



Stephanie Vermeer

*Final Analysis*  
Legislative Service Commission

## **Sub. S.B. 66**

125th General Assembly  
(As Passed by the General Assembly)

**Sens. Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady, Armbruster, Carey, Mumper, Prentiss, Roberts, Spada, Zurz**

**Reps. Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach, Skindell, Slaby, Widowfield, Willamowski, Allen, Barrett, Beatty, Brown, Carmichael, Chandler, Cirelli, DeBose, Domenick, C. Evans, Faber, Gibbs, Key, Martin, Miller, Niehaus, Oelslager, Otterman, Perry, Price, G. Smith, D. Stewart, Strahorn, Widener**

**Effective date:** \*

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### **ACT SUMMARY**

- Authorizes counties to establish children's advocacy centers to perform functions and activities and provide services regarding reports alleging certain types of abuse of a child.
- Provides that the entities establishing a children's advocacy center must assemble a children's advocacy center's multidisciplinary team.
- Requires the multidisciplinary team to perform the functions and activities and provide the services specified in an applicable interagency agreement.
- Modifies certain provisions regarding reports of child abuse or neglect to reflect the establishment of children's advocacy centers and to link certain rules and procedures under these provisions to the centers.
- Modifies provisions pertaining to "memoranda of understanding" that public children services agencies must prepare regarding reports of child

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

abuse and neglect to reflect the establishment of children's advocacy centers.

- Provides that the Children's Trust Fund Board's state plan for comprehensive child abuse and child neglect prevention may define the term "effective public notice," but if it does not, it must include in the state plan the definition of the term specified in rules adopted by Department of Job and Family Services.
- Changes references to the plans to be adopted by child abuse and child neglect prevention advisory boards from "comprehensive allocation plans" to "local allocation plans" and specifies that, in addition to reviewing them, the Children's Trust Fund Board is to approve or disapprove the local allocation plans.
- Eliminates the ability of the Children's Trust Fund Board to revise the allocation of funds to a child abuse and child neglect prevention advisory board if the advisory board is not operating in accordance with the operational criteria established in the state plan, and recognizes as an exception to the general allocation amount provisions it enacts that, in certain circumstances, the Board may allocate a reduced amount in a succeeding year to an advisory board.
- Requires the Children's Trust Fund Board to allocate funds to entities other than child abuse and child neglect prevention advisory boards to fund certain programs only if the programs have statewide significance and have been approved by the Board.
- Requires the recipients of Children's Trust Fund grants to make semi-annual as well as annual reports.
- Makes other changes regarding the Children's Trust Fund Board and grants.

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## CONTENT AND OPERATION

### Children's advocacy centers

#### Establishment

The act authorizes any county, or any group of contiguous counties, to establish a children's advocacy center<sup>1</sup> to serve the county or counties. It specifies that a children's advocacy center may be established to serve a single county by execution of a memorandum of understanding regarding the participation in the operation of the center (a child advocacy center (CAC) memorandum) by any of the following entities in the county to be served by the center: (1) the public children services agency, (2) representatives of any county or municipal law enforcement agencies serving the county that investigate the types of abuse of children within jurisdiction of the CAC, including "sexual abuse of children,"<sup>2</sup> (3) the prosecuting attorney of the county or a chief legal officer of a municipal corporation in the county who prosecutes the types of abuse of children within the jurisdiction of the CAC, in the area to be served by the center, and (4) any other entity considered appropriate by all the other entities executing the memorandum.

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<sup>1</sup> *The act defines "child advocacy center" as "a center operated by participating entities within a county or two or more contiguous counties to perform functions and activities and provide services, in accordance with [an] interagency agreement. . . , regarding reports . . . of alleged sexual abuse of a child [or certain other types of child abuse]" (R.C. 2151.425(A)).*

<sup>2</sup> *"Sexual abuse of a child" means unlawful sexual conduct or contact with a person under age 18 or with a mentally retarded, developmentally disabled, or physically impaired person under age 21 (R.C. 2151.425(B)).*

The act specifies that a center may be established to serve two or more contiguous counties if a CAC memorandum is executed by any of the entities described in clauses (1) to (4) of the preceding sentence in *each* county to be served by the center. (R.C. 2151.426(A)(1) and (2).)

