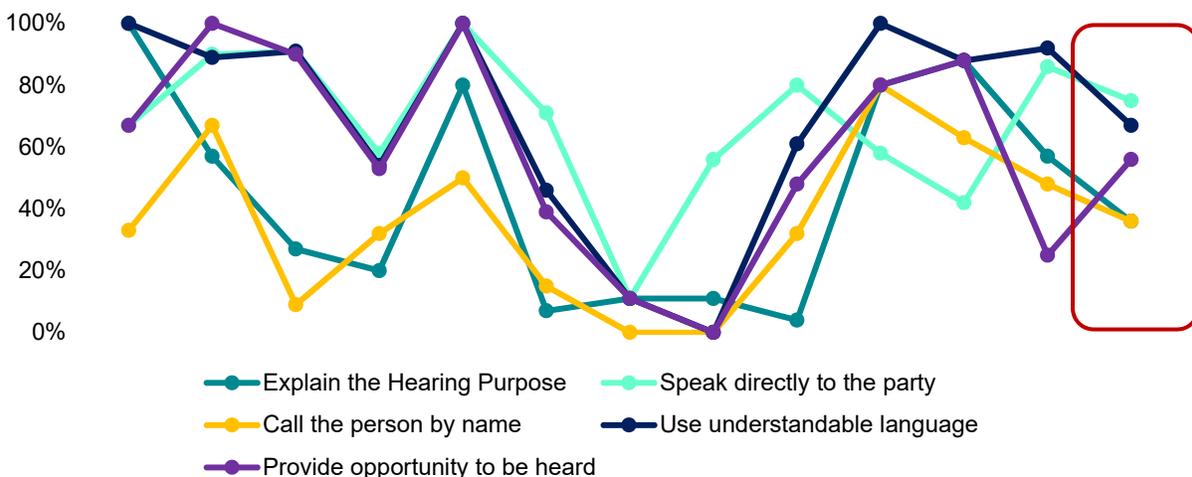
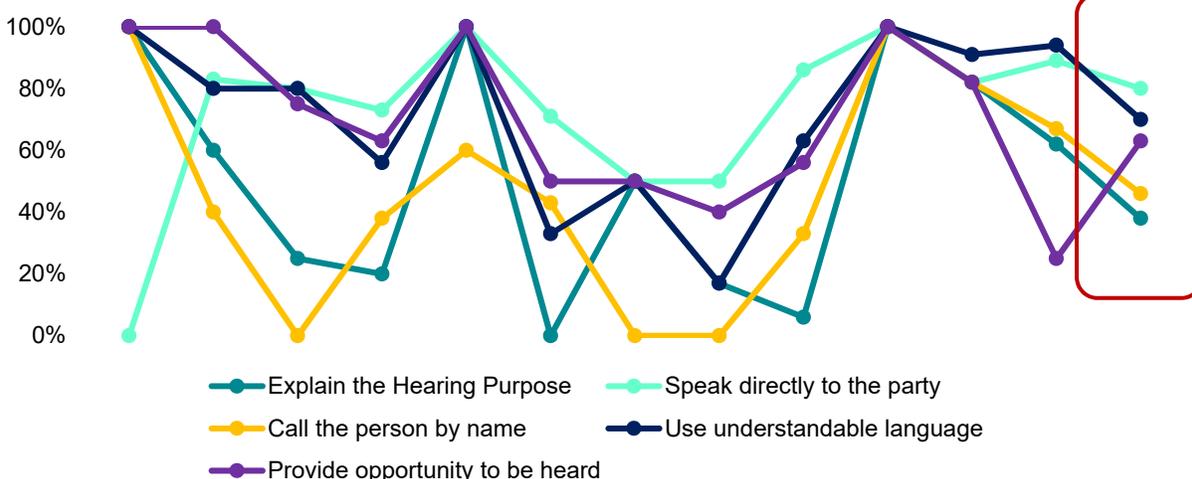
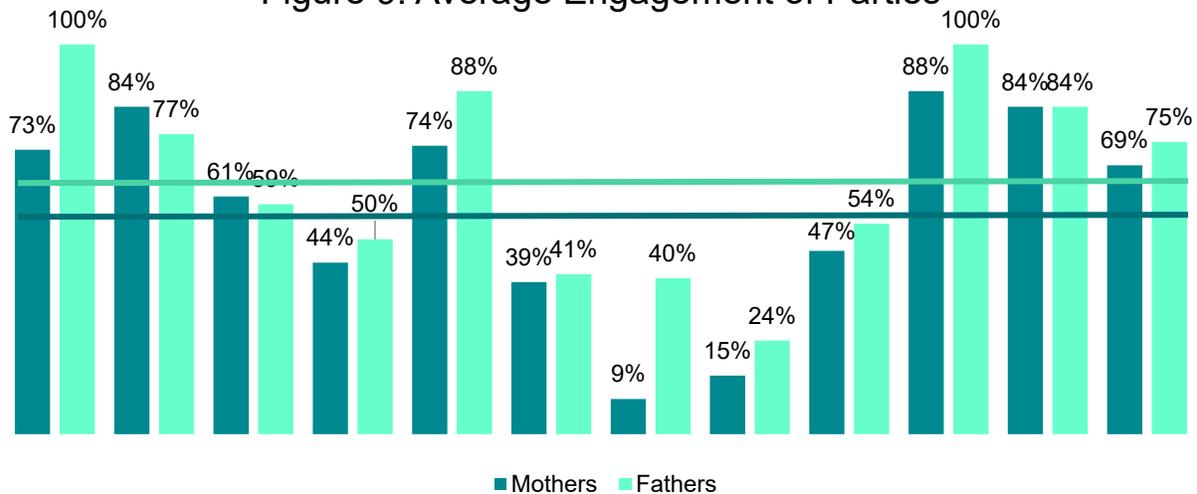


Figure 8. Judicial Engagement of Fathers



Engagement can be also be conceptualized as a percentage of strategies that judges used to engage parents and youth in the hearing process. Consider the five engagement strategies identified in Figures 7-8. Each hearing was coded with a yes or no as to whether the judge engaged in this behavior. These were averaged to calculate a percentage of yes responses. Researchers found that judges engaged mothers with 55% of these strategies and fathers with 62% of these strategies. Individual responses are reported in Figure 9. In addition, the statewide average is represented with a vertical bar for both mother and father engagement.

