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## ROE V. COLBERT REPORT

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03/06/2016

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The purpose of this report is to provide to the Court, Plaintiffs, and ODJFS the court-approved expert's opinion concerning ODJFS progress toward compliance with the Roe v. Colbert (Roe v. Staples) Consent Decree, as modified, and the Agreed Order, filed April 9, 2015.

### **Background**

In April 2006, by agreement of the parties, the Court vacated its prior orders as they related to appointment of an expert panel in the matter of Roe v. Staples. In place of the expert panel, Etta Lappen Davis (dba Etsky Consulting), was appointed to provide expert advice to the Plaintiffs on Defendant Riley's Motion to Modify Consent Judgment Pursuant to Rule 60(b)(5) of the Rules of Civil Procedure (Doc. 101).

The Court further ordered that Consultant continue to serve as court-approved expert for Plaintiffs, continue to monitor compliance with the Consent Decree as amended, and that such monitoring occur according to a schedule as agreed upon by the parties. Contracts for services between ODJFS and Etta Lappen Davis, dba Etsky Consulting, were executed on May 15, 2013 to continue services through June 30, 2015, and on June 9, 2015 to continue services through June 30, 2017.

### **Monitoring Activities completed since 10/2014 Interim Report**

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|----------|---|
| 11/25/14 | E-mail correspondence from Attorney Michael O'Hara re: scheduling a January 2015 meeting with ODJFS to discuss Needs Assessment timeframes.   |
| 12/2/14  | E-mail received confirming meeting on January 8, 2015 with ODJFS program and legal teams re: Needs Assessment.  |
| 1/7/15   | Received via e-mail from Jennifer Justice copies of ODJFS Needs Assessment Methodology, and ODJFS Request for Letterhead Bids (RLB), JFSR1415068087 Systematic Research Review of Literature In the Social Sciences (See Attachments A and B) |
| 1/8/15   | Attended meeting with ODJFS staff and Michael O'Hara to discuss   |

Needs Assessment plans and timeframe.

- 1/22/15 E-mail exchange with Jennifer Justice re: my suggestions for potential experts to participate in expert survey, a component of the planned Needs Assessment.
- 1/26/15 Received draft Agreed Order for comment.
- 2/2/15 E-mail exchange with Michael O'Hara re: draft Agreed Order and Jennifer Justice's 1/22/15 request.
- 2/9/15 Compiled list of suggested experts per 1/22/15 request and forwarded to Jennifer Justice.
- 2/19/15 Received e-mail from Michael O'Hara re: draft Agreed Order and proposed changes.
- 3/4/15 E-mail exchange with Michael O'Hara re: Agreed Order proposed changes.
- 3/20/15 E-mail exchange with Michael O'Hara re draft Agreed Order. Scheduled telephone call for 3/24/15.
- 3/24/15 Telephone call with Michael O'Hara to review his proposed changes to draft Agreed Order.
- 3/25/15 Copied on e-mail from Michael O'Hara to Assistant Section Chief Ara Mekhjian with latest draft Agreed Order.
- 4/8/15 Received final Agreed Order settlement proposal.
- 4/16/15 E-mail to Jennifer Justice, requesting update on Needs Assessment.
- 4/27/15 E-mail exchange with Jennifer Justice re: update on Needs Assessment and planning site visits for July and September.
- 6/2/15 E-mail exchange with Jennifer Justice to confirm planned visits for July 24, 2015 and October 20, 2015.
- 6/11/15 Re-sent expert list to Jennifer Justice.
- 7/22/15 Received agenda for 7/24/15 meeting at ODJFS and forwarded to Michael O'Hara for his information. Scheduled post-visit telephone call with Michael O'Hara for 7/28/15.

7/24/15 Site visit to ODJFS. Meeting attended by Jennifer Justice, Michael McCreight, Roger Ward, Denise Pleska, and other members of the ODJFS team, and with Steven R. Howe, who is designing and conducting Needs Assessment research.

Presentation included:

- Summary of Needs Assessment Methodology (Data Sources and Phases of Needs Assessment)
- Needs Assessment Implementation (Case Flow, Identification of Cases, Observation Window)
- Systematic Research Review
- Next Steps

7/27/15 Received for review sample case vignettes to be used in expert survey, as a component of the Needs Assessment.

7/28/15 Telephone conversation with Michael O'Hara to report on 7/24/15 meeting with ODJFS.

7/31/15 Responded to Jennifer Justice with questions and comments on the sample vignettes and planned expert survey.