A CAC memorandum may include a provision that specifies types of abuse of a child, in addition to sexual abuse of a child, that are to be within the jurisdiction of the children's advocacy center. If a CAC memorandum does not include a provision of that nature, the center has jurisdiction only in relation to reports of alleged sexual abuse of a child. (R.C. 2151.426(A)(3).)

Under the act, each entity that participates in the execution of a CAC memorandum<sup>3</sup> must cooperate in all of the following: (1) developing the center's multidisciplinary team, (2) participating in the operation of the center in compliance with standards for full membership established by the National Children's Alliance, and (3) employing the center's staff. (R.C. 2151.426(B).)

The act specifies that a children's advocacy center must operate in accordance with provisions requiring the assembly of the multidisciplinary team and the creation of an interagency agreement, the applicable interagency agreement, and the standards for full membership established by the National Children's Alliance. The act also requires the center to register annually with the Attorney General.<sup>4</sup> (R.C. 2151.426(C).)

### **Multidisciplinary team**

**Establishment.** The act requires the entities that participate in a CAC memorandum to assemble the children's advocacy center's multidisciplinary team. For a single county center, the team must consist of the following members who serve the county: (1) a county or municipal law enforcement officer, (2) the

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<sup>3</sup> *It is unclear if there is a distinction between entities that participate in the CAC memorandum, entities that participate in the execution of the CAC memorandum, and entities that actually execute the memorandum. The act places different duties and responsibilities on each of these types of entities. For example, entities that participate in the execution of the memorandum are required to cooperate in the development of a multidisciplinary team (R.C. 2151.426(B)(1)), entities that participate in the memorandum are required to assemble the multidisciplinary team (R.C. 2151.427(A)), yet entities that execute the memorandum may include on the team any appropriate person (R.C. 2151.427(B)).*

<sup>4</sup> *While the act requires the centers to register with the Attorney General, it does not require the Attorney General to establish a registry, nor does it provide the Attorney General with the authority to promulgate rules related to the registry.*

executive director of the public children services agency or a designee of the executive director, (3) the county's prosecuting attorney or the prosecuting attorney's designee, (4) a mental health professional, (5) a medical health professional, (6) a victim advocate, (7) a center staff member, and (8) any other person considered appropriate by all the entities that executed the memorandum. If the center serves two or more contiguous counties, the multidisciplinary team must consist of the members described in the preceding sentence from the counties to be served by the center, but each county to be served by the center must be represented on the team by at least one of those members. (R.C. 2151.427(A) and (B).)

**General duties.** The act requires that a children's advocacy center's multidisciplinary team perform the functions and activities and provide the services specified in the applicable interagency agreement regarding reports of alleged sexual abuse of a child and reports of allegations of another type of abuse of a child that is specified in the applicable CAC memorandum as being within the center's jurisdiction and regarding the children who are the subjects of the reports (R.C. 2151.427(C)).

**Investigations by multidisciplinary team, and report.** If a children's advocacy center is established under the act, in addition to the CAC memorandum, each public children services agency that participates in the execution of the CAC memorandum, the children's advocacy center, and the center's multidisciplinary team must enter into an interagency agreement. The interagency agreement must stipulate all of the following regarding reports of any type of alleged abuse of a child that is within the center's jurisdiction (R.C. 2151.428):

- (1) The protocol and procedures for referrals and investigations of the reports;
- (2) The coordinating activities between the parties that enter into the agreement;
- (3) The authority or responsibility for performing the functions and activities and providing the services regarding the reports and the children who are the subjects of the reports.

