

# Children, Families, and the Courts



THE SUPREME COURT of OHIO

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Job and Family Services

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## Developing Coordinated Local Responses to Address the Needs of Ohio's Aging Population

Gregory J. Halemba and Hunter Hurst IV, NCJJ

In October 2010, Ohio's Supreme Court, Governor, Attorney General, and Association of Probate Judges, convened teams of stakeholders from 45 Ohio counties to explore a wide range of issues related to the state's rapidly growing elder population. The Ohio Summit on Aging provided an opportunity to raise awareness of the needs and challenges facing the more vulnerable segments of Ohio's seniors.

More importantly, the Summit provided an opportunity for probate judges and representatives from a range of system stakeholders (including Adult Protective Services, the legal community, law enforcement, advocates, service providers, and funding agencies among others) to discuss and explore options on how to more effectively respond to the steadily increasing number of reports of elder neglect, fraud and abuse.

The Ohio Summit on Aging builds on the success of two earlier Summits on Children (convened in 2008 and 2009) which highlighted the need for a more collaborative approach to address the needs confronting children and families.<sup>2</sup> The two Summits on Children encouraged the judiciary to take a leadership role in assembling local multi-disciplinary teams and in facilitating the development of action plans that would promote a more coordinated response in the ways communities provide services to (and otherwise intervene with) maltreated children and their families.

Similarly, probate judges in each of Ohio's counties were invited to assemble a team of three to four key community

stakeholders to come together at the Summit to discuss the most salient challenges their communities face in addressing the needs of its growing senior population; the range of resources currently available in their communities; the types of state support required to more effectively respond to the most vulnerable among the elderly; and to draft the outlines of local action plans that would ultimately result in a more coordinated response network in their communities.

For counties who had already begun this process and were further along on this continuum, the Summit provided an excellent opportunity to take stock of what had been accomplished to date and to examine ways to build on the collaborative infrastructure that had already been set in place.

The overarching objective of the Summit was to build on existing initiatives and foster new inter-branch efforts to enhance the safety and well-being of older adults. The Summit offered workshops on two educational tracks – one focused on elder abuse and a second that concentrated on guardianship issues. These had previously been identified as the most significant challenges confronted by probate courts in working with the state's aging population.<sup>3</sup>

This edition of *Children, Families and the Courts: Ohio Bulletin* examines a number of issues and themes that were central to the various plenary and keynote presentations and workshops conducted over the course of the Summit.<sup>4</sup>



*Opening remarks by Steve Hollon, Administrative Director, Supreme Court of Ohio.*

- Former Chief Justice Eric Brown opened the Summit by highlighting the underlying demographics that are shaping the challenges that the nation and, in particular, states such as Ohio are confronting as our population ages.
- Former Governor Ted Strickland (via recorded video remarks) and Sheri Maxfield (chief counsel to Ohio's former Attorney General – Richard Cordray) both called attention to the steady rise in the number of reported incidents of fraud and abuse involving Ohio's seniors and affirmed that investigation and prosecution of these predatory acts is a becoming an increasingly salient priority as the state's population ages.
- In varying degrees, each of the Summit's featured speakers encouraged local and state officials, advocates and service providers to work more closely, to come together and develop a coordinated response to the challenges facing Ohio as the state struggles to address the needs of its most vulnerable seniors in a more timely, coordinated and effective manner, and to encourage the judiciary to take the lead in spearheading these efforts.

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## The Graying of Ohio's Population

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Ohio is in the midst of a major demographic shift that has substantial public policy and fiscal implications. The latest U.S. census reveals that the state's 65 and

over population stood at more than 1.6 million residents in 2010. This is an increase of approximately 500,000 residents from the 1980 census. The percent of Ohio's population age 65 and over increased from 10.8% in 1980 to 14.1% in 2010. By 2030, the US Census Bureau estimates that more than one in five Ohioans will be 65 years of age or older (20.4%).<sup>5</sup>

Data presented in Figure 1 graphically depicts the estimated growth of the 65 and over population by county between 2010 and 2030. Using 2000 Census Bureau data as the baseline, the Ohio Department of Development (ODD) estimates that residents 65 years of age and older represented between 15-19% of the overall population in 2010 in 33 of Ohio's 88 counties. No Ohio county was estimated to have 20% or more of their population in this age category in 2010.<sup>6</sup>

By 2020, ODD estimates that the 65 and over age group will constitute between 20 and 25% of the overall population in 23 Ohio counties. Additionally, in 61 counties, the 65 and over age cohort will represent between 15-19% of a county's overall population.

By 2030, this shift in age demographics will result in 41 counties having the 65 and over age cohort represent anywhere from 20% to 32% of the overall county population. Almost all of the remaining counties (42 of 47) are estimated to have the 65 and over age group represent between 15-19% of the county's overall population.

This 2010 – 2030 demographic shift seems to be most pronounced among eastern counties that border Pennsylvania and West Virginia (Ashtabula County south through Meigs County).

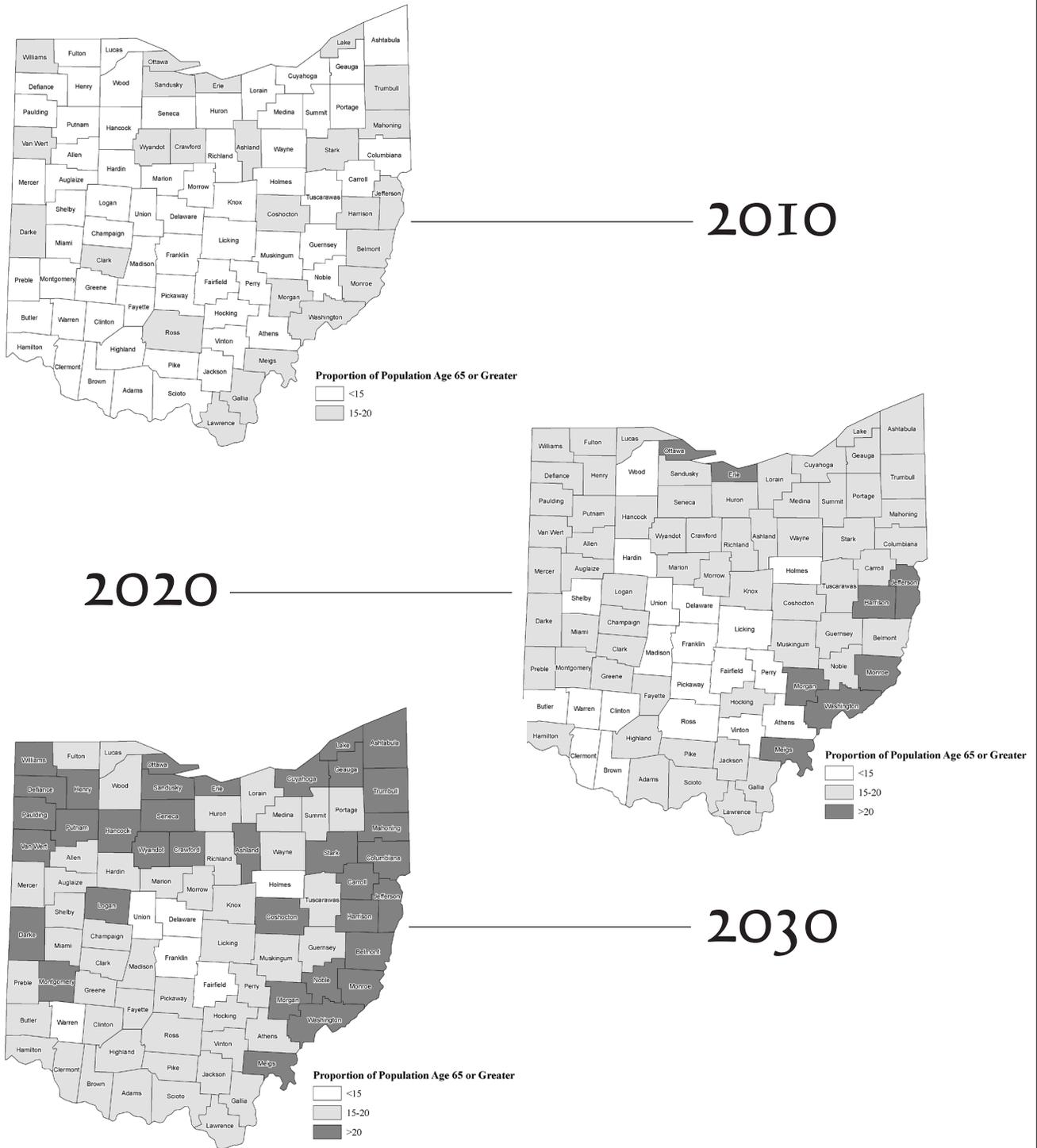
A similar but not quite as sweeping trend is evident among northern counties that border Lake Erie and eastern counties that border Indiana.

