A Judicial Perspective on Differential Response

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Learning Objectives

Montgomery County Juvenile Court

- Who We Are and Goals to Work Towards
- The Statistical Reality

A Judicial Perspective on Differential Response

- Differential Response
- Ohio's Differential Response System
- A Different Approach: Alternative Response
- Alternative Response – What? How? and Why?

Juvenile Court Goals

- Dedicated to administering laws in a just and equal manner.
- Must be the catalyst in rallying the entire community to protect children by:
  1) Being a leader in effective and cost-efficient utilization of community resources for the treatment of children and families.
  2) Protecting the community by providing just and speedy consequences.
  3) Being sensitive and responsive to individual victims and their families.

The Statistical Reality

Montgomery County 2013

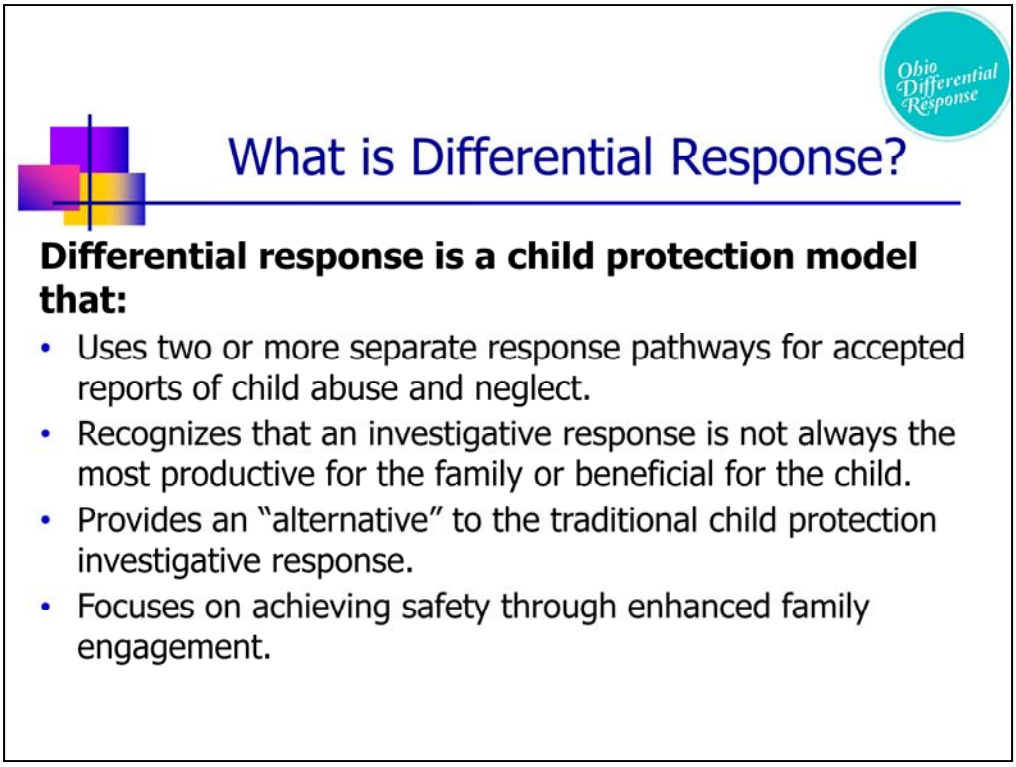
- One of Ohio's 88 counties
- Population: 536,000 - Youth under 18 years: 138,000
- White persons: 73% - African-American persons: 20%

Montgomery County Juvenile Court

- Judges: 2 – Magistrates: 10
- Total Staff: 425
- Programs/Services: Official and Unofficial Court, Probation, Detention, Intervention, CASA, Reclaiming Futures, Drug Court, Start Right

MCJC Statistics by Year

	2011	2012	2013
Delinquency	9,323	9,988	9,451
Sex Offenses	159	180	145
Abuse, Neglect, & Dependency	1,363	1,043	1,077
Custody/Visitation	3,360	3,793	3,778
Permanent Custody	119	150	130
Total	14,165	15,154	14,581



Definitions

- ORC § 2151.011(B)(16) defines "**Differential Response**" as "an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response."