8/19/15 Received follow-up e-mail from Jennifer Justice confirming receipt of my questions and comments.

9/21/15 E-mail exchange with Jennifer Justice re: changing meeting date to 11/2/15.

10/16/15 E-mail to Michael O'Hara re: 11/2/15 meeting.

10/19/15 E-mail from Jennifer Justice to request my assistance in contacting the experts I recommended, as they might be more likely to respond than if contacted by someone unfamiliar to them.

10/20/15 Received template e-mail to use to contact experts for Ohio survey.

10/26/15 Received e-mail from Steven Howe re: my contacting experts to participate in the survey.

11/2/15 Site visit to ODJFS for progress update on Needs Assessment. ODJFS and Steven Howe presented:  
an overview of the project;  
a summary of Steven Howe's systemic literature review for evidence-based interventions;  
survey methodology of casework and disciplinary experts;  
the status of the survey;

a list of experts consulted to date;  
and, a detailed look at how ODJFS is approaching  
identifying current services.

In addition to Ohio SACWIS data, ODJFS is examining data re: Medicaid claims, Child Care, Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance to Needy Families (TANF). Roger Ward introduced the use of SAS Text Miner to search casework notes for additional information concerning service provision.

Roger Ward provided a detailed explanation of the process being used to calculate the services needed by children and families served by ODJFS.

- 11/4/15 Call scheduled with Michael O'Hara for 11/6/15.
- 11/6/15 Call with Michael O'Hara rescheduled for 11/9/15.
- 11/9/15 Telephone conversation with Michael O'Hara to discuss 10/20 site visit, Needs Assessment progress, and his receipt of materials sent to him by ODJFS Attorney Denise Pleska.
- 12/4/15 E-mail to Jennifer Justice to check on timeframe for expected completion of the Needs Assessment.
- 12/7/15 Received from Jennifer Justice copy of the final slide deck, with corrections of the version presented to me on 11/2/15. (Attachment C)
- 12/18/15 Voice message and e-mail received from Jennifer Justice requesting a telephone conversation.
- 12/20/15 Telephone conversation with Jennifer Justice. The Needs Assessment is not quite completed, and the team would like to extend the deadline if possible. I assured her that I have no objection, and will discuss with Michael O'Hara.
- 12/21/15 Telephone call to Michael O'Hara re: extending the deadline. He has no objection and will discuss with Ara Mekhjian.
- 12/24/15 E-mail from Jennifer Justice as a follow-up to 12/20/15 telephone conversation. A modified order is being filed with new due dates, extended by one month. We tentatively scheduled an additional visit to Columbus so that the team can present the Needs

Assessment to me in person and answer any questions I might have.

- 1/29/16 Received from Ara Mekhjian an electronic copy of the completed Needs Assessment Report and Appendices, filed with the Court this date.
- 2/1/16 Received e-mail from Jennifer Justice to confirm that I had received the Needs Assessment.
- 2/2/16 Completed preliminary review of Needs Assessment Report.
- 2/4/16 Received CD of Needs Assessment research database.
- 2/11/16 Completed second review of Needs Assessment Report in preparation for 2/12/15 site visit.
- 2/12/16 Site visit to ODJFS in Columbus. Team delivered PowerPoint presentation, summarizing the Needs Assessment process and key findings.

Received paper copies of:

PowerPoint Presentation

Needs Assessment Report and Appendices

Appendix A – Using the Microsoft Access Database of Evidence-based Interventions and Practices in Children’s Services

Appendix B – Evidence-based Interventions Associated with Adult and Child Concerns

Appendix C – Instruments for Survey of National Experts

Appendix D – Findings from Survey of National Experts on Family Service Needs

Profile and number of cases in each Profile

Instruments for the Survey of National Experts

Caseworker Expert Surveys (4)

Discipline Expert Surveys (4)

- 2/29/16 E-mail exchange with Michael O’Hara, requesting a one-week extension to complete my report.
- 2/29/16 Copied on e-mail from Ara Mekhjian agreeing to one-week extension.

### **Status of Compliance with Outstanding Issue – Needs Assessment**

Based upon Consultant's site visits and review of documents, it is Consultant's opinion that Ohio's completed needs assessment meets the requirements of the Agreed Order, filed April 9, 2015.

Prior to this Consultant's appointment as expert, ODJFS completed other attempts to satisfy the Needs Assessment requirement in the original Roe v Staples consent decree. Those attempts were not deemed acceptable and were not approved by previous experts and expert panels.