Figure 9. Average Engagement of Parties



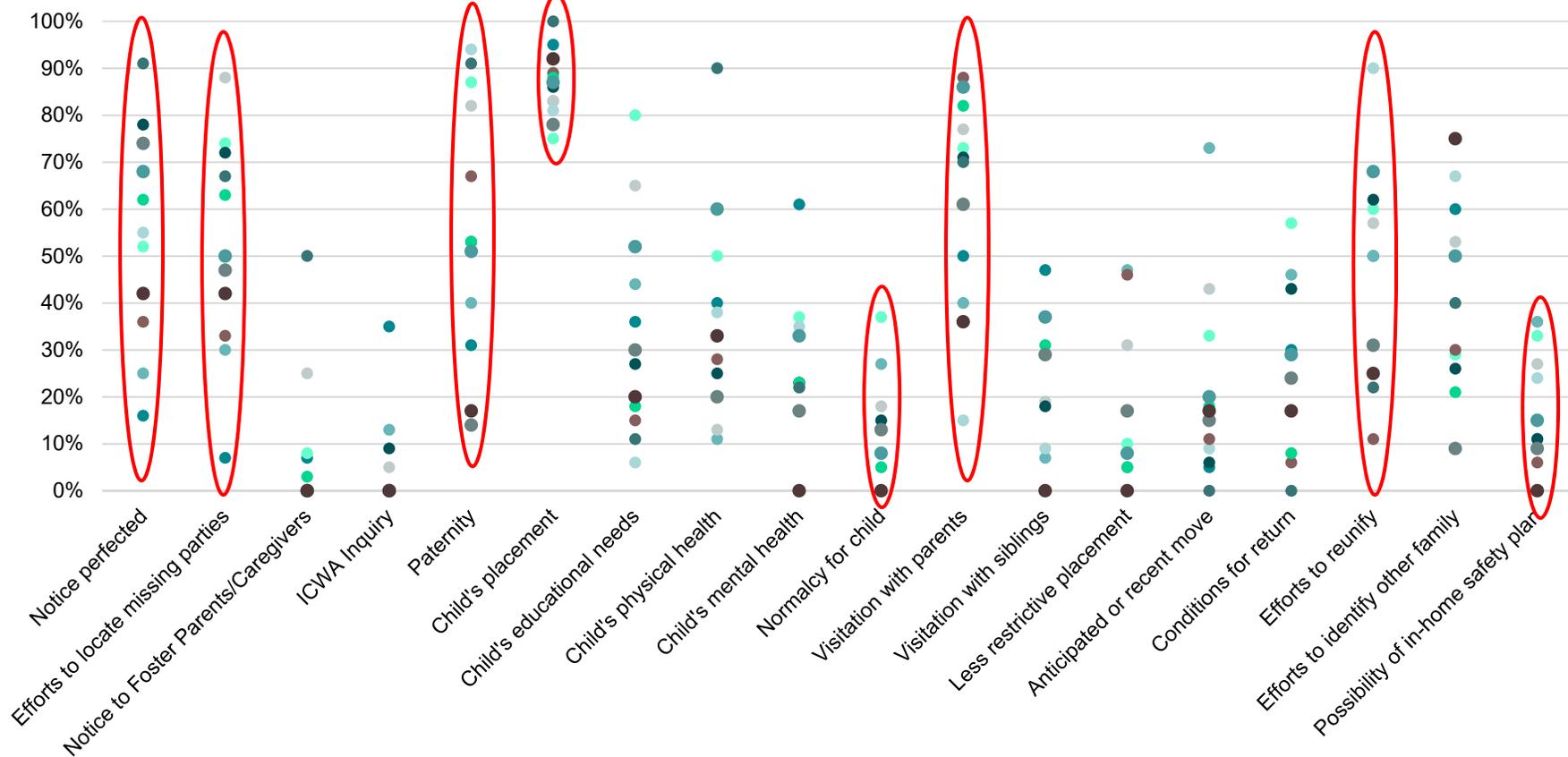
Hearing Discussion

Discussion was measured using a list of topics that could be relevant to discuss at the hearing. When presenting the findings, topics listed next to specific hearings are those that are considered most relevant for discussion in those specific hearings, while topics listed under “all hearings” are those that could be relevant for any hearing. Topics were derived from Ohio Statutes and from best practice guidelines from the National Council of Juvenile and Family Court Judges.⁶

Breadth of Discussion. Breadth of discussion is the percentage of items discussed out of all the potential topics that were applicable to be discussed at the hearing. On average, hearings across the state included discussion of 40% of all applicable topics, with the percentage of items discussed in each hearing ranging from 0% to 81% of all applicable topics. The *Range of Discussion of General Court Topics* in Figure 10 below illustrates the range of discussion across counties for topics identified as applicable to all court hearings, regardless of hearing type. Each dot represents the average discussion of a topic in a county. For example, child’s placement was discussed at a low 75% in one jurisdiction, and a high of 95% in another. The purpose of this graph is to illustrate diversity of practice across sites. The red ovals identify the least and most diverse topics. The most diverse topics are those that some sites discuss 100% of the time and others never discussed in their hearings. The shorter ovals illustrate the topics that are consistently discussed (or not discussed) by all jurisdictions. Figure 11 portrays the same information for hearing specific (e.g., Shelter Care) topics.

