Laurel E. Mannion *Legislative Service Commission*

Sub. H.B. 332

123rd General Assembly
(As Passed by the House)

Reps. Ford, Barrett, Beatty, Bender, Britton, DePiero, Flannery, Grendell, Hartnett, Jerse, Metelsky, D. Miller, O'Brien, Patton, Perry, Pringle, Salerno, Smith, Sullivan, Sulzer, Vesper, Winkler, Metzger, Willamowski, Jones, Mottley, Carey, Terwilleger, R. Miller, Verich, Allen, Distel, Redfern, Logan, Roberts, A. Core, Brading, Boyd, Stapleton, Wilson, Healy, Gooding, Smith, Ogg, Jacobsen

BILL SUMMARY

- Prohibits the Ohio Department of Job and Family Services (ODJFS) from issuing an initial family foster home certificate unless the foster caregiver successfully completes at least 36 hours of preplacement training.

- Prohibits ODJFS from issuing an initial treatment foster home certificate unless the foster caregiver successfully completes at least 48 hours of preplacement training.

- Prohibits ODJFS from renewing a family foster home certificate unless the foster caregiver successfully completes at least 24 hours of training annually, unless a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) waives up to 12 hours of the continuing training requirement.

- Prohibits ODJFS from renewing a treatment foster home certificate unless the foster caregiver successfully completes at least 36 hours of training the first year the foster home's initial certificate is in effect and at least 30 hours each year thereafter.

- Requires a PCSA, PCPA, or PNA operating an ODJFS-approved preplacement or continuing training program to make the program available to a foster caregiver without charge or regard to the type of agency with which the caregiver works to receive recommendation for foster home certification.

- Requires a PCSA, PCPA, or PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the caregiver's foster home certificate to develop and implement a written needs assessment and continuing training plan for the caregiver.

- Requires a PCSA, PCPA, or PNA that wants to operate a preplacement or continuing training program to submit to ODJFS a proposal outlining the program every other year by a date specified in ODJFS rules and requires ODJFS to approve or disapprove the proposal within 30 days.

- Requires that ODJFS, in consultation with the Departments of Youth Services, Mental Health, and Alcohol and Drug Addiction Services, develop a model design of a preplacement training program and continuing training program.

- Requires that ODJFS pay a per diem to foster caregivers for attending training courses pursuant to an ODJFS-approved preplacement or continuing training program and reimburse a PCSA, PCPA, and PNA for the cost to the agency of providing training to a foster caregiver through an ODJFS-approved training program.

- Requires that ODJFS seek federal financial participation for the cost of making training payments to foster caregivers and reimbursements to PCSAs, PCPAs, and PNAs and notify the Governor, President and Minority Leader of the Senate, and Speaker and Minority Leader of the House of Representatives of any proposed federal legislation that endangers the federal financial participation.

CONTENT AND OPERATION

Background

To operate in Ohio, an association or institution that receives and cares for children for two or more consecutive weeks must obtain a certificate from the Ohio Department of Job and Family Services (ODJFS).[1] Foster homes are among the entities considered associations or institutions and, therefore, must obtain

[1] *Until July 1, 2000, the Ohio Department of Job and Family Services is called the Ohio Department of Human Services.*

ODJFS certification.[2] For a foster home to obtain certification, a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) must determine whether certification standards are satisfied. With few exceptions, the standards are established by ODJFS rules. If the agency is satisfied, it recommends that ODJFS issue the certificate. ODJFS has sole discretion regarding whether to issue the certificate. A certificate is valid for two years.

Training requirements for foster caregivers

(secs. 5103.031 and 5103.032; Section 3)

ODJFS rules establishing foster home certification standards require foster caregivers to undergo not less than 12 hours of initial orientation and not less than 12 hours of annual training.[3] The bill increases the training requirements for foster caregivers.

Under the bill, ODJFS is prohibited from issuing a certificate to a foster caregiver seeking to operate a family foster home unless the caregiver successfully completes at least 36 hours of preplacement training. A foster caregiver seeking to operate a treatment foster home must successfully complete at least 48 hours of preplacement training. Both types of foster caregivers must complete the training through an ODJFS-approved preplacement training program operated by a PCSA, PCPA, or PNA.

The preplacement training requirement does not apply to a foster caregiver holding a valid foster home certificate on the bill's effective date (January 1, 2001).

With one exception, ODJFS is prohibited by the bill from renewing a foster home certificate unless the foster caregiver successfully completes a certain amount of continuing training. If the foster caregiver is operating a family foster home, the foster caregiver must complete at least 24 hours of training annually. A foster caregiver operating a treatment foster home must complete at least 36 hours of training the first year the foster home's initial certificate is in effect and at least 30 hours each year thereafter. A foster caregiver must complete the training in accordance with a needs assessment and continuing training plan developed and

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[2] *A foster caregiver related to a foster child by blood or marriage is not required to be certified unless the foster caregiver seeks federal foster care maintenance payments for caring for the child.*

[3] *Ohio Administrative Code § 5101:2-5-33.*

implemented for the caregiver by a PCSA, PCPA, or PNA. The exception is that a PCSA, PCPA, or PNA with which a foster caregiver operating a family foster home works to receive recommendation for certification renewal is permitted to waive up to 12 hours of continuing training the foster caregiver is otherwise required to complete in a year if the foster caregiver (1) has provided foster care for at least two years and for at least 90 days of the 12 months preceding the date the agency issues the waiver, (2) has not violated any requirements governing certification of foster homes during the 12 months preceding the date the agency issues the waiver, and (3) has complied in full with the needs assessment and continuing training plan.