Most of these counties are among Ohio's poorest counties with median family incomes less (and in some instances, considerably less) than Ohio's estimated 2009 median family income of \$45,500.<sup>7</sup>

Perhaps most striking, is the increase in the size of Ohio's oldest residents. The number of Ohioans age 85 and older increased from 106,000 in 1980 to more than 230,000 in 2010 – an increase of 117%. By 2030, the US Census Bureau estimates that the 85 and older population will increase to more than 320,000.<sup>8</sup>

This tripling of Ohio's oldest and most vulnerable population has the potential to overwhelm governmental bodies at both the state and local levels. Per Barbara

Figure 1:  
Percent of Ohio Population 65 Years of Age and Older  
by County



Source: Population data used in preparing the charts in Figure 1 were downloaded from the ODD website at: [http://www.development.ohio.gov/research/Reports\\_in\\_population\\_and\\_housing-Population\\_Projections.htm](http://www.development.ohio.gov/research/Reports_in_population_and_housing-Population_Projections.htm). Office of Strategic Research, "Population Migration by Age and Sex, Ohio and Counties: 2005 – 2030."

Riley, former Director of the Ohio Department of Aging, at age 85, one can expect to see a 50% occurrence rate of some form of dementia.<sup>9</sup>

Many Ohioans who are 85 and over will need substantial amounts of caregiver and residential supports that go well beyond the abilities and resources of immediate and extended family members.

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### Increase in Reports of Elder Abuse and Fraud

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A number of the Summit presenters highlighted the steady increase of reports of abuse, neglect and fraud involving Ohio's elderly. This not only includes incidents of criminal abuse and fraud investigated and prosecuted by local county attorneys and the State Attorney General's Office but also reports of elder neglect and abuse handled by local Adult Protective Services (APS) and complaints that the Ohio Office of State Long-Term Care Ombudsman responds to involving the quality of long-term care services.

- The Ohio Attorney General's Office reports that it's Medicaid Fraud Control Unit (MFCU) received an average of 715 complaints alleging Medicaid fraud and patient abuse and neglect in fiscal years 2010 and 2011. This is a 12% increase from the two prior fiscal years (2009 and 2008).<sup>10</sup>
- Statewide, Adult Protective Services receives an average of 16,000 to 17,000 reports of abuse and related acts against Ohio's seniors annually.<sup>11</sup>
- However, researchers estimate that only 20% of all elder abuse and neglect cases are reported.<sup>12</sup> This suggests that true number of incidents of elder abuse and neglect in Ohio could possibly exceed 80,000 annually.
- Since 2004, the Ohio Office of the State Long-Term Care Ombudsman has received an average of 9,345 complaints annually. In any given year, upwards of 85% of these complaints are related to the care and services provided in Ohio's nursing homes.<sup>13</sup>

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### Coordinated Community Response to Elder Abuse

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The primary focal point of the Summit was to encourage and provide a forum for each of the county teams to develop and/or improve how their local communities respond to elder abuse.

Bonnie Brandl, Director of the National Clearinghouse on Abuse in Later Life, encouraged attendees to establish local multi-disciplinary teams that would work collectively to establish priorities around which to build a Coordinated Community Response (CCR- also known in Ohio as Interdisciplinary Teams or I-Teams). She defined Coordinated Community Response teams as:

“A collection of professionals from various disciplines, including governmental entities and community-based organizations, which shares a broad vision of a community's responsibility for enhancing the safety for victims of elder abuse.”

Ms. Brandl emphasized that the development of a local CCR is critical to responding to the needs of victims, enhancing their safety and holding offenders accountable. These cases are “simply too difficult” for any agency or organization to handle on their own.

The literature suggests that there is no single model to emulate in creating a CCR or establishing its membership. Agencies and organizations that typically are part of CCR teams include Adult Protective Services, judges and



*Bonnie Brandl, Director, NCALL, Summit on Aging morning plenary session on Development of Interdisciplinary Teams.*

legal professionals, law enforcement, advocates, health professionals and policymakers among others.

Given the complexity of elder abuse, neglect, and exploitation cases, the actual composition of CCR teams and who might eventually be invited to participate depends on community needs and priorities and how those ultimately evolve.

Depending on the community and team, the focus and activities may be on specific cases or general system improvement. Examples of elder abuse teams include:

- Coordinated Community Response Teams (CCRs)
- Interdisciplinary Case Review Teams
- Elder Abuse Fatality Teams
- Financial Abuse Specialist Teams (FASTs)
- Elder Abuse Forensic Centers
- Sexual Abuse Response Teams.<sup>14</sup>

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## Creating an Elder Friendly Court

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During the Summit's afternoon plenary, the Honorable Janice Martin, Senior Status Judge from the Jefferson District Court (Louisville, KY) encouraged judges to take a leadership role in re-shaping how their courts conduct hearings on matters involving the elderly. Judges should be more than just "passive adjudicators" of the issues presented by parties in legal matters involving elder abuse and do more than just ensuring cases are processed. Judges can and "must play a significant role in effectuating positive change in the way elder abuse cases are being handled."

Courts should anticipate seeing an increasing number of cases involving the elderly and in a variety of contexts including criminal, fraud, guardianship, conservatorship, landlord/tenant and domestic violence matters.

Regardless of the context, Judge Martin implored judges to do a better job of dealing with cases in a more comprehensive fashion. This includes:

- having a better understanding of the community resources available to address the needs of elderly victims;<sup>15</sup>
- ensuring that appropriate referrals are being made to ensure victim safety;

## Coordinated Community Response



Source: Bonnie Brandl, Director, National Clearinghouse on Abuse in Later Life (<http://www.ncall.us/>), presentation slides from Ohio Summit on Aging, Morning Plenary Session on Building Interdisciplinary Teams.

- making certain that sufficient information is being provided to defendants as it relates to effective interventions (e.g., counseling, battering interventions among others); and
- conducting court reviews to ascertain if additional interventions are needed.