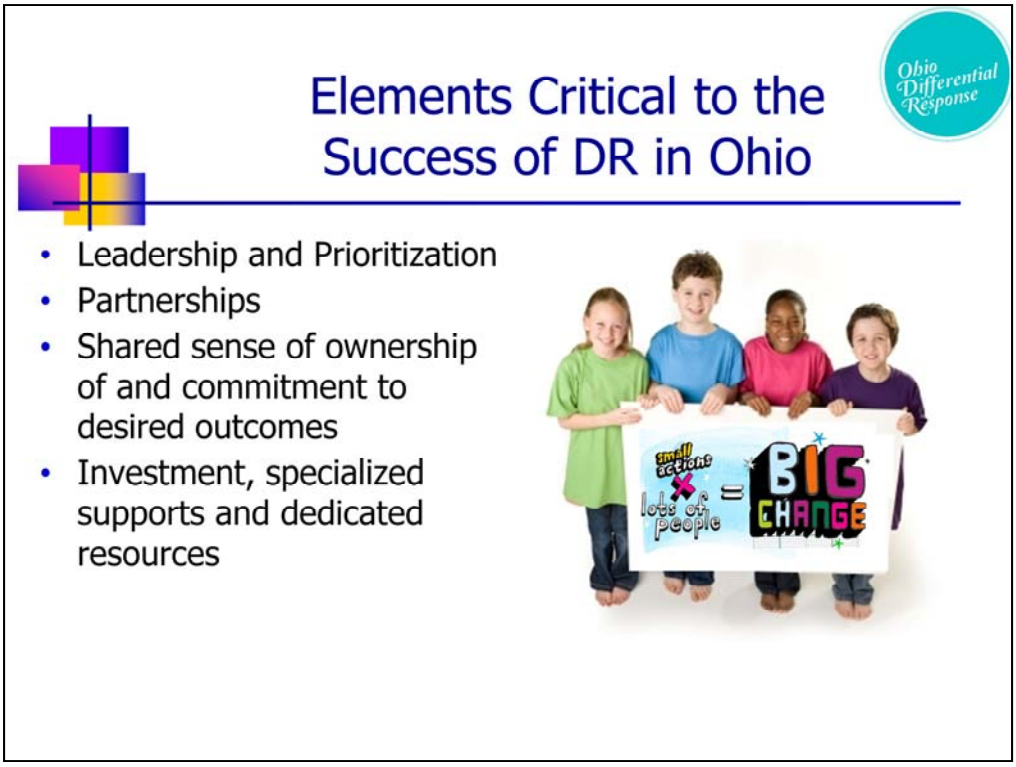
Why Implement Differential Response?

- The traditional child protection investigative response is frequently perceived as overly adversarial or accusatory.
- The majority of investigations do not result in services being provided.
- Focus on substantiation and identifying a perpetrator does not contribute to a family's readiness to engage in services.
- Differential response often results in greater success in identifying, building, and coordinating both formal and informal services and supports.

Implementation of Differential Response in Ohio

- 2004 – Supreme Court of Ohio established the Subcommittee on Responding to Child Abuse, Neglect, and Dependency to develop and implement legislation to improve Ohio's system for accepting and investigating reports of child abuse and neglect
- 2008 – Pilot programs in 10 of Ohio's 88 counties
- 2011 – Enactment of legislation authorizing statewide implementation
- 2014 – Statewide implementation