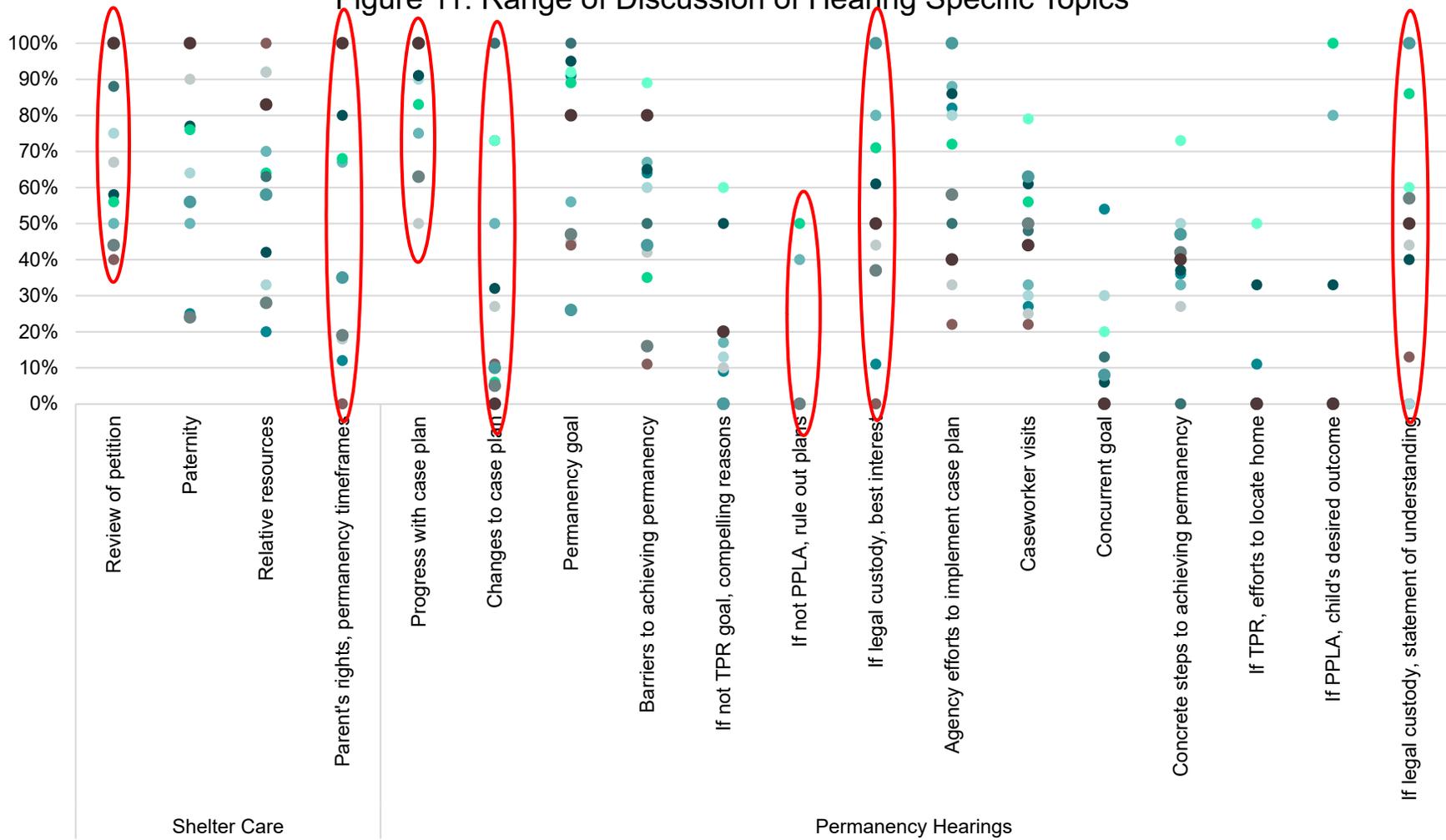
⁶ “Best practices” for dependency court hearings include those practices outlined in the National Council of Juvenile and Family Court Judges’ *ENHANCED RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases*, which provides recommendations for conducting a high- quality child abuse and neglect hearing process.