Under the act, the parties that enter into an interagency agreement must comply with the agreement in referring and investigating the reports, coordinating the activities between the parties, and performing and providing the functions, activities, and services relative to the reports and the children who are the subjects of the reports. (R.C. 2151.428(A) and (B).)

### **Continuation of legal obligations and responsibilities**

None of the act's provisions pertaining to the operation of a children's advocacy center relieve any public official or agency from any legal obligation or responsibility (R.C. 2151.428(C)).

### **Reports of child abuse and neglect**

#### **Reports and investigations**

**Continuing law.** Continuing law prohibits a person in one of certain professions who is acting in an official or professional capacity and knows or suspects that a child under 18 years of age (or a mentally retarded, developmentally disabled, or physically impaired child under 21 years of age) has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, from failing to immediately report that knowledge or suspicion to the appropriate person or agency.<sup>5</sup> Generally, reports can be made to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. Continuing law also authorizes any person who knows or suspects that a child under 18 years of age (or a mentally retarded, developmentally disabled, or physically impaired child under 21 years of age) has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, to report or cause reports to be made of that knowledge or suspicion. If such a report is made to a municipal or county peace officer, on receipt of the report the officer is required to refer it to the appropriate public children services agency.

Continuing law provides procedures for making the mandatory report, rules and procedures regarding follow-ups and investigations regarding the report, a qualified civil immunity regarding the making of the report, rules regarding the use or confidentiality of the report, and rules and procedures regarding protective services based on the report. (R.C. 2151.421(A) to (I), and (K) to (N).)

**The act.** The act modifies some of the rules and procedures pertaining to follow-ups and investigations regarding a report of child abuse or neglect, and related provisions, to reflect the establishment of children's advocacy centers and to link the rules, procedures, and provisions to the centers. Specifically, the act does the following:

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<sup>5</sup> *Mandatory reporters include attorneys, physicians, dentists, nurses, psychologists, and teachers (R.C. 2151.421(A)(1)(b)).*

(1) Provides that, when a public children services agency serving a county that is also served by a children's advocacy center receives a report alleging sexual abuse of a child or another type of abuse that is within the center's jurisdiction directly from a person reporting the abuse or neglect, or from a peace officer, the agency must comply with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the applicable interagency agreement relative to the center (R.C. 2151.421(D)).

(2) Specifies that the investigation provision in continuing law does not apply as provided in the interagency agreement that applies to the report. Continuing law specifies that the public children services agency generally must investigate, within 24 hours, each report of known or suspected child abuse or neglect and of a known or suspected threat of child abuse or neglect that is referred to it made by a mandatory or discretionary reporter to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. (R.C. 2151.421(F).)

(3) States that, when a report is made concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child and that child dies for any reason at any time after the report is made but before the child attains 18 years of age, if the county served by the public children services agency also is served by a children's advocacy center, and if the report of abuse is specified in the CAC memorandum as being within the center's jurisdiction, the agency or center must perform certain duties and functions specified in continuing law in accordance with the applicable interagency agreement (submitting information to the Child Fatality Review Board). (R.C. 2151.421(H)(4).)

(4) Expands a provision of continuing law to also apply to reports that are referred pursuant to the applicable interagency agreement to a children's advocacy center under the act. Continuing law requires a public children services agency to advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report in writing of the disposition of the investigation. The agency cannot provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. (R.C. 2151.421(H)(5).)

(5) Expands a "request" provision of continuing law to permit a person who is a mandatory reporter of child abuse or neglect to make a reasonable number of requests of the children's advocacy center that receives or is referred the report to be provided information as to whether the center has initiated an investigation of the report, whether the center is continuing to investigate the

report, whether the center is otherwise involved with the child who is the subject of the report, the general status of the health and safety of the child who is the subject of the report, and whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. Continuing law specifies that a person who is a mandatory reporter of child abuse or neglect may make a reasonable number of requests of the public children services agency that receives or is referred the report to be provided the same information. In both cases, the person may request this information only if, at the time the report is made, the person's name, address, and telephone number are provided to the recipient of the report. Each request is subject to verification of the identity of the person making the report; if that person's identity is verified, the agency must provide the person with the specified information a reasonable number of times, except that the agency cannot disclose any confidential information regarding the child who is the subject of the report other than the specified information. A request for information under this provision is not a substitute for any report required to be made pursuant to the mandatory reporting requirements. (R.C. 2151.421(K).)

