

2.3 INFLUENCES ON CASELOADS

Along with the IV-E Waiver, many other factors at work in Ohio can be expected to have an impact on the number of children in the custody of a PCSA and the speed with which those children achieve permanency. The study team examined four such factors:

- the impact of the federal Adoption and Safe Families Act (ASFA) and its Ohio counterpart, HB484;
- inappropriate referrals of unruly and delinquent children from the juvenile court;
- the effects of welfare reform time limits under the Ohio Works First program (OWF); and
- the limited availability of designated Prevention, Retention and Contingency (PRC) reserve funding and Temporary Assistance to Needy Families (TANF) Reserve funding from the state Department of Jobs and Family Services (DJFS) for placement prevention.

Summary:

As the above factors affect both demonstration and comparison counties alike, significant differentiation in their impact on the two sets of counties would not be expected, and in fact was not found. In exploring the impact of ASFA on PCSA caseloads, almost all demonstration and comparison counties express that HB484 has impacted their service delivery, often in a positive way. In the area of inappropriate court referrals, as in Year 2, more comparison than demonstration counties reported that they are unable to control the number of referrals from the juvenile court. Only a few comparison counties reported improvements in this area; those counties took specific strategies to decrease the number of inappropriate referrals. Lastly, OWF sanctions have had a relatively minor impact on both demonstration and comparison PCSA caseloads: both types of counties have been proactive in developing strategies in anticipation of sanctioned clients needing PCSA services. Overall, while a number of statewide factors impact Ohio PCSAs caseloads, these factors appear to be affecting demonstration and comparison counties in very similar ways.

2.3.1 ASFA/HB484

Ohio's law mandates that any child in temporary custody for 12 out of 22 months must have a custody hearing and either be moved into permanent custody or returned home. In the Year 2 report, nearly half the counties (six demonstration and six comparison) in the study reported little effect of HB484 on practice, and the study team reported the general tone of PCSA comments on HB484 as "moderated." That appears to have changed by Year 3 of the evaluation: each of the fourteen demonstration counties and ten of the fourteen comparison counties of the counties acknowledged, often enthusiastically and almost all positively, the various effects HB484 is having (Table 2.6). Chief among these effects are increased permanent custody, increased adoptions, and increased prevention services.

Table 2.6: Major Effects of ASFA/HB484		
Number of counties with:	Demonstration Counties	Comparison Counties
Increase in numbers of children in permanent custody	57% 8 counties	35% 5 counties
Increase in numbers of adoptions	21% 3 counties	14% 2 counties
Increased and earlier use of in-home services to prevent removal	64% 9 counties	42% 6 counties
Increase in numbers of children in PPLA/LTFC	14% 2 counties	14% 2 counties

Permanent Custody

Fifty-seven percent of the demonstration counties (eight) and 35% of the comparison counties (five) report that they have seen increases in the number of children in their care who are in permanent custody. Some of the increases are quite large: since 1996, Franklin, Richland, Montgomery and Clermont approximately doubled their numbers, and Greene and Miami tripled their permanent custody counts (see appendix I, table 1-12). The counties attribute the increase directly to HB484, although one county suggested that the increase in permanent custody may also be inevitable due to the influx of older, more difficult-to-place children. These counties report that their workers are trained in HB484 and have adopted its underlying principles of earlier, quicker permanency decision-making. Counties who have not seen an increase in their numbers of children in permanent custody were already aggressive about achieving permanency quickly, but even one of these counties recognized that HB484 provided a “hammer” workers could use to engage families and children more quickly in the services necessary to prevent removal. One comparison county, Clermont, has in fact experienced faster surrenders and fewer challenges to the permanent custody and termination of parental rights actions, as a result of HB484. One county emphasized that HB484 had sped up the decision-making over permanency so much that, in some rare cases, a worker had filed for permanent custody upon first involvement with a family.