Judges should take a leadership role in developing new strategies in how to conduct proceedings involving the elderly. In large part, this involves changes in how cases are docketed, in limiting continuances, and in reforming how court proceedings are conducted. This includes flexibility in scheduling of hearings that reduce waiting times (staggered or time-certain calendaring) and otherwise scheduling cases to accommodate medical needs, fluctuations in capacity and alertness.<sup>16</sup>

Improvement in court access should also be considered to accommodate physical and cognitive impairments including:

- reconfiguring courtrooms so that testimony does not require maneuvering wheelchairs and walkers to get to witness chairs;
- providing ready access hearing amplification devices for those who are hearing impaired; and
- increasing font-size and utilizing ink-paper contrasts in court forms and orders.



*Honorable Janice Martin, Senior Status Judge, Jefferson District Court (Louisville, KY) Summit on Aging afternoon plenary session on Creating an Elder Friendly Court.*

Judge Martin also strongly encouraged the creation and use of bench cards. There are far too many complex issues in elder abuse cases for judges to sort out in court proceedings without some type of simple reference guide. It is often very helpful to have a checklist that outlines the various types of inquiries these proceedings need to attend to including issues related to safety planning, available resources, administration of medication, and case monitoring.

The bench cards should also include a detailed contact list of key individuals working in agencies providing advocacy, services and legal support that can be referenced from the bench during proceedings as parties troubleshoot how best to address the needs of elderly victims.

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## Ohio's Programs for the Elderly

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Over the past 35-40 years, the Ohio Department of Aging (ODA) has created an impressive continuum of programs and services designed to enhance choice, independence and quality of life among the state's growing senior population.<sup>17</sup>

### *Community Long-Term Care Programs Supported through Medicaid Waivers*

Ohio is one of a select number of states that has made extensive use of Medicaid waivers to provide services to

the elderly in their home and in community settings as an alternative to skilled nursing home placements.

Through programs such as *PASSPORT*, *Choices* and the *Assisted Living Medicaid Waiver Program*, Ohio provides a variety of alternatives for medically-fragile seniors with limited income and assets who desire to remain in their homes or in residential environments that provide a greater modicum of independence and privacy.

- *PASSPORT* and *Choices* are Medicaid home and community-based waiver programs that provide an array of services to Ohioans age 60 and older in their own homes.
- The *Assisted Living Medicaid Waiver* and the *Residential State Supplemental Programs* provide services to adults of all ages who need hands-on assistance with basic daily living tasks in a supervised home-like environment.
- The *Program for All-Inclusive Care for the Elderly (PACE)* provides a continuum of medical and social services to individuals age 55 and over through adult day care centers in Southwestern Ohio and in Cuyahoga County.

In all, over 42,000 elderly and medically fragile Ohioans received long-term services outside of a skilled nursing home setting in 2010.<sup>18</sup>

Results of an extended longitudinal study conducted by the Miami University at Ohio, Scripps Gerontology Center reveal that the percentage of older Ohioans receiving long-term care outside of nursing home settings increased more than fourfold in the past 16 years – from 10% in 1993 to 42% in 2009 (see Fig. 2).<sup>19</sup>

Most of this growth in Medicaid in-home services has come via the state's *PASSPORT* program. Between 1995 and 2009, the daily census of *PASSPORT* participants in Ohio has doubled from 15,000 to roughly 30,000. Today, only two states, Washington and Texas, serve more older persons in their own homes through Medicaid-waiver programs than Ohio.

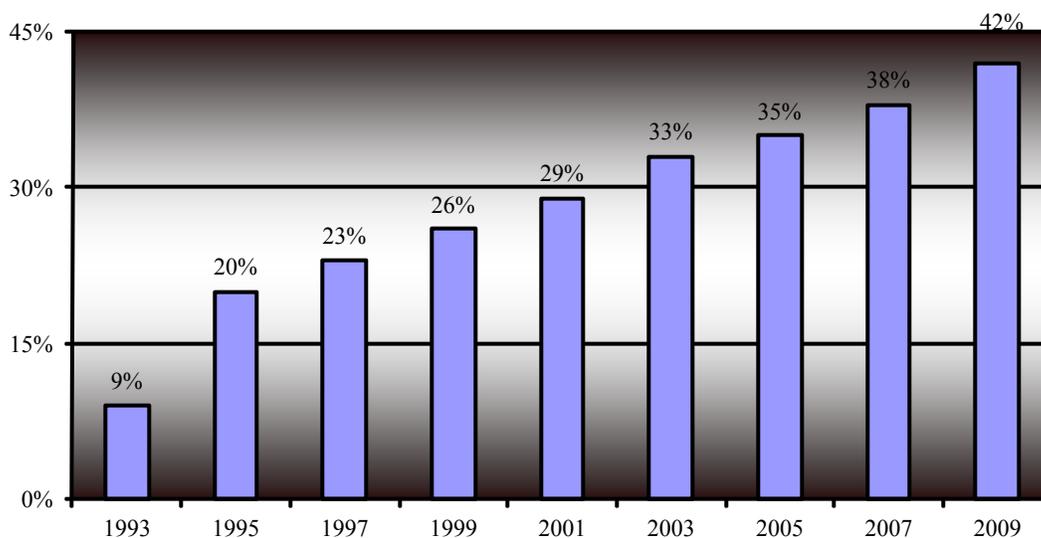
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## Senior Services Tax Levies<sup>20</sup>

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Most Ohio counties (70 counties in all) have countywide property tax senior services levies, based on the fair market value of real estate, that help support services for older adults.<sup>21</sup>

Figure 2:  
Average Monthly Medicaid Waiver Enrollment Utilization  
by Individuals 60 Years of Age and Older



Source: Mehdizadeh, S., Applebaum, R., Nelson, I.M., and Straker, J. *Coming of Age: Tracking the Progress and Challenges of Delivering Long-Term Services and Supports in Ohio*. Scripps Gerontology Center, Miami University, Oxford, OH (June 2011).

Additionally, seniors in Cuyahoga and Montgomery counties benefit from human service property tax levies and voters in Union County have approved a sales tax levy, with revenue that is split evenly between senior services and infrastructure improvement.

Currently 15 municipalities, townships and villages also use local property tax levies to enhance and expand services to older adults.

Seven other states (Illinois, Kansas, Louisiana, Michigan, Missouri, Montana and North Dakota) use local tax levies to fund programs, services and facilities for their older populations.

Levy passages have increased significantly during the past decade, and currently generate more than \$139 million statewide each year.<sup>22</sup>

Levy funds support a wide range of home- and community-based services for older adults. Many counties spend a large portion of their funds on nutrition (congregate and home-delivered meals), transportation, adult day services and in-home support such as homemaker services.

## Summit Participants

In all, 45 Ohio counties sent teams of community stakeholders to the Ohio Summit on Aging including most of the state's largest jurisdictions.

- Nine of the 10 largest counties (total population 300,000 or greater) sent delegations.
- Additionally, 13 of 18 counties with populations between 100,000 and 250,000 were represented at the Summit.
- Overall, the 45 counties participating in the Summit represented more than 70% of the state's overall population.

Almost all county delegations (87%) included a local probate judge and, typically a representative from APS or the county prosecutor's office (or both). Fifteen county delegations (33%) included an Elder Law attorney and/or a representative of their local guardian or volunteer guardian program. Representatives of area agencies on aging/county councils on aging and service providers

## The Golden Buckeye Card

The Golden Buckeye program is a very popular ODA program designed for older adults, adults with disabilities, their families and their caregivers. All Ohioans age 60 or older, as well as adults age 18-59 who have disabilities, as defined by Social Security, are eligible for a free Golden Buckeye Card.