### **Memorandum of understanding**

**Continuing law.** Continuing law requires each public children services agency to prepare a memorandum of understanding (continuing law memorandum) that is signed by all of the following: (1) if there is only one juvenile judge in the county, the juvenile judge of the county or the judge's representative, (2) if there is more than one juvenile judge in the county, a juvenile judge or a representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior judge's representative, (3) the county peace officer, (4) all chief municipal peace officers within the county, (5) other law enforcement officers handling child abuse and neglect cases in the county, (6) the county's prosecuting attorney, (7) if the public children services agency is not the county department of job and family services, the county department of job and family services, and (8) the county humane society.

A continuing law memorandum must set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under the reporting law and certain sections of the Criminal Code. It must have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made by mandatory or discretionary reporters and, when feasible, providing for only one interview of a child who is the subject of any report so made. Failure to follow the procedure set forth in the continuing law memorandum by the concerned officials is not grounds for, and does not result in, the dismissal of any charges or

complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give any rights or grounds for appeal or post-conviction relief.

A continuing law memorandum must include all of the following: (1) the roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect, (2) standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, (3) methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and (4) standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected. (R.C. 2151.421(J).)

***The act.*** The act modifies the existing "memorandum of understanding" provisions to reflect the establishment of children's advocacy centers, and to link the continuing provisions to the centers. Specifically, the act:

(1) Expands the required signatories of a continuing law memorandum to specify that, if a public children services agency participated in the execution of a CAC memorandum, each participating member of the children's advocacy center established by the CAC memorandum also must be a signatory of the continuing law memorandum (R.C. 2151.421(J)(1)).

(2) Specifies that, if a public children services agency participated in the execution of a CAC memorandum, the agency must incorporate the contents of that memorandum in the continuing law memorandum (R.C. 2151.421(J)(4)).

### **Children's Trust Fund and Children's Trust Fund Board**

#### **Establishment and general functions**

Continuing law creates the Children's Trust Fund, and specifies that certain fees collected for certified copies of a birth record, certifications of birth, and copies of a death record, or fees collected by a common pleas court on the filing of a divorce or dissolution proceeding must be deposited into the Fund. Continuing law also creates within the Department of Job and Family Services (ODJFS) the Children's Trust Fund Board, consisting of 15 members. The members are specified public officials from the executive branch, public members from specified categories of persons, and members of the General Assembly.<sup>6</sup> The

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<sup>6</sup> *The membership of the Children's Trust Fund Board is as follows: (a) the Directors of Alcohol and Drug Addiction Services, Health, and Job and Family Services, (b) eight public members appointed by the Governor, (c) two members of the House of Representatives appointed by the Speaker, who are members of different political parties,*

Board's chairperson is appointed by the Speaker of the House of Representatives from among the House members on the Board at the beginning of the first year of each even-numbered General Assembly, and by the President of the Senate from among the Senate members at the beginning of the first year of each odd-numbered General Assembly. (R.C. 3109.14 and 3109.15, not in the act.)

The Board, on the recommendation of ODJFS's Director, approves the employment of an executive director to administer the Board's programs. ODJFS provides budgetary, procurement, accounting, and other related management functions for the Board, and an amount not to exceed 3% of the total amount of fees deposited in the Children's Trust Fund in each fiscal year may be used for costs directly related to these administrative functions of ODJFS. The Board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs.<sup>7</sup> The Board also may accept gifts and donations from any source. The acceptance and use of federal funds does not entail any commitment or pledge of state funds, nor obligate the General Assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this paragraph must be transmitted to the State Treasurer and credited to the Children's Trust Fund. (R.C. 3109.16, not in the act.)