Planned Permanent Living Arrangement

In addition to the children in permanent custody, other children are in de facto permanent custody. Two demonstration counties and two comparison counties reported an increase in Planned Permanent Living Arrangement (PPLA) designations that appear to be substitutes for permanent custody designations. In Franklin, Montgomery and Columbiana, the county administrator believes the juvenile courts are simply conservative about removing children permanently from their parents and believe they have the authority under HB484 to withhold the permanent custody designation until they

are satisfied that it is appropriate. In Hancock County, however, the court designated teens who were not likely to be adopted (and could no longer stay in temporary custody under the HB484 timelines) as PPLA rather than permanent custody.

Preventive Services

Perhaps more significantly, 53% of the counties overall (nine demonstration counties and six comparison counties), report major changes in how they use in-home services. Once the PCSA is involved with a family, these counties are doing everything in their power to engage families immediately in intensive services to prevent placement: extensive assessments, providing home-based therapy, wraparound groups, referrals to private counseling and substance abuse services, introduction of a Family Coach or Family Assistant who assists the family with everything from day-to-day household management to parenting education; even providing overnight respite. Some counties reported involving families immediately in certain services before a case plan is even drawn up. Because of the short time frames, workers know, and impress upon the family members, that progress within the family must begin right away.

As is evident in Table 2.6, more demonstration counties than comparison counties reported earlier and more intensive delivery of in-home services as a result of HB484. This is certainly consistent with the focus of the demonstration counties on preventive services and perhaps also shows their better ability to staff, through the use of flexible funds, the early intervention efforts. Existing agency philosophy may also explain the difference in part: many of the comparison counties that did not report a change in delivery services stated that they already focused their efforts on up-front services and placement prevention, so that HB 484 did not influence those efforts.

Adoption

Three demonstration counties and two comparison counties noted an increased number of adoptions (in Greene County, adoptions tripled last year). All three of the demonstration counties used their Waiver funds to support adoption: Clark increased adoption subsidies, Greene expanded its adoption unit, and Richland used its Waiver funds to expand its Permanency Unit and offer Foster-To Adopt training programs. Miami, a comparison county, used other sources of flexible funds to assist adoptive families with auxiliary expenses such as braces (see also chapter 4, section 4.3.2, and appendix I, table 1-11 for numbers of children receiving adoption subsidies).

Problems with court delays hindering implementation of HB484, mentioned in last year's

Belmont's Response to HB484

HB484 has led to a change in philosophy in Belmont County, a demonstration county. In the past year, delays in court appeals have been reduced from up to three years to one year, resulting in a "banner year" for adoptions. Because of the 12-month deadline on temporary custody, workers are writing better case plans and consequently communicating more clearly with families. And the IV-E Waiver has allowed Belmont to increase its staff capacity to deliver the up-front intensive services called for in the case plans, in hopes of preventing a permanent removal.

report as possible a significant barrier to the success of the mandate, may also be lessening. Only one demonstration county (Franklin) and one comparison county (Allen) noted delays occurring in the court system. Mahoning, a comparison county, reported that its court frequently refused to grant the agency's permanent custody petitions and instead extended temporary custody, in apparent violation of HB484 mandates. In contrast, two demonstration counties (Belmont and Richland) and one comparison county (Miami), noted improvement in the movement of permanent custody and adoption cases through their courts, attributable in part to a change of philosophy engendered by HB484, and in part to money spent by both the agency and the court to hire more prosecutors and legal staff.

HB484 complements the IV-E Waiver in that it demands, because of its mandatory nature, the delivery of placement prevention services up front and as quickly as possible, and a speedier permanency decision. Similarly, for counties participating in the Waiver, the hoped-for outcome of more flexible funds is reduction in out-of-home placement and more and better permanency outcomes. Their hopes are borne out by the experiences of Clark, Greene, and Richland counties, where Waiver funds applied to permanency objectives resulted almost immediately in more adoptions.