More than two million Ohioans are eligible for the Golden Buckeye card and the card is honored at more than 18,000 businesses statewide. The card can be presented by program participants to obtain savings of 5% up to 50% on a range of goods and services including prescription drugs. Golden Buckeye cardholders have saved an estimated \$2 billion since 1976. The Golden Buckeye card includes the Ohio's Best Rx prescription drug discount program.

Ohio's "Best Rx" is a prescription drug discount card program designed to lower the cost of prescriptions for Ohio residents without drug insurance coverage who are either aged 60 and over or any age with incomes less than 300% of the federal poverty level. The goal of Best Rx is to improve access to needed medications at a substantial discount and through a wide network of participating pharmacies. The program is the result of legislation passed by the Ohio General Assembly and signed by the Governor in December 2003. Best Rx is designed to pass on to program participants most of the savings associated with negotiated drug prices and manufacturer rebates.



were frequently in attendance. Either one or both were part of almost half of the county stakeholder teams.

In all, 37 of the county delegations at the conference submitted preliminary team report summaries which included a list of local planning priorities.<sup>23</sup>

Two overarching themes found in these county summaries revolved around better identification of the challenges that vulnerable seniors in their communities are facing and the need for improved service coordination to better respond to these challenges. The most frequently mentioned action steps to further these two themes included:

1. Creation and expansion of multidisciplinary task forces and Coordinated Community Response (CCR) Teams;
2. Expanded cross-system training and education opportunities for various professionals who work with and protect Ohio's seniors;
3. Expansion of public information efforts to increase awareness of senior abuse and neglect and education and outreach to victims and

caregivers regarding the types of support services available and how to access them;

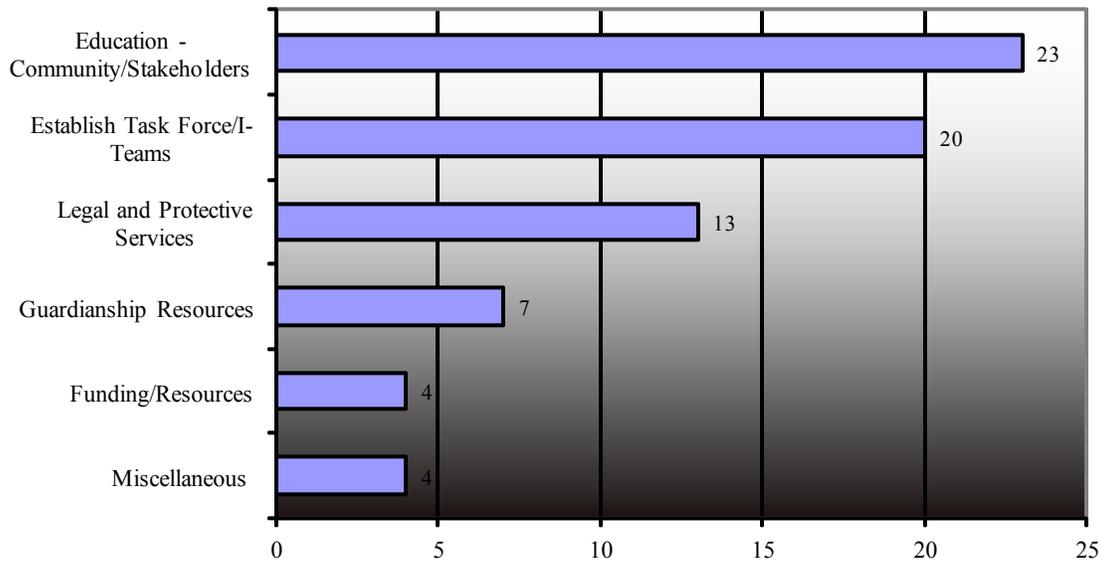
4. Expansion of local guardianship programs including volunteer programs; and
5. Improved investigation and prosecution of elder abuse cases including possible creation of specialized law enforcement, prosecutorial and court units.

### Next Steps

The 2010 Summit on Aging provided an excellent opportunity for Ohio's probate judges to begin (or continue) their dialogue with various local system stakeholders on ways to improve and better coordinate how their local communities' respond to the needs of their growing elderly population.

During the Summit, breakout sessions provided county multidisciplinary teams an opportunity to establish preliminary planning priorities. A number of these

Figure 3:  
Summary of County Planning Priorities  
Responses Involving Following Topics



*Source: 2010 Ohio Summit on Aging County Plans (Supreme Court and NCJJ analysis of Post-Summit Planning Priorities submitted by participating counties).*

county teams have continued to meet to refine their priorities and to begin building the local infrastructure needed to facilitate a more coordinated response and system of care to enhance the safety and well-being of its older citizens.

Post-Summit efforts in at least 17 local jurisdictions hold considerable promise that local interagency coordinating bodies similar to the Trumbull Advocacy and Protective Network (TAPN), formally established in Trumbull County in 2006<sup>26</sup> or the Medina County Senior Inter-Systems Collaborative Assessment Team (Senior ICAT)<sup>25</sup> will eventually flourish in many other Ohio counties.

At the state-level, a post-summit follow-up event was held this past summer and a second event is planned for June 2012.

On August 29 and 30, 2011 the Ohio Attorney General's Office, in collaboration with the Supreme Court of Ohio and the Ohio Association of Probate Judges, hosted a program by the National Judicial Institute on Domestic Violence (NJIDV) entitled, "Enhancing Judicial Skills in Elder Abuse Cases." The NJIDV is a collaborative partnership of the U.S. Department of Justice, Office on

Violence Against Women, Futures Without Violence, and the National Council of Juvenile and Family Court Judges. The NJIDV provided a two-day program for Ohio judges and magistrates on the following topics:

- Aging and the Dynamics of Elder Abuse
- Evidence in Elder Abuse Cases
- Leadership and Access to Justice
- Fairness and Culture Issues in Elder Abuse Cases
- Decision Making Skills

In order to be inclusive of the other justice system partners, a separate one-day program was held on August 29 at the same location. A portion of the event allowed participants in the NJIDV program to join their community stakeholders for a plenary session and a lunch program.

- For the morning plenary session, a panel of judges representing jurisdictions of various sizes reported on the activities of their Interdisciplinary

## 2010 Ohio Summit on Aging Summary of County Planning Priorities<sup>26</sup>

Counties	Task Force Responses
Butler, Carroll, Marion	Start an Elder Issue Task Force
Cuyahoga, Licking, Mahoning	Set up investigative task force/team
Huron, Lucas Portage, Stark, Williams	Create multidisciplinary task force/team
Montgomery	Implementation of priorities established by standing multidisciplinary committee
Lake, Ottawa, Union, Washington	Create community response teams
Lorain	Include law enforcement in Elder Abuse network
Pickaway	Develop Seniors And Law Enforcement Together (SALT) Team
Morrow, Pickaway	Training on how to identify elder abuse, educate about self-neglect
Education Responses	
Allen, Athens, Delaware, Erie, Lorain, Marion, Medina, Stark, Wood	Promote/increase community awareness
Allen, Ashtabula, Butler, Licking, Lucas, Portage	Educate other stakeholders including law enforcement, guardians and APS on available support services, sharing resources and delineating roles/responsibilities
Hancock, Hocking, Richland	Create a Guardianship CD, Informational pamphlet/educate on available services for victims
Hocking, Morrow, Pickaway	Training on how to identify elder abuse and self-neglect
Licking, Putnam	Learn more about various stakeholder/partner roles (delineating roles and responsibilities)
Funding Responses	
Ashtabula	Resources for Geriatric Psychological assessments
Harrison	Pooling resources
Knox	Funding for services
Trumbull	Long term funding for Advocacy and Protection Network
Guardianship Responses	
Allen, Williams, Putnam	Volunteer Guardianship Program
Athens, Wayne, Wood	Establish GAL and/or Conservatorship program
Franklin	Finding/monitoring appropriate guardians
Legal and Protective Services Responses	
Franklin, Mahoning	Prosecution of perpetrators
Lake	Protective service orders
Ottawa	Uniform approach to investigation
Wayne	Assign specific officer for elder concerns
Trumbull	Elder Friendly Court - Senior Court
Carroll, Huron, Union	Needs/resource assessment - examine procedures/protocol to close gaps
Morrow	Identify gaps in service in rural areas
Erie, Summit, Harrison	Coordination of APS and service providers
Miscellaneous Responses	
Delaware, Hancock	County Summit on Aging
Geauga	Meet with community representatives to discuss needs
Washington	Total investment of county players

Teams (I-Teams) following the 2010 Summit on Aging.