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*and (d) two members of the Senate appointed by the President, who are members of different political parties. The law provides the terms of the members, procedures for their removal, and specifies that they serve without compensation but are reimbursed for all actual and necessary expenses incurred in the performance of official duties.*

<sup>7</sup> *"Child abuse and child neglect prevention programs" are programs that use "primary and secondary prevention strategies" that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect.*

*"Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.*

*"Secondary prevention strategies" are activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect. (R.C. 3109.13, not in the act.)*

**State plan for comprehensive child abuse and child neglect prevention**

**Continuing and former law.** Under law largely retained by the act, for each fiscal biennium, the Children's Trust Fund Board must establish a biennial state plan for comprehensive child abuse and child neglect prevention, transmit the plan to the Governor, the Senate President and Minority Leader, and the House Speaker and Minority Leader, and make the plan available to the general public. The Board must include in the state plan the definition of "effective public notice" specified in rules adopted by ODJFS. (R.C. 3109.17(A).) In developing and carrying out the state plan, the Board, in accordance with the Administrative Procedure Act, must do all of the following (R.C. 3109.17(B)):

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Notify each child abuse and child neglect prevention advisory board before October 30 of each year of the amount estimated to be allocated to that advisory board for the following fiscal year;

(3) Develop criteria for county or district comprehensive allocation plans, including criteria for determining the plans' effectiveness;

(4) Review county or district comprehensive allocation plans;

(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. Funds must be allocated among advisory boards according to a formula based on the ratio of the number of children under age 18 in the county or multicounty district to the number of children under age 18 in the state, as shown in the most recent federal census. Subject to the availability of funds: each advisory board must receive a minimum of \$10,000 per fiscal year and an advisory board that serves a multicounty district must receive a minimum of \$10,000 per fiscal year for each county in the district. Funds are disbursed to the advisory boards twice annually. At least 50% of the funds allocated to an advisory board must be disbursed to the board not later than September 30 and the remainder of the funds must be disbursed before March 31. If the Children's Trust Fund Board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established as described above in (3), it may revise the allocation of funds that the advisory board receives. The Board must specify the criteria child abuse and child neglect prevention advisory boards are to use in reviewing applications for funding.

(6) Allocate funds to entities other than child abuse and child neglect prevention advisory boards to fund child abuse and child neglect prevention programs approved in the state plan;

(7) Provide for the monitoring of expenditures from the Fund and of programs that receive money from the Fund;

(8) Establish reporting requirements for advisory boards;

(9) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(10) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention;

(11) Create and provide to each advisory board a Children's Trust Fund grant application form;

(12) Specify the information to be included in an annual report completed by a recipient of a Children's Trust Fund grant.

Continuing law requires the Children's Trust Fund Board to prepare a report for each fiscal biennium that delineates the expenditure of money from the Fund. On January 1 in a year that follows the end of a state fiscal biennium, the Board must file a copy of the report with the Governor, the Senate President and Minority Leader, and the House Speaker and Minority Leader (R.C. 3109.17(C)).

**The act.** The act specifies that the Children's Trust Fund Board may define the term "effective public notice" in the state plan and that, if it does not, it must include in the state plan the definition of the term specified in rules adopted by ODJFS (R.C. 3109.17(A)). Regarding the provisions that impose specified duties on the Board in its development and carrying out of the state plan, the act revises the provisions as follows:

(1) Changes references to the plans adopted by child abuse and child neglect prevention advisory boards from "comprehensive allocation plans" to "local allocation plans" and specifies that, in addition to reviewing them, the Board must approve or disapprove the local allocation plans (R.C. 3109.17(B)(3) and (4)).