Figure 10. Range of Discussion of General Court Topics



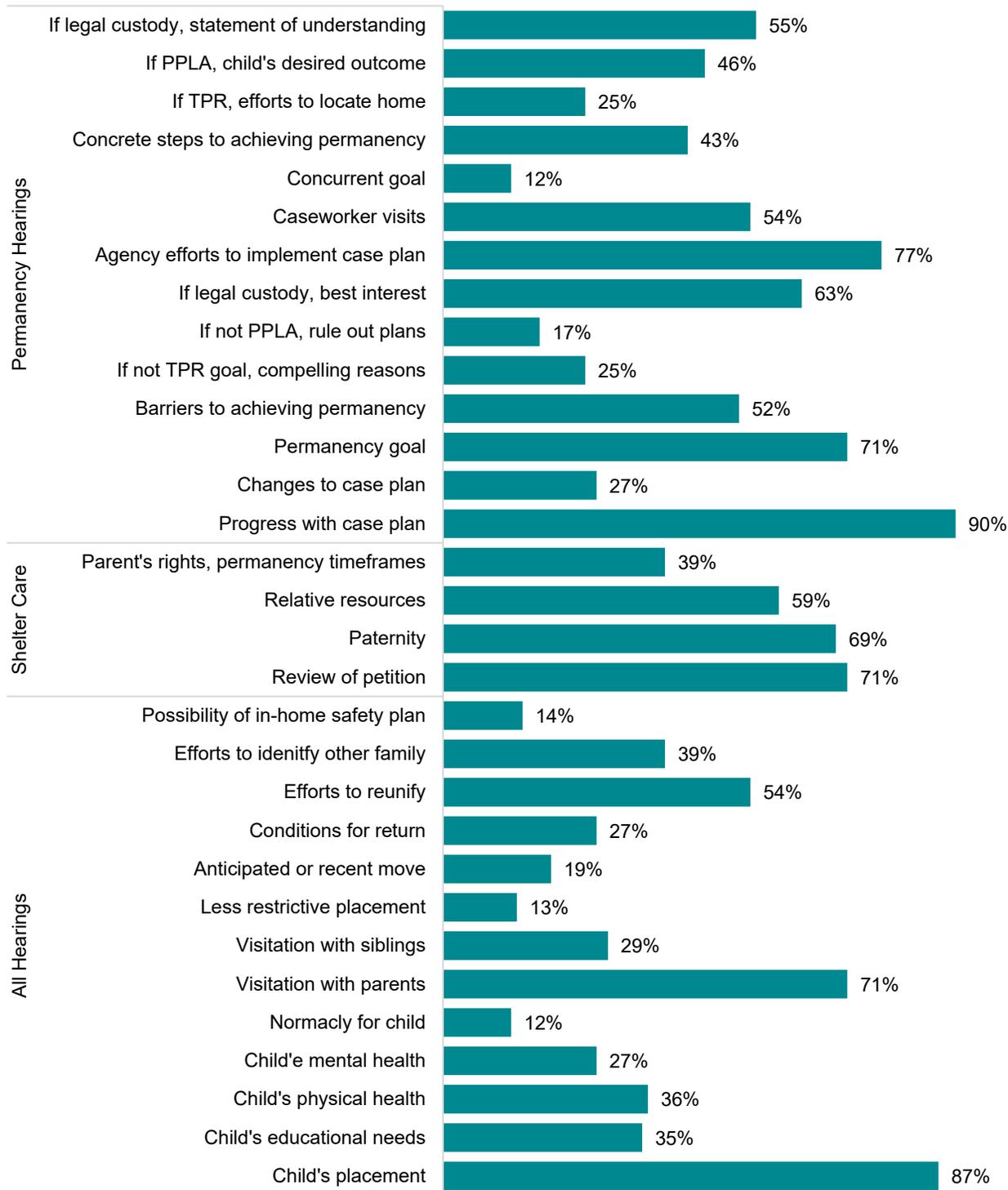
**The ovals represent the variation in the discussion practice. The ovals that stretch from top to bottom illustrate topics that some sites never discussed but others discussed 90+% of the time, indicating great variation in the state. The smaller ovals represent topics that are more consistently discussed or not discussed. For example, child's placement had little variation, ranging from 75 to 100% of hearings, whereas efforts to reunify/prevent removal ranged from 11 to 90%.

Figure 11. Range of Discussion of Hearing Specific Topics



Discussion is also explored generally, examining the percentage of time that a topic was discussed (any level of discussion) within the hearing. The chart below (Figure 12) illustrates the percentage of time that topics were discussed across all sites.

Figure 12. Percentage of Time Topic Was Ever Discussed

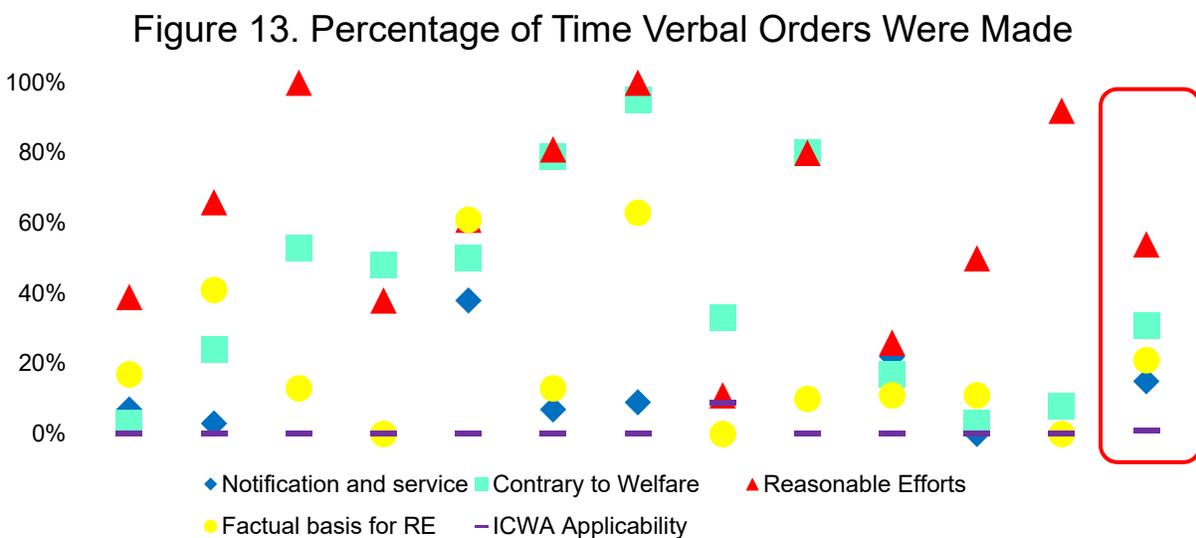


Digging Deeper Into Discussion

As additional analyses, researchers explored length of hearings by parties present. This analysis examined whether the breadth of discussion increases when specific parties are present. Included in the analysis was the presence of the mother's attorney, father's attorney, GAL/CASA, the mother, the father, and the child. Only presence of the child had a significant effect on hearing discussion. Courts discussed more topics when children were present (58%) than when children were absent (43%).

