

Court Order Guide for Documentation of Judicial Determinations

**Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Accountability and Regulation**

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Title IV-E is a federal program which provides financial assistance to states to help cover the cost of children in out of home placement. Federal funding is contingent upon states meeting all applicable eligibility requirements. First and foremost, there must be a judicial determination placing care and control of the child with the Public Children's Services Agency (PCSA) or any other public agency with which the Ohio Department of Job and Family Services (ODJFS) has an agreement. The judicial determination removing the child from the home must contain contrary to the welfare language and a determination within 60 days that the agency made reasonable efforts to prevent removal of the child from his/her home. For continuing reimbursement, there must be a judicial determination that the agency made reasonable efforts to finalize the child's permanency plan within 12 months of the date the child entered care and every 12 months thereafter. This guide is an overview of those judicial requirements, the judge's responsibility in these matters, and includes information to ensure compliance with all applicable requirements. Noncompliance will result in lost federal revenue intended to assist these children in providing a safe, stable living environment, finding permanency and ensuring their well-being. If you have any questions regarding this guide, you may contact the Bureau of Accountability and Regulation, IV-E Policy Section at (614) 644-1146.

Finding Type	Timing	Issue	Requirements (Helpful Hints)
<p>“Contrary to the Welfare and Best Interests”</p> <hr/> <p><i>Must be explicitly documented, made on a case-by-case basis, and so stated in the court order.</i></p>	<p>The first order that sanctions a IV-E eligible child’s removal from the family home.</p>	<p>Whether “continuation of residence in the home would be contrary to the welfare” or removal “would be in the best interest” of the child.</p> <p><i>Best interest/contrary to the welfare language must be contained in the first court order, no matter what type of order was used to remove the child from the home.</i></p> <p><i>Failure to insert appropriate language into the first court order makes the child ineligible for funding for the entire custody period.</i></p>	<p>The court must determine on a case-by-case basis if:</p> <ul style="list-style-type: none"> • It would be unsafe for the child to remain at home, or • Removal is in the child’s best interest • In either case, why? <p>Facts justifying the court’s finding must be</p> <ul style="list-style-type: none"> • Summarized in the court order, or • Incorporated by reference to a report or sustained petition.
<p>“Reasonable Efforts to Prevent Removal”</p> <hr/> <p><i>Must be explicitly documented, made on a case-by-case basis, and so stated in the court order.</i></p>	<p>Within 60 days of the child’s removal.</p>	<p>Whether reasonable efforts were made to prevent the child’s initial removal from the home.</p> <p>Reasonable efforts does not have to be included in the first court order authorizing removal. It can be included in a subsequent order as long as this judicial determination is obtained within 60 days of the child’s removal.</p> <p><i>Failure to insert appropriate reasonable efforts language into the court order within the 60-day timeframe makes the child ineligible for funding for the entire custody period.</i></p>	<p>The court must again document in a fact-based inquiry:</p> <ul style="list-style-type: none"> • What pre-removal services were offered to the family? • What assessments were performed? • What alternatives to removal – such as relative placement – were explored and why they were rejected? <p>Court order documentation of reasonable efforts to prevent removal are required in the following circumstances:</p> <ul style="list-style-type: none"> • Where the child is known to be at risk prior to any petition for removal of the child; • Where there was an opportunity to work with the family to prevent the child’s removal; and • Where the court finds that attempts were made to provide services to reduce risks to the child. <p><i>A judicial determination that no pre-removal preventive steps were reasonable can be used when the child is in imminent risk and no opportunity exists to provide preventive services.</i></p> <p><i>Finally, a judicial determination that reasonable efforts are not required to prevent removal can be used if a parent has been convicted of a specified crime; if the parents have repeatedly withheld medical treatment or food; or because of chronic parental alcohol or drug use. (Please see ORC Sec. 2151.419)</i></p>
<p>“Reasonable Efforts to Finalize Permanency”</p> <hr/> <p><i>Must be explicitly documented, made on a case-by-case basis, and so stated in the court order.</i></p>	<p>Within 12 months of the date that the juvenile enters IV-E eligible foster care.</p>	<p>Whether reasonable efforts have been made to reunify the family if possible, or, in the alternative, to finalize adoption, legal guardianship, or placement with a fit and willing relative.</p> <p><i>If the court determines that reasonable efforts to finalize the permanency plan were not made, the child is ineligible for Title IV-E funding until the court enters such a determination.</i></p>	<p>The court must document a compelling reason for rejecting the listed options (reunification, adoption, legal guardianship or placement with a fit and willing relative) before accepting any other planned permanent living arrangement, such as independent living or long-term foster care.</p>