(2) Removes language from provisions regarding the Board's allocation of funds that permitted the Board to revise the allocation of funds to an advisory board if the advisory board was not operating in accordance with the operational criteria established in the state plan (R.C. 3109.17(B)(5)).



(3) Recognizes an exception to the act's general allocation amount provisions that, in certain circumstances, permits the Board to allocate a reduced amount in a succeeding year to an advisory board (R.C. 3109.17(B)(5)).

(4) Modifies the provision regarding the Board's allocation of funds to entities other than child abuse and child neglect prevention advisory boards funding child abuse and child neglect prevention programs approved in the state plan. The act requires the Board to allocate funds to the other entities to fund prevention programs only if the programs have statewide significance and have been approved by the Board (instead of having been approved in the state plan, as under former law) (R.C. 3109.17(B)(6)).

(5) Conforms the provision regarding the Board's specification of information to be included in reports completed by recipients of Children's Trust Fund grants to other provisions requiring the recipients to make semi-annual as well as annual reports. Under the act, the Board must specify the information to be included in the semi-annual and the annual report completed by the children's advocacy center and by the other recipients. (R.C. 3109.17(B)(12).)

#### **Funding sources**

The act requires the Children's Trust Fund Board to develop a list of all state and federal sources of funding that might be available for establishing or operating a children's advocacy center. The Board must periodically: (1) update the list as necessary, (2) maintain, or provide for the maintenance of, the list at an appropriate location (which may be the offices of ODJFS), and (3) provide the list on request to any children's advocacy center or to any person or entity identified in the act as a person or entity that may participate in the establishment of such a center. (R.C. 3109.17(D).)

#### **Child abuse and child neglect prevention advisory boards**

##### **Establishment and general functions**

**Continuing and former law.** Continuing and former law permits a board of county commissioners to establish a child abuse and child neglect prevention advisory board or designate the county family and children first council to serve as the advisory board. It also permits the boards of county commissioners of two or more contiguous counties to instead form a multicounty district to be served by a child abuse and child neglect prevention advisory board or designate a regional family and children first council to serve as the district advisory board. The county auditor is designated as the auditor and fiscal officer of the advisory board. In the case of a multicounty district, the boards of county commissioners that formed the district designate the auditor of one of the counties as the auditor and

fiscal officer of the advisory board. Except when a county or regional family and children first council is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board must consist of an odd number of members from both the public and private sectors; continuing law specifies certain categories of persons who must be on the advisory board and certain categories who may be on the advisory board.<sup>8</sup>

Under continuing law, each county that establishes an advisory board or, in a multicounty district, "the county the auditor of which has been designated as the auditor and fiscal officer of the advisory board," must establish a fund in the county treasury known as the County or District Children's Trust Fund. Under former law, the advisory board was required to deposit all funds received from the Children's Trust Fund Board into that Fund, and the auditor must distribute money from the Fund at the request of the advisory board.

Under continuing law, each January, the board of county commissioners of a county that has established an advisory board or, in a multicounty district, the appropriate board of county commissioners must appropriate the amount the Children's Trust Fund Board has indicated will be available in the following fiscal year for distribution by the advisory board to child abuse and child neglect prevention programs. Under former law, the appropriate board of county commissioners was the board of the county the auditor of which had been designated as the auditor and fiscal officer for the advisory board. And formerly each board of county commissioners could incur reasonable costs not to exceed 5% of the funds allocated to the county or district by the Board, for the purpose of carrying out the functions of the advisory board. (R.C. 3109.18(A) to (E).)