2.3.2 Inappropriate Court Referrals

Last year the study team identified a problem that was perceived as having a negative effect on PCSA caseloads – the inappropriate referral of unruly and delinquent children to the PCSAs by juvenile courts. The courts either believe the referral is appropriate or have no other options for placing a child. These cases may be adjudicated delinquent/unruly or dependent, depending on the particular court's practice. As the study team noted in the Second Annual Report, the actual volume of inappropriate referrals cannot be identified because FACSIS data does not distinguish dependency referrals that originate with the court from other dependency cases. Without such precise data, the impressions gleaned from Year 2 interviews and those from this year are just that – *perceptions* about the nature of court referrals. Furthermore, these perceptions will necessarily be colored not only by the general relationship with the juvenile court, but by any efforts the counties may be making to ameliorate the problem; that is, a PCSA administrator may perceive a reduction in inappropriate referrals simply because the PCSA has come to agreement with the local court and has initiated a reduction strategy, even if that strategy has not yet had a measurable effect on the numbers of youth referred.

In Year 2, eleven of the 14 demonstration counties, or 79%, reported that inappropriate court referrals were either not an issue or the problem was “contained.” Three demonstration counties, on the other hand, found this to be an “uncontrolled” placement problem. In contrast, the comparison counties reported more trouble with their court referrals, with six counties reporting inappropriate referrals from the court as an “uncontrolled” placement problem. As the Year 2 data indicated, this difference between demonstration and comparison counties is no surprise, as the inability to control

placement days and costs deterred some counties from entering the ProtectOhio Waiver when it began in 1997.

Status quo prevailed among the demonstration counties in Year 3 of the evaluation. Eleven of the 14 demonstration counties reported no change in the level of inappropriate referrals, including the three counties who found they were “unable to control” inappropriate placements from the court (Crawford, Franklin and Portage). None of the three with uncontrolled referrals noted any special efforts to work with the court to reduce the flow – one, in fact, stated plainly that the PCSA had “given up” trying to work with the court (see table 2.7). The lone demonstration county that *did* report a lessening of the problem, Lorain, noted that the PCSA director and the court administrator communicate regularly and directly about the types of children who are appropriate for PCSA referral.

Taking concrete action to alleviate the problem seems to be more common among the comparison counties. In contrast to the lack of change among the demonstration counties, five comparison counties perceived a marked reduction in inappropriate referrals; three of these had reported uncontrolled referrals in Year 2 (see Table 2.7). All five of the counties have undertaken specific strategies to improve their relationships with the juvenile court and, most importantly, to increase the exchange of information about the children and families appearing before the court. Three of the five counties hired court-PCSA liaisons, whose job was to assist the court in determining appropriate referrals and to inform the PCSA as early in the process as possible that a court referral might be imminent.

**Hocking County:
Dealing with Court Referrals**

Hocking County, a comparison site, reported in Year 2 that inappropriate referrals from the juvenile court were not an issue. Why not? The PCSA used TANF funds to start a multi-disciplinary Unruly Unit within the PCSA, specifically to address the needs of the court-referred unruly children, if possible without having to place them. The unit includes two caseworkers, a mental health worker, and a Family Stability-funded probation officer. The court makes all referrals to the unit, which acts as a gatekeeper and directs the children and families to the most appropriate agency or set of services. Workers do assessments, and provide or find the necessary services to keep the child out of placement. As a result of this approach, county administrators believe many fewer unruly/delinquent children are being referred to the PCSA than would have been otherwise, and the only referrals are those the Unruly Unit think are appropriate.

Table 2.7: Update on Counties Reporting Uncontrolled Referrals From Court in Year 2		
County (D=demonstration, C= comparison)	Improvement in inappropriate referrals to PCSA in Year 3	Specific efforts made by PCSA to address referral problem
Crawford (D)	No	None
Franklin (D)	No	None
Portage (D)	No	None
Clermont (C)	Yes	Court liaison
Hancock (C)	Yes	Court liaison
Miami (C)	Yes	Assessments
Montgomery (C)	No	Court workers
Summit (C)	No	None

It may be that comparison counties showed more improvement than demonstration counties in this area simply because they had more to improve, and were learning from their peers that relationship-building was the most effective response to inappropriate referrals.