Provision of training, needs assessment, and continuing training plan

(secs. 5103.033, 5103.034, and 5103.035)

The bill authorizes PCSAs, PCPAs, and PNAs to operate ODJFS-approved preplacement and continuing training programs for foster caregivers seeking training. An agency operating an ODJFS-approved preplacement or continuing training program must make the program available to a foster caregiver without regard to the type of agency with which the caregiver works to receive recommendation for certification. The programs must be provided to foster caregivers without charge.

A PCSA, PCPA, or PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the caregiver's foster home certificate is required to develop and implement a written needs assessment and continuing training plan for the caregiver. Each assessment and plan must satisfy all of the following:

(1) Be effective for the two-year period the certificate is in effect;

(2) Be appropriate for the type of foster home the caregiver operates;

(3) Require the caregiver to successfully complete the courses each continuing training program must provide to receive ODJFS approval and any other courses the agency considers appropriate;

(4) Include criteria the agency is to use to determine whether the caregiver has successfully completed the courses;

(5) Guarantee that the courses the caregiver is required to complete are available to the caregiver at reasonable times and places;

(6) Specify whether the agency will waive any of the hours of continuing training the caregiver is required to complete annually if the caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency is required to state in the assessment and plan the number of hours of continuing training, not to exceed 12, that the agency will waive.

A PCSA, PCPA, or PNA determining whether to recommend that ODJFS certify or recertify a foster home is required to accept a foster caregiver's training obtained pursuant to an ODJFS-approved preplacement or continuing training program regardless of whether the agency operated the training program. The agency is allowed to require that the foster caregiver successfully complete additional training as a condition of the agency issuing a recommendation.

ODJFS approval of training programs

(secs. 5103.036, 5103.037, 5103.038, 5103.039, 5103.0310, and 5103.0311)

To obtain ODJFS approval of a preplacement or continuing training program, a PCSA, PCPA, and PNA must submit to ODJFS a proposal outlining the program. The proposal is due every other year by a date specified in rules ODJFS is to adopt. The proposal must include a budget for the program regarding the cost associated with trainers, obtaining sites at which the training is provided, and the administration of the training. The budget must be consistent with rules ODJFS is to adopt governing ODJFS's reimbursement of agencies for the cost of providing preplacement or continuing training to foster caregivers.

Not later than 30 days after receiving a proposal, ODJFS is required to either approve or disapprove it. If ODJFS disapproves a proposal, it must provide the reason for disapproval and advise the PCSA, PCPA, or PNA that submitted it of how to revise the proposal so that ODJFS can approve it. If ODJFS approves a proposal, the approval is valid only for two years following the year the proposal is submitted to ODJFS.

ODJFS must disapprove a proposed preplacement or continuing training program if the program's budget is not consistent with rules ODJFS is to adopt governing ODJFS's reimbursement of PCSAs, PCPAs, and PNAs for the cost of providing training to foster caregivers.

There are two conditions for ODJFS to approve a proposed preplacement training program. In the case of a proposal submitted by a PCSA, PCPA, or PNA operating a preplacement training program at the time the proposal is submitted, ODJFS must be satisfied with the agency's operation of the program. Any proposed preplacement training program must provide for the program to consist

of courses in the role of foster caregivers as part of the care and treatment of foster children that address all of the following:

(1) The legal rights and responsibilities of foster caregivers;

(2) PCSAs, PCPAs, and PNAs' policies and procedures regarding foster caregivers;

(3) ODJFS' requirements for certifying foster homes;

(4) The effects placement, separation, and attachment issues have on children, their families, and foster caregivers;

(5) Foster caregivers' involvement in permanency planning for children and their families;

(6) The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development;

(7) Behavior management techniques;

(8) Effects of caregiving on children's families;

(9) Cultural issues in placement;

(10) Prevention, recognition, and management of communicable diseases;

(11) Community health and social services available to children and their families;

(12) Cardiopulmonary resuscitation and first aid;

(13) The substance of state law regarding information that is provided to foster caregivers about certain delinquent children;[4]

(14) In the case of a preplacement training program for a foster caregiver seeking certification for a treatment foster home, additional issues specific to the types of children placed in treatment foster homes, including physical restraint techniques and the appropriate use of physical restraints.

