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Commissioner, Director Order Independent, System-wide Review After DeMarcus Jackson Tragedy

Cincinnati (Oct. 26, 2011) Hamilton County Commissioner Greg Hartmann and Job and Family Services Director Moira Weir on Wednesday ordered an independent ombudsman to conduct a review of the case that resulted in DeMarcus Jackson returning to his biological family.

The two have asked Ross Evans, a Cincinnati attorney appointed by the county in 2007 as an ombudsman, to examine the case records and identify any system issues that need corrected.

“The Job and Family Services Department conducts its own investigation whenever it is involved with a child who is seriously injured or dies,” Hartmann said. “But this warrants an independent review of everyone involved in the placement process to examine the decisions that were made and determine if different actions should have been taken. We owe this to DeMarcus.”

Hartmann said the review would take place after the investigation being performed by the Hamilton County Prosecutor’s Office so as to not interfere with that work.

Removing Abused and Neglected Children

The decision to remove an abused or neglected child from a home is made through a Juvenile Court hearing by a magistrate with input from several parties, including a JFS worker, court advocate for the children, the parents, attorneys for the parents and others. This follows a safety assessment of:

- The presence of active safety threats or present danger
- The vulnerability of the child
- The protective capacities of the parent, guardian/custodian or caretaker
- The family’s history of child abuse and/or neglect resulting in serious harm

Reunification of Children

When an abused or neglected child is removed from a home, federal law requires the agencies involved in the child welfare system to meet a legal standard and make reasonable efforts to reunite the child with his or her biological family. The court must always balance the parents' right to parent versus the best interests and safety of the child.

The steps for reunification include:

- A plan is devised by all concerned parties – JFS, the child's court advocate, the parents, their attorneys and others -- and approved by a Juvenile Court magistrate detailing what the parents must do for a safe reunification.
- The parents are required to take part in intensive services such as drug and alcohol assessments and rehabilitation, mental health counseling, parenting classes, domestic violence counseling, etc. These services are provided by private agencies in the Hamilton County community.
- The parents' progress is overseen by a JFS caseworker and court advocate and reported to the Juvenile Court magistrate in regular court hearings. At each court hearing the progress is reviewed and new court orders occur, amending the plan and requirements of the family.
- With positive progress, families will move from supervised visits with their children to unsupervised visits to extended visits. In each instance, a report is made to the court on the results of the visit.
- A final court hearing involving the parents, JFS worker, court advocate and others is held before a magistrate, who makes the final decision on reunification. If a decision is made that a child cannot be safely reunified, other options are considered for that child.

Weir said each of these steps occurred in the case of DeMarcus.

“Reports on the family's progress were all positive and everyone was in agreement on reunification,” Weir said. “Because of the serious nature of this incident, I feel it is best to have someone look into whether, based on the information available, the right decisions were made. We look forward to working with the independent reviewer.”