2.3.3 Juvenile Court Expenditures of DYS Funds

In light of the difficulty some PCSAs face in handling inappropriate referrals from the juvenile court, the study team last year began to explore factors that potentially influence the juvenile court's ability to intervene directly with youth rather than remanding them to the custody of the PCSA. The Interim Implementation Report, submitted in August 2000, compared PCSA respondents' perception of the extent of the court referral problem with juvenile court spending of funds received from DYS (RECLAIM and 510 funds). Two issues were shown to affect the level of court spending for community services and placements for delinquents and unruly youth. The first is the level of spending on commitments to DYS institutions. To the extent the courts commit youth to DYS facilities, they have less funding available for community services and placements. The second is the level of underspending by the courts. Unlike most fund sources, the courts are allowed to carryover unspent RECLAIM funds from one fiscal year to another. The analysis showed a surprising level of underspending of funds.

The courts have reasons to save some amount of funds. The cost of care of youth who are committed to DYS facilities is charged back to each court's RECLAIM account, and

the maximum length of stay is determined by DYS, based on the behavior of the youth while at the facility. Therefore, courts tend to hold back some funds to cover the cost of those youth whose incarcerations may last longer than expected, due to their difficult behaviors. However, last year's analysis showed that some courts are carrying over far more funds than would ever be needed to pay for the care of incarcerated youth whose sentences are extended.

The question is: Why are courts assigning custody of delinquent or unruly children to the PCSAs when they have available funds to pay for the cost of care and treatment of these youth? To examine the issue more fully, the study team expanded the analysis of court expenditure data to include FY98, FY99, and FY00. (The team attempted to include FY97 data as well, but a change in the reporting process made the FY97 data unusable.)

Table 2.8 shows the spending patterns of the 28 counties. The courts are categorized based on three years of data. The first group is the "high spending courts," where spending levels are at least 70 percent of available funds for at least two of three years. The calculation allowed a 30 percent level of underspending to assure that funds would be available for any unanticipated DYS commitment costs. The second group includes courts with improving levels of spending over the three-year period. The third group includes courts where no clear spending pattern exists, or where data are missing. The fourth group includes courts where spending are consistently decreasing. The fifth group includes consistently low spending courts (where spending levels are below 70% for at least 2 of 3 years).

Of the 12 consistently low spending courts, half are in demonstration counties. Of the eight consistently high spending courts, five are in demonstration counties. Two courts, of which one is in a demonstration county, have improving spending levels, while one court, in a comparison county, has decreasing spending levels.

Of the eight consistently high spending courts, five (63%) are in counties where respondents had reported (in 2000) that court custodies for delinquent/ unruly youth were not an issue, while three reported that court custodies were acknowledged and contained. Of the 12 consistently low spending courts, five (42%) are in counties where respondents reported that court custodies were a significant problem, two (17%) are in counties where respondents reported that court custodies were acknowledged and contained, while five (42%) are in counties where respondents reported that court custodies were not an issue. In the two courts where spending levels are consistently improving, respondents reported in 2000 that court custodies were a significant problem.

This year's interview process asked if there were any changes during the past year related to court custody for delinquent/ unruly children. In theory, a PCSA might be expected to see improvements in the problem. However, the reverse occurred, with three of the four counties that had court spending levels increase by more than 20 percent between FY99 and FY00 (Belmont, Columbiana, Richland, and Summit) seeing no change, and the one where court spending decreased by more than 20 percent, actually reported an improved situation.

The DYS funding provided to the courts may be related to the lack of court custody problems in the high spending courts. However, the relationship appears to be weaker in the low spending court counties, where 42 percent of respondents reported that court custodies were not a problem. Nevertheless, it is remarkable that courts in 12 of the 28 counties (43%) were consistently spending less than 70 percent of their available state funds, with three courts consistently spending less than 50 percent over a three-year period.

The study team will continue to examine the issue of court custodies in future years of the evaluation, with the data updated annually as well. Anticipated budget cuts in the RECLAIM line item could affect the PCSAs more in the coming fiscal year: these cuts may prove that some counties were wise to save as they did, enabling them to now spend these funds where the state money is no longer available.