From the outset of this expert's involvement, the goal was for ODJFS to design and implement a Needs Assessment process that would be compliant with the consent decree and the modified agreement, as well as valuable to ODJFS. Neither ODJFS nor the expert desired an exercise that simply met the criteria for compliance without significant benefit to ODJFS and the children and families served in Ohio.

The current Needs Assessment has, in fact, exceeded expectations in that it provides benefit not only to Ohio's children and families, but has the potential to benefit other child welfare systems when Ohio ODJFS can share the results of its work.

Previous interim reports have documented ODJFS's plans to use SACWIS data as a foundation for completing the needs assessment. In addition to SACWIS data, ODJFS accessed Medicare, SNAP, TANF, and Child Care data to gain a more complete picture of the services provided to children and families.

The Needs Assessment called for answering the following questions concerning the needs of children and families coming to the attention of public children services agencies (PCSAs):

1. What concerns are children and families served by Ohio's child welfare system experiencing?
2. Are there constellations of concerns evident among the children and families?
3. What are the effective evidence-based interventions, identified in peer-reviewed literature, that address the concerns of children and families?
4. What do national experts in the field recommend as the most effective service interventions for children and families?
5. What services are children and families currently receiving?
6. What additional evidence-based services are needed to address the concerns? (Needs Assessment – Case: 1:83-cv-01704-TSB Doc #: 146-1 Filed: 01/29/16)

ODJFS used data on cases active between July 1, 2013 and June 30, 2014 as the baseline for analysis of concerns of children and adults and services provided

by Ohio's PCSAs. Statewide data were utilized rather than a sample of cases in order to ensure a comprehensive view of statewide issues.

The cases that were the focus of the needs assessment included all response options for screened in reports of abuse, neglect, or dependency in Ohio. These included:

- Assessment/Investigation (AI)
  - Ongoing Protective Services (In-Home Cases and Foster Care Cases)
  - Alternative Response (AR)
  - Alternative Response Ongoing (AR-Ongoing) (Needs Assessment -
- Case: 1:83-cv-01704-TSB Doc #: 146-1 Filed: 01/29/16)

Within the observation window, a case was examined if it met any of the following conditions:

- screened-in by PCSAs for assessment/investigation;
- closed following completion of a safety assessment and family assessment;
- closed with referrals to other agencies;
- open for services and transferred to Ongoing Protective Services;
- and
- closed following completion of Ongoing Protective Services

The Needs Assessment answered each of the aforementioned questions.

"What problems do families have?" was answered by the comprehensive Profiles of cases selected in the sample between July 1, 2013 and June 30, 2014.

"What does the literature recommend for resolving child welfare concerns?" was answered by the Systemic Literature Search.

"What services do families need?" was answered by the Answered by the Expert Survey of practice experts and content experts.

"What services have families received?" was answered through examination of databases including: SACWIS (plus Text Mining narrative records) Answered by databases; Medicaid Claims files; Child Care; Supplemental Nutrition Assistance Program (SNAP); and Temporary Assistance to Needy Families (TANF).

"What Services are needed and how many?" was answered by Synthesis Reports.

ODJFS expanded its original plans to include seven Phases of work. (See Needs Assessment - Case: 1:83-cv-01704-TSB Doc #: 146-1 Filed: 01/29/16, page 4)

The Needs Assessment summarizes ODJFS's findings with regard to the gap between total services needed and total services provided. (See Needs Assessment - Case: 1:83-cv-01704-TSB Doc #: 146-1 Filed: 01/29/16, page 38)

### **Ohio's Needs Assessment: Next Steps**

ODJFS will complete a cost analysis based on the service gaps identified in the Needs Assessment and will present this cost analysis in a complete report to the Ohio General Assembly no later than May 31, 2016.

ODJFS plans to complete a comprehensive update of this statewide needs assessment no less than every five years in alignment with federal requirements for the development of the state's Title IV-B Child and Family Services Plan (CFSP). ODJFS plans to utilize future assessment results to support its efforts to expand the use of evidence-based and evidence-informed interventions among the service array available to Ohio's children and families.

### **Recommendations:**

- 1) Consultant recommends that Plaintiffs and the Court consider ODJFS compliant with the needs assessment requirements in the Agreed Order filed April 8 2015.
- 2) Consultant recommends that after ODJFS reports to the Ohio General Assembly by May 31, 2016, that the case be considered settled if Plaintiffs and the Court agrees with expert's findings.

Etta Lappen Davis, MA.Ed  
Etsky Consulting  
March 6, 2016