- 2004 – *Where We Started* – Formation of the Subcommittee on Responding to Child Abuse, Neglect and Dependency
- 2005 – *Laying the Groundwork* – Subcommittee exploration of DR models and outcomes in other states
- 2006 – *Legislative Foundation* – Statutory authorization to pilot and evaluate an AR pathway
- 2007 – *Putting the Pieces in Place* – Project team formed, evaluation plan developed, and selection of 10 pilot sites underway
- 2008 – *Ready, Set, Go!* – Pilot policy, protocol, and tools established by county-driven Design Workgroup in preparation for launch of pilot.
- 2009 – *From Planning to Practice* – Pilot implementation and research – quality evaluation underway.
- 2010 – *Sharing Our Results* – Final Report and Evaluation Results
- 2011 – *Legislative Authorization*, *Building Capacity and Scaling up* – Establishing state infrastructure; implementation underway in 33 counties.
- 2012 – *Continued Growth of the Practice* – DR expansion underway in 48 counties.
- 2013 – Round 7 & 8 expansion to 70 counties!
- 2014 – Statewide implementation schedule to be complete in June 2014



Leadership and Prioritization

- Ohio's leadership invested in the DR system, for example:
    - Judicial Branch – explored the DR system by asking whether Ohio's laws best serve Ohio's families
    - Legislative Branch – enacted statutes allowing 10 pilot counties – established that AR should be the pathway of first consideration – mandated statewide expansion
    - Executive Branch – prioritized the establishment of a DR system over 3 gubernatorial terms (without making families' outcomes a partisan issues)
    - County Agencies – championed and embraced the work
    - Leadership Council – demonstrated the vision of shared leadership

Partnerships

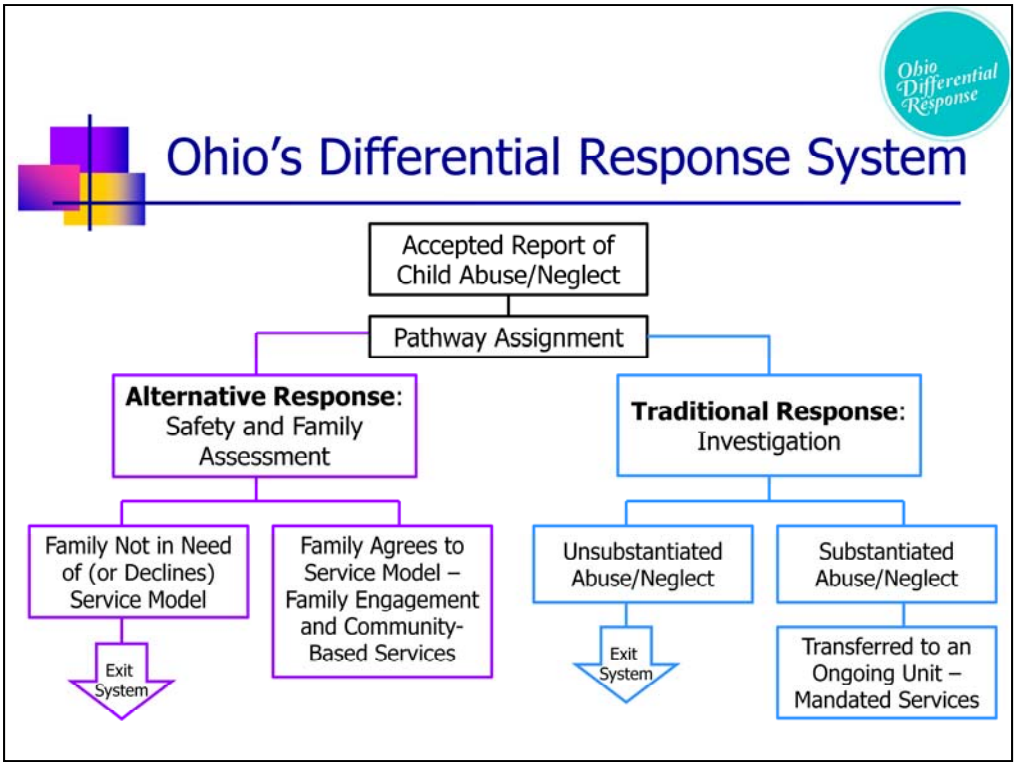
- Among state agencies – between state and county agencies – between county agencies – among county agencies, community providers and line workers – between supervisors and workers – between workers and families (most important)