Table 2.8: Percentage of Available State Funds Spent by Juvenile Courts for Community Services and Placements			
Category	FY98	FY99	FY00
Consistently High Spending Courts (at least 2 out of 3 years were over 70%)			
Allen	102%	97%	88%
▲Ashtabula	93%	96%	99%
▲Belmont	85%	70%	94%
▲Hamilton	86%	70%	74%
Hocking	110%	77%	77%
Mahoning	77%	77%	96%
▲Richland	84%	69%	99%
▲Stark	91%	62%	70%
Courts with Improving Spending Levels			
▲Portage	55%	63%	74%
Summit	32%	69%	93%
No Clear Spending Pattern			
Butler	87%	40%	45%
Columbiana	54%	54%	80%
▲Crawford	83%	49%	60%
▲Muskingum	68%	59%	Missing
Trumbull	Missing	54%	Missing
Courts With Spending Levels Going Down			
Scioto	91%	76%	52%
Consistently Low Spending Courts (At least 2 out of 3 years were below 70%)			
▲Clark	Missing	36%	32%
Clermont	64%	73%	69%
▲Fairfield	29%	35%	33%
▲Franklin	69%	50%	52%
▲Greene	26%	45%	54%
Hancock	51%	34%	45%
▲Lorain	62%	69%	67%
▲Medina	51%	46%	35%
Miami	63%	58%	44%
Montgomery	50%	53%	46%
Warren	missing	57%	57%
Wood	45%	46%	38%

▲ Denotes demo county

2.3.4 Ohio Works First

This year, the evaluation team explored several topics related to the Department of Job and Family Services and the OWF program.

OWF Sanctions

In October 2000, counties were expected to begin implementing sanctions against OWF/TANF recipients for failure to abide by work/training requirements. Such sanctions include reductions in cash benefits, possibly to zero for adult non-compliant members of a family. In addition, last year was the first year in which some families were potentially going to reach the expiration of their benefits under the Welfare Reform Act of 1995.

The possibility existed of an effect on the child welfare caseload from the hardship caused by loss or reduction of benefits, but it has not thus far materialized. Only one county (a comparison county) believed sanctions and expirations caused any effect on its caseload. Four comparison and seven demonstration counties, anticipating the problem, put into action strategies to address potential problems before a sanctioned family made its way into the child welfare system. These efforts include: stationing mental health workers directly at DHS to work with sanctioned families (Wood County); appointing liaisons who communicate about sanctioned families to PCSA (Belmont and Richland); informal and formal joint staffing of cases in which both agencies work together to ensure sanctioned families are linked with available PRC and other resources (Clark, Medina, Montgomery, Portage, Scioto and Stark counties); cross-training of workers between the agencies (Lorain); and an At-Risk Committee with representatives from OWF, the PCSA, and Child Support, staffing all cases within 24 months of losing their benefits and developing a case management plan for those families (Columbiana). While the sanctions are apparently having virtually no impact at this time, a number of counties expressed their concern that sanctions will eventually have an effect on PCSA caseloads and want to be prepared for it.

PRC/TANF Reserve Access

Each year, Ohio receives an allocation from the federal government of TANF funds. This allocation includes the funds for cash benefits for needy families and PRC funds that are designated for “work-related expenses.” Family stability efforts are regarded as “work-related expenses” and thus emergency assistance and other PCSA family preservation and stability efforts can be funded using PRC. PCSAs may have access to PRC money either through a simple referral of their clients to DJFS/OWF, or through allocations or contracts to a PCSA from DJFS. For example, Medina County bills its staff costs of its Family Stability Unit against PRC. DHS does not want to return money and risk a lowered allocation in future years, so allocating TANF/PRC dollars to a PCSA is not unusual.

In 2000, as a result of falling welfare rolls, Ohio ended up with excess federal TANF funds that it had to use or return to the federal government. ODJFS used the funds to

create PRC-DR (Developmental Reserve). The state allocated PRC-DR to all counties, in addition to the regular allocation of PRC, but some did not spend all of their allocation and others overspent, without penalty. The governor's budget also allocated a certain amount of TANF Reserve dollars for PCSA contracted services, kinship and adoption. All PRC-DR and TANF monies must be spent on TANF-eligible families, with eligibility requirements set by each county within a framework set forth by the state.

The PRC-DR funding expires on July 1, 2001. It was allocated through grants or through contracts by the county DHS, to the PCSAs and to others who applied. For example, several counties participating in the study used the funding to place social workers or other supportive services in the schools.