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[4] *A course addressing the substance of state law regarding information that is provided to foster caregivers about certain delinquent children is required to be not less than one hour long.*

There are also two conditions for ODJFS to approve a proposed continuing training program. In the case of a proposal submitted by a PCSA, PCPA, or PNA operating a continuing training program at the time the proposal is submitted, ODJFS must be satisfied with the agency's operation of the program. Any proposed continuing training program must provide for the program to consist of courses that address at least all of the following:

(1) Parents and foster caregivers as part of child protection teams;

(2) The dynamics of child abuse and neglect and recognizing and preventing child abuse and neglect;

(3) The effect of child abuse and neglect on child development;

(4) How foster caregivers should work with children and their families regarding placement, separation, and attachment issues;

(5) Behavior management techniques;

(6) Foster caregivers' working with children's families;

(7) Effects of caregiving on children's families;

(8) Caring for children who have been sexually abused;

(9) Cultural competency;

(10) Substance abuse and dependency;

(11) Symptoms of mental illness and learning disorders;

(12) Developmentally appropriate activities for children;

(13) In the case of a continuing training program for a foster caregiver seeking recertification of a treatment foster home, additional issues specific to the types of children placed in treatment foster homes, including physical restraint techniques and the appropriate use of physical restraints.

ODJFS, in consultation with the Departments of Youth Services, Mental Health, and Alcohol and Drug Addiction Services, is to develop a model design of a preplacement training program and continuing training program. The model designs must include courses that training programs need for ODJFS approval. ODJFS is required to make the model designs available to PCSAs, PCPAs, and PNAs. An agency's proposed training program submitted to ODJFS for approval may be the same as, a modification of, or different from, a model design.

ODJFS to pay for cost of training

(secs. 5103.0312, 5103.0313, 5103.0314, and 5103.0315)

The bill requires that ODJFS pay foster caregivers for attending training courses pursuant to an ODJFS-approved preplacement or continuing training program. The payment is to be based on a per diem rate ODJFS establishes. The payment must be the same regardless of the type of agency with which a foster caregiver works for recommendation of certification.

ODJFS is required to reimburse a PCSA, PCPA, and PNA for the cost to the agency of providing training to a foster caregiver through an ODJFS-approved preplacement or continuing training program. The reimbursement is to be on a per diem basis and limited to the cost associated with the trainer, obtaining a site at which the training is provided, and the administration of the training. A reimbursement rate must be the same regardless of the type of agency providing the training. ODJFS is not allowed to reimburse an agency for the cost of any training the agency requires a foster caregiver to undergo as a condition of the agency recommending that ODJFS issue or renew a foster home certificate if the training is in addition to the training the bill requires.

ODJFS is required to seek federal financial participation for the cost of making payments under the bill to foster caregivers and reimbursements to PCSAs, PCPAs, and PNAs. ODJFS must notify the Governor, President and Minority Leader of the Senate, and Speaker and Minority Leader of the House of Representatives of any proposed federal legislation that endangers the federal financial participation.

Rules

(sec. 5103.0316)

ODJFS is required by the bill to adopt rules in accordance with the Administrative Procedure Act as necessary for the efficient administration of the foster caregiver training requirements. The rules are to provide for (1) the date by which a PCSA, PCPA, or PNA must submit to ODJFS a proposal outlining a proposed preplacement or continuing training program, (2) requirements governing ODJFS's reimbursement of agencies for the cost of providing training to foster caregivers, and (3) any other matter ODJFS considers appropriate. The rules must be adopted not later than 90 days after the bill's effective date (January 1, 2001).

Types of foster homes

(secs. 2151.011 and 5103.02; sections amended for consistency or technical purposes: 2151.312, 2151.331, 2151.34, 2151.353, 2151.418, 2151.55, 2151.554, 2151.62, 2907.08, 3313.64, 5101.14, 5101.141, 5103.0317, 5103.0318, 5103.13, 5103.131, 5123.77, 5153.01, 5153.16, and 5153.161)

In general, current law refers to foster homes as "family foster homes." A treatment foster home is a specialized type of family foster home. Because the bill establishes more training requirements for a foster caregiver operating a treatment foster home than for a foster caregiver operating a family foster home, the bill provides that family foster homes and treatment foster homes are two different types of foster homes. Consistent with this change, references in current law to "family foster homes" are replaced by the bill with references to "foster homes."

The bill generally applies the current law definition of "family foster home" to "foster home": a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training 24 hours a day.[5] A home in which care is provided for a child while the child's parent, guardian, or legal custodian is temporarily away is not a foster home.

Under current law, a treatment foster home is a home that incorporates special psychological or medical treatment designed to care for the specific needs of foster children who are emotionally or behaviorally disturbed, medically fragile requiring special medical treatment due to physical ailment or condition, mentally retarded, or developmentally disabled. The bill defines "treatment foster home" as a home that incorporates special rehabilitative services designed to treat the specific needs of foster children who are emotionally or behaviorally disturbed, chemically dependent, medically fragile, mentally retarded, or developmentally disabled or otherwise have exceptional or intensive needs.

"Family foster home" is defined as a foster home that is not a treatment foster home.

Effective date

(Section 5)

The effective date of the bill is January 1, 2001.

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[5] *The current law definition provides that the individual provides the nonsecure care, supervision, or training for hire, gain, or reward rather than reimbursement.*

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	05-05-99	pp.	557-558
Reported, H. Family & Children Services	02-10-00	p.	1588
Passed House (94-1)	02-16-00	pp.	1608-1609

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