Shared Sense of Ownership/Commitment

- Working together to build the DR system allowed all partners to become invested in its success

Investment, Specialized Support, and Dedicated Resources

- DR benefited from a willingness to dedicate both human & financial resources
- Resource providers include: Supreme Court of Ohio – ODJFS – American Human Association, Institute of Applied Research – Casey Family Programs – Ohio Children's Trust – HealthPath Foundation of Ohio – among others



Definitions

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- ORC § 2151.011(B)(4) defines "**Alternative Response**" as "the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs that does not include a determination as to whether child abuse or neglect occurred."
- ORC § 2151.011(B)(56) defines "**Traditional Response**" as "a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm."

Notes

- Initial assignment to the AR pathway can change based on new information acquired by the Agency that alters risk level or safety concerns.
- Alternative response is the "PREFERRED PATHWAY"

Ohio Stats (January 1, 2014 to July 8, 2014)

- 34% of screened-in reports of child abuse/neglect are assigned to the AR pathway
- 14,369 cases have been assigned to the AR pathway
    - 934 (6.5%) cases have switched from the AR pathway to the TR pathway

Alternative vs. Traditional Response

Alternative Response

- Child Safety, Permanency, and Well-Being
- Assessment
- Agreement to Service Model
- Strengths/Needs Focused
- Family Engagement/Solution Focused
- No Labels
- No Disposition
- One Worker

Traditional Response

- Child Safety, Permanency, and Well-Being
- Investigation
- Mandated Service Model
- Incident Focused
- Rule Compliance
- Identification of Victim and Perpetrator
- Disposition of Substantiated, Indicated, or Unsubstantiated
- Multiple Workers

- Traditional Response: Investigation – often times alienates parents and caregivers
- Alternative Response: Voluntary
    - PREFERRED PATHWAY
    - non-adversarial approach
    - no serious or imminent harm cases

A Different Approach: Alternative Response

The Goal

- Provide an alternative method of achieving child safety, permanency, and well-being, in cases where child abuse/neglect is reported.

It's All About

- Identifying Concerns and Finding Solutions
- Not Assigning Blame or Finding Fault
- Increased Family Contact
- Access to Community Service Providers
- Family Engagement and Collaboration
- Attitude and Willingness to Work Together
- Partnerships and Mutual Accountability

What is Alternative Response?

Alternative Response IS

- Child welfare practice that promotes child safety, well-being, and permanency.
- Alternative service track for reports of child abuse/neglect.
- Flexible, family-centered, service model capable of meeting the unique needs of each family.
- Comprehensive evaluation of child safety, risk of subsequent harm, and family strengths/needs.
- Community approach to providing up-front services to each family without formal determination of abuse or neglect.

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Quote

- "Taking concentration off of the allegation, removal of labels, focusing on the family system, and having longer time frames will take you miles farther with families." – Fairfield County Worker

What is Alternative Response?

Alternative Response IS NOT

- Service model for all families
- Replacement for current Child Welfare Investigation Services
- Service option for abuse/neglect cases involving:
  - Sex abuse
  - Serious injury or hospitalization
  - Charges of criminal abuse/neglect

For example, ORC § 2151.429 (B) – The agency shall use the traditional response for the following types of accepted reports:

1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety.
2) Sexual abuse.
3) Child fatality.
4) Reports requiring a specialized assessment as identified by rule adopted by the department.
5) Reports requiring a third party investigative procedure as identified by rule adopted by the department.