Judicial Findings

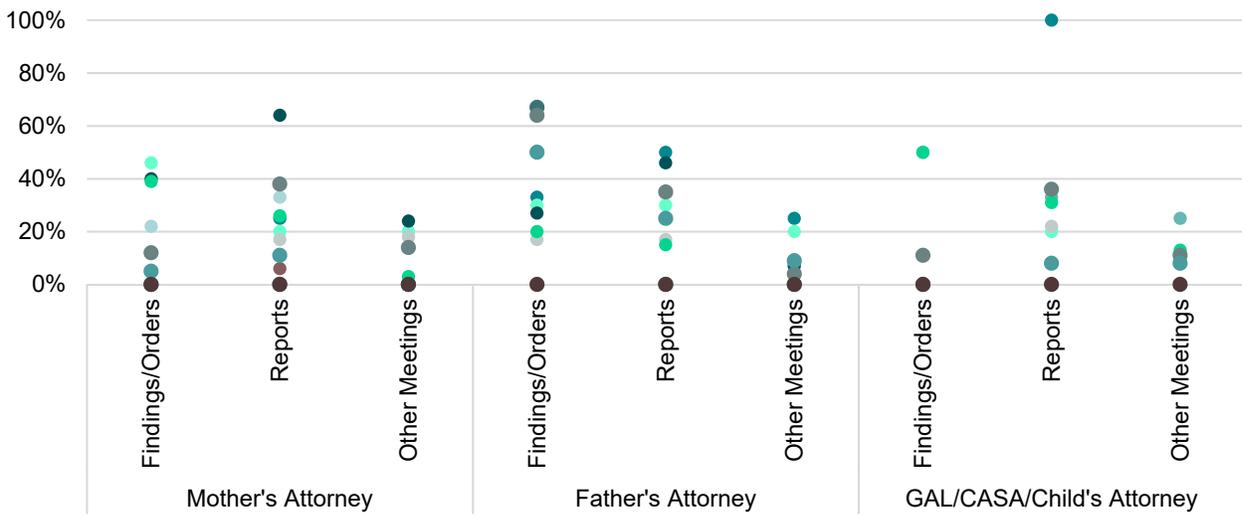
The hearing quality assessment identified whether the judge made oral findings on the record regarding (1) Notification and service, (2) Contrary to welfare, (3) Reasonable efforts to prevent removal/ reunify, (4) Factual basis for reasonable efforts (as part of the finding), and (5) ICWA applicability. Figure 13 below illustrates the frequency with which judges made these four findings on the record as well as identified the factual basis for reasonable efforts orally in their finding. As noted, a reasonable efforts finding was made most often, whereas ICWA findings almost never occurred. The Statewide data are presented in the red rectangle.



Attorney Practice

A final component of hearing quality that was measured included attorney practice at the hearings. For attorneys for the mother, father, and advocates for the child, the coders examined (Yes or No) whether attorneys referred to (1) findings/orders from the hearing, (2) reports, (3) other meetings (e.g., TDM). Figure 14 below illustrates how often attorney refer to these things in hearings.

Figure 14. Percentage of Time Attorneys Referenced Specific Events



Relationship Between Hearing Quality and Case Outcomes

Multiple hearing quality variables were examined to determine their impact on case outcomes. The following variables explored were related to hearing quality:

- **Breadth of discussion:** the percentage of time key topics (identified from the *Enhanced Resource Guidelines* and Ohio Statutes) were discussed in hearings, when applicable.
- **Key discussion topics:** discussion topics were coded at each hearing on a scale of 0 to 3, with 0 indicating no discussion and 3 indicating substantive discussion.⁷ Across multiple hearings, these variables were calculated as a percentage of time specific discussion topics were discussed at hearings. Key discussion topics used in analysis were topics that should be discussed at all hearings, including:
 - Child safety
 - Efforts to reunify
 - Barriers to achieving permanency
 - Concrete steps to achieving permanency
 - Relative resources
- **Presence of parties:** Presence of parties was coded as a yes/no variable at each hearing. This was further calculated across hearings to include percentage of time key parties were present at hearings. Parties included mothers, fathers, and youth.
- **Presence of attorneys:** Presence of attorneys was coded as a yes/no variable at each hearing. This was further calculated across hearings to include percentage of time

⁷ Substantive discussion was defined as an in-depth discussion of a topic.

attorneys were present at various hearings. This was calculated for mother's, father's and child attorneys (child attorneys also includes GAL/CASA).

- *Engagement of parents.* All of the yes/no judicial engagement questions (e.g., did the judge speak directly to the party) were collapsed into an 'average engagement' variable that indicated the percentage of strategies that the judge used to engage parents.
- *Findings on the record:* At each hearing, the coders determined whether reasonable efforts findings were made on the record (yes/no variable) and the percentage of time RE was made was added to the analysis.

The child welfare outcomes identified for study were based on nationally accepted performance measures for dependency courts. These data were collected from aggregate level agency reports for cases in 2018. These include:

Time to Permanency: Time to permanency was calculated as a median time (in months) from entry into care to case closure. Time to permanency was also calculated as percentage of cases that achieve permanency within 12 months.

Reunification: Reunification was examined in terms of what percentage of cases result in a child reunifying with family.

Aging Out: The percentage of youth aging out of child welfare system without achieving permanent legal connection.

Permanency within 12 & 24 Months: The percentage of cases for each county that achieve permanency within 12 and 24 months of the child entering care.