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<sup>8</sup> *Except when a county or regional family and children first council is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board must include: (a) a representative of an agency responsible for the administration of children's services in the county or district, (b) a provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district, (c) a provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district, (d) a representative of a board of mental retardation and developmental disabilities that serves the county or district, and (e) a representative of the educational community appointed by the superintendent of the school district with the largest enrollment in the county or multicounty district. The advisory board may include persons who represent: parent groups; juvenile justice officials; pediatricians, health department nurses, and other representatives of the medical community; school personnel; counselors and social workers; head start agencies; child day-care providers; and other persons with demonstrated knowledge in programs for children. Continuing law provides the terms of the members.*

**The act.** The act modifies some of the continuing provisions regarding the establishment and general functions of a child abuse and child neglect prevention advisory board, as follows:

(1) Requires the auditor who has been designated as the auditor and fiscal officer of the advisory board in a multicounty district to establish the County or District Children's Trust Fund and requires the auditor to deposit all funds received from the Children's Trust Fund Board into that Fund (R.C. 3109.18(B) and (C)).

(2) Permits the advisory board, not the board of county commissioners, to incur reasonable costs to carry out the functions of the advisory board (R.C. 3109.18(E)).

**Plan for preventing child abuse and neglect; grants**

**Continuing and former law.** Continuing law requires each child abuse and child neglect prevention advisory board to do all of the following (R.C. 3109.18(F)):

(1) Develop a comprehensive allocation plan for preventing child abuse and child neglect and submit the plan to the Children's Trust Fund Board;

(2) Provide effective public notice, as defined in rules adopted by ODJFS, to potential applicants about the availability of funds from the Children's Trust Fund, including an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for submitting grant applications;

(3) Review all applications received using criteria specified in the state plan adopted by the Children's Trust Fund Board;

(4) Make grants to child abuse and child neglect prevention programs consistent with the plan described above. Under former law, in making such grants, the advisory board could consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers.

(5) Establish reporting requirements for grant recipients.

**The act.** The act modifies some of the existing provisions regarding a child abuse and child neglect prevention advisory board's plan for preventing child abuse and neglect, and the making of grants, as follows:

(1) Changes the name of the "comprehensive allocation plan" to a "local allocation plan," requires each advisory board to develop a local allocation plan for each fiscal biennium (R.C. 3109.18(F)(1) and (G));

(2) Requires the advisory board to submit the plan to the Children's Trust Fund Board on or before April 1 preceding the fiscal year for which the plan is developed (R.C. 3109.18(F)(1)).

(3) Conforms the continuing provision that requires each advisory board to provide "effective public notice" to potential applicants about specified matters to another provision of the act that permits that Board to define "effective public notice" in the state plan. Under the act, each advisory board must provide "effective public notice" of the specified matters as defined by the Board in the state plan or, if the Board does not define the term in the state plan, as defined in rules adopted by ODJFS. (R.C. 3109.18(F)(2).)

(4) Eliminates language identifying certain factors that the advisory boards may consider in making grants to child abuse and child neglect prevention programs (R.C. 3109.18(F)(4)).

(5) Modifies the continuing provision that requires advisory boards to establish reporting requirements for grant recipients so that the provision instead requires the boards to establish any reporting requirements for grant recipients, in addition to those specified by the Children's Trust Fund Board, and for children's advocacy centers that use Children's Trust Fund Board funds for start-up costs (R.C. 3109.18(F)(5)).

**Approval, revision, failure to submit, or denial of plan**

The act provides that, on receipt of a local allocation plan from a child abuse and child neglect prevention advisory board that is submitted as described above, the Children's Trust Fund Board may either approve the plan or require the advisory board to make changes to the plan and submit an amended plan.

If an advisory board fails to submit a local allocation plan as described above that is postmarked on or before April 1 preceding the fiscal year for which the plan is developed, if an advisory board fails to submit an amended plan as described in the preceding paragraph, or if a plan or an amended plan submitted by an advisory board is not approved by the Board, the Board may do either of the following for the fiscal year for which the plan was to have been developed: (1) deny funding to the advisory board, or (2) allocate a reduced amount of funds to the advisory board, on a *pro-rata* daily basis. (R.C. 3109.171(A) and (B).)