- Following lunch, the Honorable Janice Martin, Senior Status Judge from the Jefferson District Court of Louisville, KY and Candace Heisler, retired assistant district attorney from San Francisco, CA offered their perspectives on promising practices and the importance of a coordinated response to elder abuse.
- At the conclusion of this presentation the judges and magistrates returned to the NJIDV program and the community stakeholders attended a series of roundtable discussions.
- The roundtable discussions were held in a “world café” style and addressed the topics of

I-Teams/Elder Abuse Task Forces – Strengths and Challenges; Utilization of Person-Centered/ Person-Directed Care; Utilization of the Home Choice Program; Cross Training as a Vehicle for Educating I-Team Partners; and, Investigation of Elder Abuse and Exploitation.

A second follow up event, focused on community responses to financial exploitation of the elderly, is planned for June 4, 2012. As in past years the educational session is planned in conjunction with the summer meeting of the Ohio Association of Probate Judges (OAPJ). The program will expose county I-Teams to the approaches being used in Ohio to address financial exploitation of older Ohioans. The HealthPath Foundation of Ohio, the OAPJ, and Supreme Court of Ohio are providing funds to support this program.

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## Endnotes

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<sup>1</sup> Funding for the Summit was provided by a variety of organizations including the Supreme Court of Ohio, the Ohio Association of Probate Judges, the Ohio Attorney General’s Office, the Ohio Domestic Violence Network, the Jacob G. Schmidlapp Trust, and the HealthPath Foundation of Ohio.

<sup>2</sup> Please see two earlier Children, Families and the Courts bulletins prepared by Hunter Hurst IV that highlight these proceedings: “Ohio Summit on Children” (2008) and “Looking Back: the Ohio Summit on Children” (2011). These bulletins can be found and downloaded from the Supreme Court of Ohio website at: <http://www.sconet.state.oh.us/JCS/CFC/resources/bulletin/default.asp>.

<sup>3</sup> Breakout session topics were identified during a pre-summit planning session attended by local and state leaders at the Great Wolfe Lodge in Mason, OH in June of 2009.

<sup>4</sup> A video of the Summit on Elder Abuse and related materials is available at the Supreme Court of Ohio website at: <http://ohiosummitonaging.com/default.aspx>.

<sup>5</sup> Please see the US Census Bureau’s Interim Population Projections, 2005. These data can be viewed and/or downloaded at: <http://www.census.gov/population/projections/36PyrmOH3.pdf>. (internet release date of April 25, 2005).

Statewide and county projections based on the 2000 national census can be viewed and downloaded from the Ohio Department of Development website at: <http://www.development.ohio.gov/research/files/p200.htm>. These estimates are provided by sex and five-year age increments.

<sup>6</sup> Population data used in preparing the charts in Figure 1 were downloaded from the ODD website at: [http://www.development.ohio.gov/research/Reports\\_in\\_population\\_and\\_housing-Population\\_Projections.htm](http://www.development.ohio.gov/research/Reports_in_population_and_housing-Population_Projections.htm). Office of Strategic Research, “Population Migration by Age and Sex, Ohio and Counties: 2005 – 2030.”

<sup>7</sup> Please see state and county Small Area Income and Poverty Estimates (SAIPE) provided by the U.S. Census Bureau at: <http://www.census.gov/did/www/saipe/data/statecounty/index.html>

<sup>8</sup> Please see U.S. Census Bureau Ohio population pyramid projections at: <http://www.census.gov/population/projections/36PyrmOH3.pdf>

<sup>9</sup> 2010 Ohio Summit on Aging, afternoon session opening remarks by Barbara Riley, former Director of the Ohio Department of Aging.

<sup>10</sup> Please see the Ohio Medical Fraud Control Unit Annual Reports which can be found at: <http://www.ohioattorneygeneral.gov/Reports.aspx/?from=nav>

<sup>11</sup> Data obtained from various publication sources on the Ohio Department of Job and Family Services, Office of Children and Families website at: <http://jfs.ohio.gov/ocf/aps.stm>

<sup>12</sup> Please see National Center of Aging website for various reports that examine issues related to the underreporting of elder abuse including the 1998 National Elder Abuse Incidence Study. ([http://www.ncea.aoa.gov/Main\\_Site/Library/Statistics\\_Research/Abuse\\_Statistics/National\\_Statistics.aspx](http://www.ncea.aoa.gov/Main_Site/Library/Statistics_Research/Abuse_Statistics/National_Statistics.aspx))

<sup>13</sup> Please see annual long-term care ombudsman data available on the U.S. Department of Health and Human Services, Administration of Aging website: [http://www.aoa.gov/AoARoot/AoA\\_Programs/Elder\\_Rights/Ombudsman/National\\_State\\_Data/index.aspx](http://www.aoa.gov/AoARoot/AoA_Programs/Elder_Rights/Ombudsman/National_State_Data/index.aspx)

<sup>14</sup> Please see the National Clearinghouse on Abuse in Later Life (NCALL) website, <http://www.ncall.us>, for resources to guide community stakeholders through the development of CCRs and other types of interdisciplinary teams.

<sup>15</sup> For example, more detailed knowledge of the types of services APS provides, the caseload size of APS caseworkers, response time, etc.

<sup>16</sup> This includes not routinely scheduling hearings involving the elderly early in the morning. The elderly often have strict medication regimens and often struggle with mobility and alertness during that part of the day.

<sup>17</sup> Please see the Ohio Department of Aging website, <http://www.aging.ohio.gov/home/>, for a listing and description of these programs.

<sup>18</sup> Please see Ohio Department of Aging Website for more information on these programs.

<sup>19</sup> Please see S. Mehdizadeh et al. “Coming of Age: Tracking Progress and Challenges of Delivering Long-Term Services and Supports in Ohio” June 2011 Research Brief, Miami University at Ohio, Scripps Gerontology Center. The research brief is available at: [http://www.scripps.muohio.edu/sites/scripps.muohio.edu/files/Coming\\_of\\_Age\\_Brief.pdf](http://www.scripps.muohio.edu/sites/scripps.muohio.edu/files/Coming_of_Age_Brief.pdf)

<sup>20</sup> This summary of senior services tax levies summarizes information found on the Ohio Department of Aging (ODA) website ([www.aging.ohio.gov](http://www.aging.ohio.gov)) including the 2009 Senior Services Tax Levies program profile and the ODA senior services levy web page: <http://www.aging.ohio.gov/information/seniorserviceslevies/>

<sup>21</sup> Levies are implemented through voter approval as ballot issues and may be in effect for up to five years, at which time they can be placed back on the ballot for renewal.

