



**To:** Judges, Magistrates, and Court Administrators

**From:** Kimberly L. Hall, Director *Kimberly L. Hall*  
Ohio Department of Job and Family Services

**Date:** August 20, 2020

**Re: FEDERAL GUIDANCE REMINDERS FOR COURTS AND PCSAs**

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During this historic time, your support of cross-system collaboration has been crucial to providing mandated services to our most vulnerable citizens amid the pandemic. Public Children Services Agencies (PCSA) need continued partnership with the courts to ensure that requisite judicial proceedings occur, and service delivery interruptions are taken into consideration before petitioning to terminate parental rights.

Per Title IV-E of the Social Security Act, it is critical that the following hearings are held and judicial determinations are timely rendered:

- Contrary to the welfare (judicial determination)
- Reasonable efforts to prevent removal (judicial determination)
- Reasonable efforts to finalize the permanency plan (judicial determination)
- Six-month review and 12-month permanency hearings

These statutorily required hearings and determinations cannot be waived or delayed for any reason including a public health crisis such as COVID-19. Failure to hold these hearings and make timely determinations have fiscal ramifications for PCSAs and negatively impact the PCSA's ability to ensure child safety, permanency and well-being.

In March, the Children's Bureau issued [guidance](#) to Child Welfare legal and Judicial Leaders regarding judicial proceeding requirements and the implications of non-adherence to the requirements. The letter urged attorneys, courts, CIPs and administrative offices of the court to:

- Refrain from making sweeping, blanket orders ceasing, suspending, or postponing court hearings;

- Ensure that important decisions about when and how hearings are conducted are made on a case-by-case basis in accordance with the facts of each individual matter;
- Encourage attorneys to file written motions raising issues of immediate concern;
- Make maximum use of technology to ensure due process where in-person hearings are not possible or appropriate;
- Ensure parents and youth have access to technology such as cell phones, tablets, or computers with internet access to participate in hearings or reviews and maintain important familial connections;
- Encourage attorneys to resolve agreed-upon issues via stipulated orders. For example, if all parties agreed that a child in foster care can be reunified with his/her family immediately, that issue should be resolved via a stipulated order, rather than waiting weeks or months for an in-person court hearing.
- Discourage or refrain from issuing blanket court orders reducing or suspending family time; and
- Be mindful of the need for continued family time, especially in times of crisis and heightened anxiety.

In June, the Children's Bureau issued [guidance](#) to State and Tribal Child Welfare Leaders to address concerns about the termination of parental rights (TPR) in spite of service delivery interruptions due to COVID-19. This guidance reminds us of the Social Security Act statutory exceptions to the 15/22 requirement. If a child has been in foster care for 15 out of the most recent 22 months, these exceptions allow PCSAs the flexibility to determine on a case by case basis whether it is appropriate to file a TPR. In making this decision, access to and availability of services during the pandemic should be taken into consideration.

We truly appreciate your partnership and efforts to maintain access to justice for children and families while ensuring their ongoing health and safety. If you have specific questions, please contact Tequilla Washington at [Tequilla.Washington@jfs.ohio.gov](mailto:Tequilla.Washington@jfs.ohio.gov).