The study team was interested in whether PCSAs in the study had access to these various sources of potentially flexible dollars, enhancing the pots of money available to promote innovative programming, increase staffing, and prevent placement. Specifically, the team asked whether a county PCSA had access to PRC and whether the access came through any of three avenues: priority referrals of PCSA clients to OWF for PRC, grants or allocations of PRC, and grants or allocations of PRC-DR (the limited pot of reserve funds expiring in July of 2001). The results show that almost all the counties (11 demonstration counties, and 12 comparison counties) did have access to some funds through one or more of these avenues. Combined agencies in the demonstration counties generally had better access to all the sources of funds for their clients than separate Children Services Boards (CSB), as might be expected – but, strangely, this did not hold true for comparison counties, where CSBs were more likely to receive PRC and PRC-DR allocations than their combined counterparts. This data suggests that CSBs with good relationships with their local DHS may obtain some of the natural advantages that come with being in a combined agency.

Hocking County Use of TANF Funds

Using TANF grant funds and Family Stability money, Hocking County has established a special unit of caseworkers to handle court-referred children adjudged unruly. The "Unruly Unit", consisting of two caseworkers, two probation officers, and a mental health case manager, does a complete assessment on every child and offers an array of non-placement services designed to keep the family together, including in-home family therapy, support groups, mentoring, a diversionary program, and a seven-day respite care. Many of the youths in the program would likely have been placed out of their homes had they entered the traditional welfare system.

Some of the specific findings, as illustrated in Table 2.9, include:

- The vast majority of both demonstration and comparison counties had some degree of access to PRC -- 11 of 14 demonstration counties (79%) and 12 of 14 comparison counties (86%).
- Only four comparison counties received PRC-DR monies, compared to ten demonstration counties.
- Three demonstration counties had access to both PRC and PRC-DR and had priority in referrals to OWF; all three of these counties -- Stark, Portage and Medina -- are part of combined agencies in which such cooperation might be expected.

- Five other demonstration counties received allocations of PRC and PRC-DR, three of which are in combined agencies.
- Only two comparison county agencies had priority in referrals to OWF, but twelve of 14 comparison counties (86%) received PRC allocations of some sort. Unlike the demonstration counties, only four of these PCSAs are part of combined agencies.

Table 2.9: Access to PRC Funds*						
Counties	Priority Referrals Only	PRC Only	PRC-DR Only	Both PRC and PRC-DR	Access to All 3 Types of PRC	Access to at least one Type of PRC
Demonstration PCSA that is part of DHS Combined Agency	0% (0)	7% (1)	0% (0)	21% (3)	21% (3)	50% (7)
Demonstration PCSA that is a CSB Separate Agency	0% (0)	0% (0)	7% (1)	14% (2)	0% (0)	29% (4)
Comparison PCSA that is part of DHS Combined Agency	0% (0)	7% (1)	0% (0)	14% (2)	0% (0)	29% (4)
Comparison PCSA that is a CSB Separate Agency	7% (1)	36% (5)	0% (0)	14% (2)	0% (0)	50% (7)

*Percentages were calculated from sample sizes n=14 for both demonstration and comparison counties

Of note is the difference between demonstration and comparison counties with regard to PRC-DR allocations. A possible explanation is the limited nature of the PRC-DR. Because PRC-DR ends on July 1 of this year, and is used in many cases for staffing and other efforts requiring on-going funding, it is possible that many of the comparison counties simply did not seek a PRC-DR grant or contract because they could not identify a continuing funding source. Demonstration counties, on the other hand, may have felt more confident applying for grants to initiate new efforts, because they have IV-E Waiver funds available.

PRC monies tended to be used by both demonstration and comparison counties as emergency and family preservation funds to prevent placement, while PRC-DR funds were used for larger initiatives and programming such as school social workers, a kinship worker, staff for a Family Preservation Unit and a domestic violence unit; transportation; and numerous other initiatives. As with HB484, the existence of PRC complements and supports the same objectives as the Waiver. In future years, when PRC-DR is gone and PRC availability may decrease, the study team will examine whether the demonstration counties can and will pay for the services once funded by these sources.