<sup>22</sup> Senior services levies are generally relatively small, both in mills assessed and the amount of funds collected. More than half of levy funds collected statewide support senior services in three counties (Butler, Franklin and Hamilton).

<sup>23</sup> The Summit schedule included morning and afternoon breakout sessions during which county teams convened to start the process of developing a consensus on local planning priorities and to identify action steps

that could lead to a more coordinated response to the needs of elders in their communities.

<sup>24</sup> TAPN is a collaborative network of agencies in Trumbull County that serve seniors — social services, government, law enforcement, the courts, mental health, medicine, disability services, long term care, and housing services. TAPN promotes enhanced collaboration among its network members through cross-trainings, network meetings, an electronic newsletter, clinical consultations, community outreach to better address the needs of older adults who are served by multiple systems and to advocate for the efficient and effective allocation of resources to meet the needs of Trumbull County’s senior citizens. For more information on TAPN please see: <http://www.trumbullprobate.org/TAPN.htm>

<sup>25</sup> Medina County Senior ICAT is a “multiple agency clinical collaborative that advocates for the elderly to get the right services and plan for the least restrictive environment.” For more information, please see the Medina County Family First Council website at: <http://www.familyfirstmedina.org/service/item-049b23aa-acb6-45c4-9221-a12394581057.aspx>

<sup>26</sup> 2010 Ohio Summit on Aging County Plans (Supreme Court and NCJJ analysis of Post-Summit Planning Priorities submitted by participating counties).

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## Ohio Updates

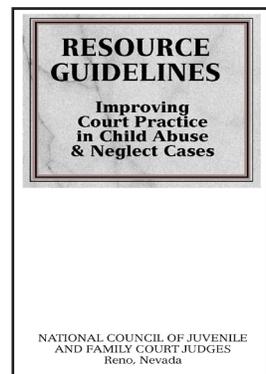
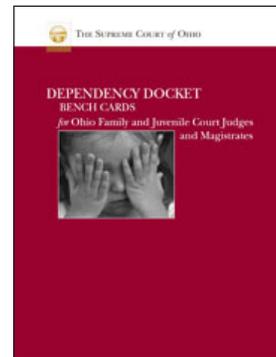
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### Tips for Quality Hearings in Dependency Docket Cases

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Two of the tools used by many Ohio judges and magistrates to help ensure quality hearings in child abuse, neglect and dependency cases are being updated in 2012. The National Council of Juvenile and Family Court Judges’ RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases (1995) is being revised and will be available in the coming months. The RESOURCE GUIDELINES were originally based on the practices of Ohio’s own Hamilton County Juvenile Court and serve as the foundation for the National Council’s Model Dependency Court Program. The current version of the RESOURCE GUIDELINES can be found at: [www.ncjfcj.org/resource-library/publications/resource-guidelines-improving-court-practice-child-abuse-neglect-cases](http://www.ncjfcj.org/resource-library/publications/resource-guidelines-improving-court-practice-child-abuse-neglect-cases).

The second tool being updated and revised is the Supreme Court of Ohio’s Dependency Docket Bench Cards for Ohio Family and Juvenile Court Judges and Magistrates (2006). These bench cards amplify many of the preferred practices contained in the Resource Guidelines with references to Ohio-specific statutes, rules and case law. Stephanie Graubner Nelson of the Supreme Court Case Management Section is coordinating a team of local practitioners in updating the Bench Cards. This group has worked diligently to update the law and practices and bring focus to educational issues, youth involvement in the process, and preparing youth for adulthood. The workgroup’s local experts are Carla Guenther, Chief Magistrate of the Hamilton County Juvenile Court, Victor Perez, Attorney for the Seneca County Department of Job and Family Services, and Brenda Rutledge, Magistrate at the Lucas County Juvenile Court. The revised Bench Cards are currently being reviewed by a broad group of judges and magistrates and it is anticipated that the final product will be ready to distribute by June. The current version of the Bench Cards can be found at: [www.supremecourt.ohio.gov/Publications/JCS/benchcards](http://www.supremecourt.ohio.gov/Publications/JCS/benchcards).



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# Ohio Updates

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## Advisory Committee on Children, Families & the Courts Subcommittee Updates

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The **Advisory Committee on Children, Families, and the Courts** has continued to be active in a number of areas. The Advisory Committee is Co-chaired by the Honorable Deborah A. Alspach, Marion County Family Court, and Gary A. Crow, Ph.D., Director of Lorain County Children Services and has three subcommittees:

1. Subcommittee on Responding to Child Abuse, Neglect, and Dependency
2. Subcommittee on Adult Guardianship
3. Subcommittee on Family Reform Implementation

Members of the 2012 Advisory Committee are:

- Hon. Deborah A. Alspach, Co-chair, Judge, Marion County Family Court
- Gary A. Crow, PhD, Co-chair, Director, Lorain County Children Services
- Jill Beeler, Assistant State Public Defender, Ohio Public Defender's Office
- Robert Clevenger, Court Administrator, Butler County Juvenile Court
- Odella Lampkin Crafter, Magistrate, Franklin County Domestic Relations/Juvenile Court
- Hon. Denise N. Cubbon, Judge, Lucas County Juvenile Court
- Serpil Ergun, Magistrate, Cuyahoga County Domestic Relations Court
- Hon. Charlotte Eufinger, Judge, Union County Probate/Juvenile Court
- Hon. Colleen A. Falkowski, Judge, Lake County Domestic Relations Court
- Thomas E. Friedman, Attorney at Law, Certified Specialist, Family Relations Law
- Hon. Charles G. Hague, Judge, Ashtabula County Probate Court
- Dan Kieffer, Court Administrator, Muskingum County Juvenile Court
- Hon. Denise Herman McColley, Judge, Henry County Domestic Relations/Juvenile Court
- Adrian McLemore, Foster Alumni Representative, Ohio Youth Advisory Board
- Hon. Dixilene Park, Judge, Stark County Probate Court
- Jennifer Petrella, Chief Deputy Clerk, Montgomery County Juvenile Court
- Rhonda E. Reagh, PhD, Child Welfare Consultant, Reagh and Associates
- Hon. Matt C. Staley, Judge, Allen County Domestic Relations Court
- Rep. Gerald L. Stebelton, Ohio House of Representatives
- Sen. Charleta B. Tavares, Ohio Senate
- Moira Weir, Director, Hamilton County Job and Family Services

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# Ohio Updates

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## Update

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### Subcommittee on Responding to Child Abuse, Neglect and Dependency

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The Subcommittee on Responding to Child Abuse, Neglect and Dependency (Subcommittee) continues its work to expand and enhance Ohio's Differential Response System. It also has accepted an expanded charge to study and make recommendations related to kinship care.

The Subcommittee is chaired by Rhonda Reagh, Ph.D., former director of Greene County Children Services and includes representation of the following groups: adult criminal court judges, juvenile court judges, court administrators, magistrates, court clerks, defense attorneys, attorneys for children, Court Appointed Special Advocates, attorney Guardians ad litem, law enforcement, mental health professionals, parent groups, prosecuting attorneys, health professionals, child protective service agencies, foster care alumni, family housing and homelessness professionals, and educators.

#### **Kinship Care**

The Advisory Committee on Children, Families & the Courts expanded the charge of the Subcommittee to address issues related kinship care. Specifically, the charge includes the following three areas:

1. make recommendations to reduce or better manage any inconsistencies between court jurisdictions in kinship care situations;
2. create a clear and consistent legal path as related to child custody in kinship care situations; and
3. make recommendations for resources and tools that might be provided to those seeking custody of children in kinship care situations, including pro se litigants.