Methods

Correlations. To examine relationships between hearing quality and case outcomes, researchers explored correlations, a common statistic that provides a single number that describes the degree of relationship between two variables. For this method, researchers took the averages from the counties on a series of hearing quality measures (identified above) and compared this to average jurisdiction level data from the agency for that specific site. For example, for the 20 hearings observed in site A, researchers calculated the percentage of time the mother was present. This variable was entered into a database as a number (e.g., 67% = .67). Researchers also took outcome data from agency reports, such as percentage of cases reaching reunification within 12 months and added that number to the dataset. This resulted in 8 cases (each jurisdiction is 1 case) and 23 variables to correlate. The hearing quality variables and case outcome variables were all added into a correlation matrix and examined for statistically significant relationships.

Correlation Values. Correlation values range from 0 to +/-1, with those closer to 1 being stronger relationships. A value of .2 to .39 is considered weak, .4 to .59 is considered moderate, .6 to .79 is considered strong and .8 to 1.0 is considered a very strong association between two variables.

Correlation Direction. Correlations also include a direction. A positive correlation means that variables both increase or decrease in the same direction. That is, as one increases so does the other. For example, a positive correlation (.80) between height and shoe size indicates that as people get taller their shoe size increases. A negative correlation (any value $-.1$ to -1.0) indicates that the variables are related in opposite directions. For example, smoking and life expectancy are negatively correlated, as the amount of smoking you do per day increases, your life expectancy decreases. The direction is not related to the strength. A $-.8$ correlation shows a stronger relationship than a $+.5$).

Findings Hearing Quality and Case Outcomes (Correlational Analysis)

A series of correlational analyses explored relationships between aggregate level hearing quality factors and case outcomes. It should be noted that the sample size for this was 8 (8 counties) and finding significant relationships with a small sample size is often a challenge.

Median months to case closure. Average engagement of children at the hearing was related to median time to permanency. Courts that had higher engagement of youth also had longer times to permanency.

Permanency in 12 Months. Site where the father's attorney was present more often also had had rates of achieving permanency within 12 months.

Permanency in 24 Months. Presence of both the mother and father's attorneys were related to achievement of permanency within 24 months. Increased presence was related to an increased likelihood of achieving permanency.

Reunification. Average child engagement was related to a decreased likelihood of reunification. This may imply that judges are more likely to engage youth on cases that are going to age out or where parent rights have been terminated. Average father attorney presence was also related to the reunification. Sites that had father's attorney present more often also had higher rates of reunification

Aging out. Higher average youth engagement was related to higher percentages of youth aging out of foster care. This supports the notion from reunification that judges may have youth appear and engage them in court after parental rights have been terminated or the plan has changed. In addition, presence of both the mother's and father's attorneys were negatively correlated with aging out. That is, increased presence of the mother's and father's attorney was related to a decreased likelihood of aging out of care.

Summary of Linking Hearing Quality Factors to Outcomes

Table 5, below, illustrates the relationship between hearing quality and case outcomes. As noted in the table. The table identifies which factors are related to outcomes and indicates how an increase in the hearing quality factor is related to the case outcome factor.

Table 5: Summary of Findings Linking Hearing Quality to Outcomes					
	Time to Permanency	Reunification	Permanency <12 Months	Permanency <24 Months	Age Out
Breadth of Discussion					
Discussion (Specific Topic)					
Parties Present	Yes (+) Child Advocate				Yes (-) Mother's Attorney
Engagement of Parties	Yes (-) Dad	Yes (+) Consult re: next hearing	Yes (+) Consult re: next hearing		Yes (+) Child
Findings on the Record					

Recommendations

The Ohio Court Improvement Program (CIP) has been working with agency on improving outcomes in child welfare cases. As part of this process, they identified better understanding court practice as an opportunity to better understand the needs of courts statewide. The study reported herein provides a snapshot of current practice across 12 sites, meant to be representative of the diversity of practice across the state. This information can be used in several ways in considering court improvement across the state. Recommendations resulting from the findings of the report include:

Use the findings to inform training topic and curriculum development for the state. There were several key topics that emerged from the data that could be used to inform the development of training programs across the state. These are identified below. Where applicable, the “best practice” is identified. This is the best practice articulated from NCJFCJ’s *Enhanced Resource Guidelines*. It is important that the Ohio CIP take into consideration not only the findings but

also how these findings align with current statewide priorities and efforts to decide which (if any) suggestions work best for the state.

- **Engagement.** Engagement varied widely across the state. It might be helpful to provide training to judicial officers regarding strategies on how to best engage parents (and youth if they attend) in the process. It may also be important to train attorneys so that they allow clients to interact in courts in a meaningful way as appropriate. In the study, consulting parents about the next hearing date was related to improved outcomes. Statewide training can help sites to identify engagement strategies and to share strategies that they are using to integrate engagement into practice (like consulting about the next hearing) so that concrete examples can be provided.
- **Reasonable efforts.** Reasonable efforts findings were made verbally on the record approximately half of the time. Not all hearings discussed the efforts that the agency has made. It could be helpful to conduct training with the legal/judicial professionals on reasonable efforts, including what information they should solicit to ensure that reasonable efforts have been made by the agency and what language should be used when making the finding. While the finding needs to be made on paper, best practices suggest that oral findings can help ensure all parties are on the same page and illicit discussion to ensure that efforts were, in fact, reasonable to prevent removal or achieve permanency for the family. Statewide training on reasonable efforts could help to ensure that all parties understand the requirement (how and when it should be made) and fully understand the inquiry and discussion that could be relevant to this.
- **ICWA.** An ICWA finding was only made in .3% of cases. ICWA inquiries were rarely made in court (6% of Shelter Care Hearings). While the information might be presented to the court, best practices suggest that asking the question in open court and making the finding on the record could encourage parents to reveal information about their Indian heritage and ensure earlier identification of ICWA cases. Statewide training could address the discussion of ICWA and making findings on the record.
- **Discussion of key topics.** The Hearing Quality Study identified several topics that are rarely or inconsistently addressed across the state. The least discussed items were discussed in less than half of the hearings statewide. The inconsistent items ranged from 0 to 10% up to 90 or 100%, indicating a large variation in current practice. Depending on the Ohio's priorities, these topics could be turned into training opportunities. Discussion, broadly all the relevant topics could be the focus of a training. Trainings, such as those on the Enhanced Resource Guidelines focus on this. More specific targeted trainings could be developed on any one or combination of the items below and trainers could be identified to support these training. The Capacity Building Center for Courts is available to help the CIP think through potential trainers on any of these topics.
 - The least discussed items were:
 - Normalcy for the child
 - ICWA applicability