How to Use Alternative Response

- Non-confrontational initial family contact
- Provide up-front support services
- Engage the family – Strive towards a working partnership
- Coordinate and involve service providers in the community
- Remove barriers to the client-worker relationship
  - Voluntary agreement to many services
  - No labels or disposition
  - Focus on family strengths and finding solutions – Not on the incident

Initial Family Contact

- Both pathways - first contact within 24 hours (unless emergency report, which requires first contact within 1 hour)
- AR pathway – initial contact may be face-to-face, by telephone, or by letter (TR pathway requires face-to-face) – should be physical attempt to visit the home within 4 days
- AR pathway – Assessment must be completed within 7 working days of screen-in (4 working days on TR pathway) – less urgency to gain immediate information
  - Quote from Final Report: "AR workers perceive they are better able to gain the families' confidence and trust; as they describe it, the believe are better able to open the door to better ongoing communication between AR workers and families, and to more prompt and thorough identification of potential services and supports to meet a family's needs."

Up-Front Support Services

- Possible because the QIC-DR grant and Casey Family funding enable services to be "frontloaded"
- Within the first two weeks, 65.7% of AR families received services and 65.5% of TR families received services

Engage the Family

- Engaging is the ongoing ability to establish and sustain a genuinely supportive relationship with the family while developing a partnership, establishing healthy boundaries and maintaining contact as mutually negotiated.
  - Communicate = increased contact, less confrontation, language that shows

Why Use Alternative Response?

National, State, and Local Outcome Data Confirms:

- Child safety is **NOT** compromised
  - Fewer children enter foster care
  - No increase in repeat maltreatment calls
- Rapid implementation of up-front service
- Fewer court filings – courts have more time to focus on the cases that actually require judicial involvement
- After implementation/training, length of Agency involvement could be similar to Traditional Response (if not shorter)
- Improved client and staff satisfaction

- AR gives caseworkers the freedom to use an alternative approach when investigating some reports of child abuse and neglect in Ohio. That freedom helps keep families together and reduces the number of children placed in out-of-home care, all without compromising child safety. AR begins with a non-threatening, non-adversarial, family assessment. It allows caseworkers to guide the family to local social service programs that might meet the child's and the family's needs
- Parents, children and caseworkers all have reported increased satisfaction with the DR approach.
- In addition, because it reduces the number of children in out-of-home care, DR saves taxpayers money.

Child Safety

- Concern with AR: Not doing an investigation (as in TR) will result in the children not being safe.
- **Foster Care**
  - Theory: Number of out-of-home placements is an indicator of safety
  - 4% of AR children placed out of home versus 6% of TR children placed out of home – just as safe
  - These statistics are a "little" misleading because most children involved in AR cases are low- to moderate-risk
- **Repeat Maltreatment Calls**
  - Theory: Number of repeat maltreatment calls is an indicator of the child's safety during and after AR case
  - Children in AR were just as safe as those in TR

To Honor Their Souls

- Perhaps you have never heard of Katherine Lawes. Katherine was the wife of Lewis Lawes, warden at Sing Sing Prison from 1920-1941.

- Sing Sing had the reputation of destroying wardens. The average warden's tenure before Lewis Lawes was two years. "The easiest way to get out of Sing Sing," he once quipped, "is to go in as warden." In his 21 years he instituted numerous reforms - and an important part of his success was due to his wife Katherine.

- Katherine took seriously the idea that the prisoners are human beings, worthy of attention and respect. She regularly visited inside the walls of Sing Sing. She encouraged the prisoners, ran errands for them and spent time listening to them. Most importantly, she cared about them. And as a result, they cared deeply about her.

- Then one night in October of 1937, news was "telegraphed" between the prison cells that Katherine was killed in an accident. The prisoners petitioned the warden to allow them to attend her funeral bier. He granted their strange request, and a few days later the south gate of Sing Sing swung slowly open. Hundreds of men - felons, lifers, murderers, thieves - men convicted of almost every crime conceivable - marched slowly from the prison gate to the bier, paid their respects, reassembled at the house and returned to their cells. There were so many that they proceeded unguarded. But not one tried to escape. If he had, the others may have killed him on the spot, so devoted were they to Katherine Lawes, the woman who daily walked into Hell to show the men a piece of Heaven.

- Katherine's strength was to see the men less as prisoners and more as individuals.

Questions