The Subcommittee has set ambitious goals for providing recommendations to improve court processes related to kinship care that include:

- research into Ohio's laws, policies, practice and resources associated with kinship caregivers;
- similar research as to kinship care in other states;
- surveys, focus groups, and interviews of court personnel and other stakeholder groups; and,
- development of final recommendations to the Advisory Committee on Children, Families & the Courts as to how kinship care law and practice may be improved in Ohio.

To date, the following work items have been completed or are in progress:

- initial research on Ohio law related to kinship care, including relevant provisions of the domestic relations, juvenile, and probate code have been completed and key provisions have been summarized.
- a compilation of summaries of relevant cases is near completion; case law is instructive on the inconsistencies in application of kinship-related law and areas in which lack of clarity may impede application in practice.
- a chart of fourteen other states that appear to have promising kinship care programs has been created; the chart details such areas as available resources, statutorily-authorized supports for kin caregivers, and types of kin relationships.

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# Ohio Updates

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## Update.....continued Subcommittee on Responding to Child Abuse, Neglect and Dependency

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- surveys for court personnel and other kinship stakeholders have been drafted for finalization and dissemination by the Subcommittee early in 2012.
- a plan for follow-up focus groups and interviews of key stakeholders is in development.

The Subcommittee expects to make recommendations to the Advisory Committee in early 2013.

### Differential Response

#### *Implementation Milestones: A Look Back as We Move Ahead*

Ohio continues to make tremendous progress in the transition of Differential Response from a successful pilot initiative to a fully integrated statewide child welfare practice. Following an 18-month pilot that demonstrated positive outcomes, the state has focused on a gradual expansion of the Differential Response (DR) approach. The following implementation milestones reflect some of the most significant achievements to date and a glimpse of what's ahead for the future of Differential Response in Ohio:

- **Ohio's Alternative Response Pilot (July 2008 – December 2009)** – Under the oversight of the Subcommittee on Responding to Child Abuse, Neglect and Dependency, a rigorous evaluation of Ohio's Alternative Response pathway was conducted in ten pilot counties by an independent consultant.
- **The Results (May 2010)** – Final analysis of the data from Ohio's Alternative Response pilot found the approach to result in continued child safety, stronger family engagement, and some reduction in subsequent reports of child maltreatment and placements in out-of-home care. The Final Report of Ohio's Alternative Response Pilot included a recommendation for Ohio to adopt a statewide Differential Response System.
- **Pilot Expansion to 25 Counties (September – October 2010)** – Following the release of the Final Report, statutory authorization for the expansion of the pilot to additional counties was secured. In partnership with one of the experienced pilot counties, five new Ohio counties applied and were accepted to participate in a four-year, multi-site study on Differential Response through the federal Quality Improvement Center on DR. These counties represent Ohio's second round of implementation. In addition, ten more "Round Three" counties were selected for Differential Response expansion through a competitive application process, bringing the total number of counties implementing the approach to 25 in the fall of 2010.
- **"Scaling-up" with Formation of the Statewide Implementation Team (December 2010)** – A Differential Response Statewide Implementation Team comprised of state and county representatives and facilitated by experts from the National Implementation Research Network (NIRN) was established. The work of this group creates a strong foundation for quality practice and long-term success with DR in Ohio. The Implementation Team operates as a task team of the Workgroup on Differential Response (a.k.a. Ohio Differential Response Leadership Council), which continues under the direction of the Subcommittee on Responding to Child Abuse, Neglect, and Dependency. The Implementation Team is charged with developing strategies and recommendations that will help Ohio maintain model fidelity and positive outcomes for families and children as Differential Response expands statewide.

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# Ohio Updates

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## Update.....continued

### Subcommittee on Responding to Child Abuse, Neglect and Dependency

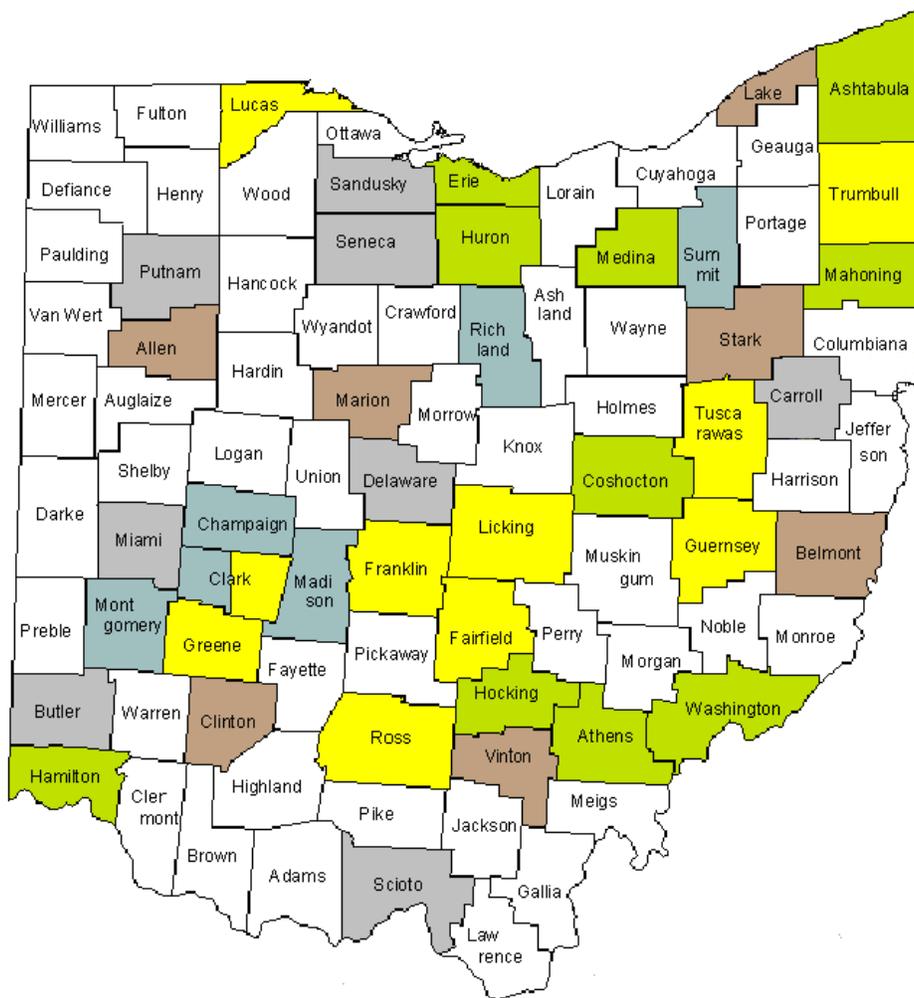
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- **Statutory Foundation for Statewide Implementation (June 2011)** – A major milestone was reached when Differential Response statutory language was signed into law with the state’s biennial budget bill (H.B. 153) on June 30, 2011. The provisions contained in the budget bill support a statewide Differential Response system with two pathways for responding to screened-in reports of child maltreatment (Alternative Response and Traditional Response). The language in the bill allows for continuation of a phased approach to implementation in order to provide sufficient support to counties as they transition to Differential Response.
- **Growth of Implementation to 40 Counties across the State (August 2011, April 2012)** – While the state’s infrastructure for Differential Response has grown, so has the number of counties implementing the approach. Through a competitive application process, two additional rounds of counties were selected to begin implementation in 2011 and in 2012. In August 2011, eight “Round 4” counties began offering an Alternative Response approach for families. Seven “Round 5” counties will begin implementation in April 2012, bringing the total number of Ohio’s Differential Response counties to 40.
- **Expanded Evaluation (2011 – 2013)** – In addition to participating in the ongoing federal study on Differential Response, Ohio’s own evaluation of the approach continues. A three-year extended evaluation is underway, following the families served during the initial pilot. When completed, this extended evaluation will help the state to better understand the long-term impact of Differential Response, including family outcomes, an updated analysis of workers’ responses, and cost analysis. Interim results recently shared by the research team reflect that outcomes in Ohio continue in a positive direction through the extended study thus far.
- **Continued Enhancement of DR Practice (Ongoing)** – While working to expand Differential Response to new counties, Ohio is also paying close attention to the continuing growth and development of the practice in experienced DR counties. Through the Ohio Intimate Partner Violence (IPV) Collaborative, experienced DR counties are receiving advanced training and technical assistance with a goal of improved services and outcomes for children and families impacted by intimate partner violence. Support from the Ohio Children’s Trust Fund and the HealthPath Foundation of Ohio has made the expansion of the Ohio IPV Collaborative possible. (Please see map for counties that have participated in the Ohio IPV Collaborative to date.)
- **Looking Ahead to Statewide Implementation (2014)** – Experienced DR counties and state partners on Ohio’s Differential Response Leadership Council have developed the framework for Ohio’s DR implementation schedule with a goal of statewide expansion by mid-2014. The Ohio Department of Job and Family Services will develop the full implementation rollout schedule in collaboration with the remaining counties.