- Notice to foster parents/caregivers
- The possibility of an in-home safety plan
- If PPLA, rule out other plans
- Visitation with siblings
- Items discussed inconsistently across the state included:
 - Child well-being (education, mental health, physical health)
 - Efforts to reunify
 - Parent's rights, permanency timeframes (at Shelter Care)
 - Relative resources (Shelter care)
 - Changes to case plan (Annual Review)
 - Barriers to achieving permanency (Annual Review)
 - If legal custody, best interest (Annual Review)
 - If PPLA, child's desired outcome (Annual Review)
 - Agency efforts to implement case plan (Annual Review)
- **Youth in Court.** Statewide youth were only present in 4% of Shelter Care and 9% of Annual Review hearings. If the State is interested in increasing these numbers, a training on how to engage youth and strategies to increase their presence would be helpful. In particular, this may require a multidisciplinary training to address attitudes toward youth attendance at court and a discussion of barriers in getting youth to attend hearings.
- **Quality Legal Representation.** It was beyond the scope of the current study to examine quality legal representation. However, some attorney practices were noted, including early appointment of attorneys as well as attorney's advocacy or participation in the court hearings. While this varied somewhat, overall there was low participation/advocacy of all attorneys in the hearings. Further only 3 sites (25%) had attorneys available and appointed at the Shelter Care hearings consistently. Of the other sites, 25% had attorneys at Shelter Care about half of the time and the remainder almost never had an attorney for parents at the Shelter Care. Training should be considered to work with the sites on potential strategies to ensure earlier appointment of attorneys and could also be conducted with attorneys to identify ways to increase advocacy and participation in hearings.

Consider developing tools for judicial officers that focus specifically on items the OH CIP would like to see increased in practice. Research on using a Benchcard⁸ has shown that it does increase discussion of key topics (from the Benchcard) or use of engagement strategies (identified on the Benchcard). Development of a short, concise list of questions could serve as reminders to judicial officers of key discussion points or engagement strategies that could be used in hearings. To be most efficient, the Benchcard should be developed with judicial input, should include some open-ended questions for engagement of parents, and should target the most relevant discussion points. The Enhanced Resources Guidelines provides

⁸ National Council of Juvenile and Family Court Judges. (2011). Right from the start: The CCC Preliminary Protective Hearing Benchcard study report: Testing a tool for judicial decision-making.

Benchcards for all hearing types. These are fairly lengthy but could be used as a starting point in identifying priority areas. Further, the Capacity Building Center for Courts could serve as a resource in connecting the Ohio CIP to other state's Benchcards for examples.

Consider how to use findings to support joint efforts with the agency in developing a Program Improvement Plan that would best address concerns raised from the CFSR findings. Part of the purpose of the Hearing Quality Study was to supplement CFSR findings from 15 counties and add additional information on current court practice that was not assessed as part of the CFSR. Areas of particular interest from the study that align with the CFSR measures and priorities include items that are inconsistently or irregularly occurring in practice. The following issues occurred less than 60% of the time, with the majority occurring less than half of the time. The list below identifies court measures specific to CFSR measures and how they relate. For more information about the court's role in CFSR, see the Capacity Building Center for Courts' [*Child and Family Services Reviews: How Judges, Court Administrators and Attorneys Should be Involved*](#). This document includes legal and judicial suggestions by CFSR area (Appendix A).

The following recommendations identify potential areas where the court can help support the agency in working with the families. This list should be compared to the CFSR findings to identify priority areas. In general, the courts can help promote positive outcomes on CFSRs by ensuring that all judicial officers and attorneys are adequately trained in permanency planning practices, the importance of family connections, safety, and wellbeing for families. In addition, the court can play a role in ensuring that hearings are conducted in a timely manner with sufficient time allocated to discuss the key issues within the hearings. The court can support the agency by playing an active oversight role, inquiring into the topics identified below to ensure agency accountability and problem solve key issues.

- ***Safety outcome 2 of the CFSR: Children are safely maintained in the homes whenever possible.*** The court has the ultimate decision regarding placing the child outside the home. Part of this is related to the agency's assessment and addressing of the risk and safety concerns for the child in their own home.
 - In hearings, particularly Shelter Care, but also later in the case, the court can inquire about specific items related to safety. In the study, items such as least restrictive placement, the identified conditions for return and the possibility of an in-home safety plan would all be related to this issue. These were rarely discussed in hearings but improved discussion could be related to improved outcomes.
- ***Permanency Outcome 1. Children have permanency and stability in their living situations.*** Permanency outcome one is a composite measure including assessing stability of placement, appropriate permanency goals and the achievement of these goals in a timely manner and ensuring the agency has made concerted efforts to achieve permanency (regardless of outcome).
 - Ways the court can play a role in placement stability:

- Making active inquiry into the child’s placement. Placement itself was one of the most often discussed issues in court (87%). Discussion about placement was most often a statement only (42%). In only 18% of hearings was their substantive discussion related to the child’s placement. The discussion often identified where placement (or with whom) but did not talk about potential changes to placement or whether it was the least restrictive placement.
- Attorneys can contribute by advocating for the child’s best interest in preserving placements and identifying relatives. The level of advocacy of attorneys was low in Ohio.
- The court can ensure proper notice to include foster parents and relative caregivers so that they can be active participants in the court hearings and discuss/problem solve any issues that might result in placement disruption. In Ohio, foster parent notification discussions were very low (only identified in 2% of hearings).
- The courts could also enhance the establishment of appropriate permanency. The court could potentially impact the state’s performance by:
 - Discussing the permanent plan and concurrent plan on cases. Concurrent planning was rarely discussed on a case (only 12% of applicable hearings).
 - Discussing specific barriers to permanency and concrete steps to achieving permanency in review and permanency hearings. This helps the parents (or adoptive resource) to better understand what they need to do in order to achieve permanency for the child and to play a role in discussion/problem-solving barriers. In the hearings observed, concrete steps were discussed 43% of hearings and barriers were discussed in 52% of Annual Review hearings. This was very inconsistent across the state, with some sites never discussing concrete steps or only rarely discusses barriers compared to other sites 75-90% of the time.
 - Ensuring there is adequate understanding and discussion of the specific requirements for achievement of permanency. For example, if PPLA, the courts should be discussing the child’s desired outcome and how the other plans have been ruled out. These were inconsistently discussed (sometimes never in some sites) and only 46% and 17% respectively. For legal custody, the court should be discussing the best interest of the child and the statement of understanding. These were discussed 63% and 55% of the time.
 - Ensuring a discussion of and findings on the record regarding whether the agency has made reasonable efforts to reunify the family or to achieve permanency on the case. An oral reasonable efforts finding was

made in 54% of cases and the factual basis for reasonable efforts was noted by the judicial officer in 15% of hearings.

- **Permanency outcome 2: The continuity of family relationships and connections is preserved for children.** This measure incorporates multiple measures related to the child's connections, including sibling placement and visitation, parent visitation, placement with relatives (when appropriate), and positive relationships between the child and parents while the child is in foster care. The court can play a role in enhancing discussion and oversight of these through various discussion points.
 - The court can increase discussion potential relative resources early and often throughout the case. Relative resources were discussed in 59% of Shelter Care hearings, but efforts to identify other family members were only noted in 39% of hearings.
 - The courts could also more consistently address visitation. The courts discussed visits with parents in 71% of hearings, but only addressed sibling visitation in 29% of hearings.
 - Attorneys could raise the issue of visitation in the courts and advocate for more frequent, longer, or unsupervised visits for their clients. The level of advocacy was low statewide and attorneys rarely advocated for visits, placement, or services for the parents or youth in the hearings observed.
- **Well-being Outcome 1. Families have enhanced capacity to provide for their children's needs.** Well-being outcome one contains multiple measures, including agency efforts to assess the needs of and provide services for children, parents, and foster parents, efforts to involve the parents and children in case planning, ensure frequency and quality of visits between caseworker and children, and between caseworker and parents. While the onus on these is on the agency activities, the court can play an important oversight role. Some considerations about the court's role include discussion of key issues as well as engagement of families.
 - The court can support the agency with by discussing the case plan and needed case plan modifications at review and permanency hearings. At present the sites in Ohio consistently discussed progress with the case plan (90% of hearings) but were less likely to discuss any changes needed (27%). The courts also discussed the agency's efforts to implement the case plan fairly regularly (77% of Annual Review hearings).
 - The court can inquire about caseworker visits with the child and the parents, including the quality of those visits. In Ohio, there was discussion about caseworkers visits in 54% of Annual Review Hearings.
 - The court can also play a role in engaging families in the process. While the agency is tasked with engaging the family in case planning, the court can help facilitate this by engaging the parents in the court process and having discussions with them to ensure that their needs are being met and that services are appropriate and tailored to their needs. Engagement of parents

varied across the state. Most judicial officers spoke directly to the parties (75-80% of hearings), and used understandable language (67-70% of hearings). Only about half of the time did the judicial officer provide parents an opportunity to be heard (56-63%). Specific engagement strategies and open-ended questions related to services could potentially enhance parent's engagement in the process not only in but also outside of court.

- **Well-being Outcome 2: Children receive appropriate services to meet their educational needs.** The CFSSR measure explores how the agency met the child's educational needs. The court can support the agency by discussing the child's educational placement and needs at court and allowing parents an opportunity to discuss their child's education (helping identify extra-curricular activities, educational needs, any identified educational concerns, etc.). In Ohio, educational needs were discussed inconsistently across the state ranging from 8% to 80% of hearings (statewide the average was 35% of hearings).
- **Wellbeing Outcome 3: Children receive adequate services to meet their physical and mental health needs.** The CFSSR measure examines whether the agency addresses the physical health needs and the mental/behavioral health needs of children. The court can support these efforts by inquiring about the child's mental health and physical health needs and the agency's efforts to provide services around this, including discussion of the child's needs are being met. In Ohio, the child's physical health was discussed 36% in hearings and mental/developmental health or needs were discussed in 27% of hearings. This was inconsistent across the state.

Consider using the report to serve as a baseline assessment for improved program practice.

The data provided in the Hearing Quality study can be used to inform future evaluation of court practice efforts. As the Ohio Court Improvement Program is focused on working with site to implement systems change and improve practice, this data can serve as a baseline of current practice in any of the sites. If changes occur, this data can be used to demonstrate improvements in court practice in any of the areas identified (e.g., parties presence, engagement, discussion, or findings on the record). If statewide trainings or improvements are implemented, the data can also be used to show across site improvements in practice that may result from these efforts. Further, with additional outcome data on the cases observed on this study, additional analyses can be conducted to make comparisons between specific hearing practice and case outcomes on that case.