# Ohio Updates

## Ohio Differential Response Map - November 2011



- Round 1** (10 – Clark\*, Fairfield, Franklin, Green, Guernsey, Licking, Lucas, Ross, Trumbull, Tuscarawas)
- Round 2/QIC** (6 – Champaign, Clark\*, Madison, Montgomery, Richland, Summit)
- Round 3** (10 – Ashtabula, Athens, Coshocton, Erie, Hamilton, Hocking, Huron, Mahoning, Medina, Washington)
- Round 4** (8 – Butler, Carroll, Delaware, Miami, Putnam, Sandusky, Scioto, Seneca)
- Round 5** (7 – Allen, Belmont, Clinton, Lake, Marion, Stark, Vinton)

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# Ohio Updates

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## Update Subcommittee on Adult Guardianship

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The Subcommittee on Adult Guardianship, chaired by Judge Dixilene Park of the Stark County Probate Court, was formed to make recommendations for standards of practice, data collection, and monitoring protocols in adult guardianship matters. Recommendations with suggested implementation steps were approved by the Advisory Committee in December 2011 and submitted to the Supreme Court Administrative Director in January.

Similar to the standards for Guardians ad litem which became effective in March 2009, the proposed probate court guardian standards address areas such as duties, ethics, training, record keeping and minimum required contacts with a ward. The subcommittee also recommended a bench card be developed for use by judges when monitoring adult guardianship cases and a minimum data set that should be annually collected on guardianships and reported to the Supreme Court.

In 2012, the Subcommittee will focus efforts on developing a ward questionnaire for use in preparation for review hearings, developing a bench card for judges and magistrates to use in monitoring guardianships, and an implementation plan for guardian training.

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## Update Subcommittee on Family Law Reform Implementation

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The Subcommittee on Family Law Reform Implementation is co-chaired by Judge Matt Staley of the Allen County Domestic Relations Court and Magistrate Serpil Ergun of the Cuyahoga County Domestic Relations Court.

This subcommittee was newly formed in 2011 to implement recommendations from the Advisory Committee on Children, Families and the Courts' 2005 Report and Recommendations on Family Law Reform.

To this end, a Workgroup on Uniform Domestic Relations Forms created drafts of 24 forms to be presented to the Justices of the Supreme Court in early 2012 to consider for inclusion in the Appendix of Forms contained in the Rules of Civil Procedure. The proposed drafts include:

- Seven post-decree forms
- Ten divorce forms
- Two separation forms
- Two dissolution forms
- Two shared parenting forms
- One juvenile form

A second project of the Subcommittee has been undertaken by its Workgroup on Parenting Time Plans. The Workgroup drafted an Ohio version of a workbook used in Arizona to assist parents in creating age-appropriate parenting time plans. This Ohio-specific resource offers an easy to use guide that fosters fair and creative parenting schedules based on children's developmental milestones and best interests. The guide will be ready for publication mid-2012.

Lastly, a third workgroup created the first draft of a survey to collect information on innovative or promising practices, programs, or policies in Ohio's 88 Domestic Relations Courts. The Subcommittee would like to be able to help disseminate information about programs in order to promote preferred/best practices in courts across the state.

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## Ohio Updates

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### Ohio Pilots Use of Transition Planning Form by Older Dependent Youth In Advance of Court Proceedings

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The Supreme Court of Ohio is piloting a transition planning court form for older foster children with goals of ensuring that youth understand the plan and increasing youth participation in court hearings. Five counties in Ohio are involved in the project: Hamilton, Lucas, Marion, Stark and Union.

Developed by an ad hoc workgroup of the Supreme Court's Advisory Committee on Children, Families & the Courts, the form will enable a judge to determine the status of several areas in the youth's life. The judge will receive updates on the youth's housing plan/daily expenses, education/vocational training, employment/career, health, children, legal issues, other concerns and a list of key contacts/support people.

Steve Hanson, manager of the Children, Families and the Courts Programs explained how the form came to be.

“The form was brought to our attention by Adrian McLemore at an Ohio Youth Advisory Board (OYAB) meeting last summer,” Hanson said. “It was created by foster youth in Philadelphia. At the OYAB meeting 40 current and former foster youth were present. When asked whether they had seen a discharge/release plan when leaving foster care only four youth raised a hand. The others said they were not aware of their plan,” he continued.

“While technically there is a plan for the release of youth, they are pretty hard to follow and written in a nonuser-friendly manner and the youth didn't feel like they had been engaged in the planning,” Hanson said. “This format seemed to make sense and the youth like that it required their involvement in developing the plan.”

Hanson said the Philadelphia form was shared with the advisory committee and the five counties volunteered to participate in piloting it. He also noted that the work isn't done. He said the team revising the form and testing it in Ohio includes judges, magistrates, foster youth alumni, child welfare workers and Ohio Department of Job and Family Services staff.

The form will be tested for 12 months and a recommendation will be made to the advisory committee at the conclusion of the pilot. Courts use the form for all youth ages 15 and up at foster care release hearings.

Judges and magistrates who have been involved in the planning process include:

- Marion County Family Court's Deborah A. Alspach
- Stark County Family Court's Jim D. James
- Lucas County Juvenile Court's Denise Navarre Cubbon
- Union County Probate/Juvenile Court's Charlotte C. Eufinger
- Hamilton County Juvenile Court Magistrates Carla Guenther and Scheherazade Washington.

**CHILDREN, FAMILIES, AND THE COURTS - Ohio Bulletin**

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Production Editor: Kristy Connors and Hunter Hurst

For additional information contact:

Gregory Halemba  
National Center for Juvenile Justice  
412-227-6950  
ghalemba@ncjfcj.org  
[www.ncjj.org](http://www.ncjj.org)

Steve Hanson\*  
The Supreme Court of Ohio  
614-387-9387  
[Steve.Hanson@sc.ohio.gov](mailto:Steve.Hanson@sc.ohio.gov)

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

\*Also contact Steve Hanson for any mailing address changes or to be added to the mailing list.

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