### **Use of funds for start-up costs for children's advocacy centers**

Each child abuse and child neglect prevention advisory board may request funds for one-time start-up costs from the Children's Trust Fund Board in addition to any funds that are allocated to the advisory board under the state plan. These one-time start-up costs are for the establishment and operation of a children's advocacy center. If the advisory board serves a single county, it may request up to \$5,000. If the advisory board serves multiple counties, it may request up to \$5,000 per county served by the center.

The act also permits each children's advocacy center to request funds annually from the Children's Trust Fund Board for primary prevention strategies.<sup>9</sup> These funds are in addition to any funds allocated to the advisory board by the Children's Trust Fund Board under the state plan.

When the Board receives a request for funds for start-up costs or additional funds for primary prevention strategies, the act requires the Board to review and either approve or disapprove the request. If the Board disapproves the request, it must notify the requestor of the denial in writing. The notice must state the reasons for the Board's disapproval.

The act prohibits using funds allocated to an advisory board for start-up costs for a children's advocacy center unless the center has a primary prevention strategy component. The act also requires that funds allocated as start-up costs be used in the fiscal year in which they are granted and only for the center for which they are granted. (R.C. 3109.172.)

### **Procedures, duties, and reports regarding moneys**

**Continuing law.** Continuing law requires each child abuse and child neglect prevention advisory board to assist the Children's Trust Fund Board in monitoring programs that receive money from the Children's Trust Fund and to perform such other duties for the local administration of the Fund as the Board requires.

Applications for grants from the Children's Trust Fund must be made to the advisory board on forms prescribed by the Children's Trust Fund Board. A recipient of a grant from the Fund must use the grant funds only to fund primary and secondary child abuse and child neglect prevention programs. Any grant funds not spent within the time specified by the terms of the grant must be

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<sup>9</sup> "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed (R.C. 3109.13(B), not in the act).

returned to the county treasurer. Any grant funds returned to the county that are not redistributed by the advisory board within the state fiscal year in which they are received must be returned to the State Treasurer. The State Treasurer must deposit such unspent moneys into the Children's Trust Fund to be spent consistent with the Children's Trust Fund Board's state plan.

Each recipient of a Children's Trust Fund grant from an advisory board must file with the advisory board a copy of an annual report that includes the information required by the Children's Trust Fund Board. Each advisory board must file with the Children's Trust Fund Board a copy of an annual report regarding the county or district comprehensive allocation plan that contains the information required by the Board. (R.C. 3109.18(H) to (K).)

**The act.** The act specifies that a children's advocacy center for which an advisory board uses any funds from the Children's Trust Fund Board as start-up costs must use the moneys so received only for establishment and operation of the center in accordance with the act's provisions pertaining to such centers (R.C. 3109.18(I)).

Additionally, the act requires recipients of grants from an advisory board to make semi-annual, as well as annual, reports that include the information required by the Children's Trust Fund Board. Under the act, children's advocacy centers that receive any one-time, start-up costs for the center must file the semi-annual and annual reports with the advisory board. (R.C. 3109.18(K)(1).)

The act requires that the annual reports filed with the Children's Trust Fund Board by the advisory boards cover the particular advisory board's use of any amount out of the funds allocated to it by the Children's Trust Fund Board as start-up costs for the establishment and operation of a children's advocacy center as well as the local allocation plan that contains the information required by the Board. The act provides that the advisory boards must file the annual reports with the Board not later than August 15 following the year for which the particular report is written (R.C. 3109.18(K)(2)).

#### **Failure to submit annual report**

The act specifies that, if a child abuse and child neglect prevention advisory board fails to submit to the Children's Trust Fund Board an annual report by August 15 following the year for which the report is written, the Board, for the following fiscal year, may allocate a reduced amount of funds to the advisory board on a pro-rata basis (R.C. 3109.171(C)).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-02-03	p. 245
Reported, S. Judiciary	04-27-04	p. 1765
Passed Senate (31-0)	04-27-04	pp. 1766-1767
Reported, H. Juvenile & Family Law	11-18-04	p. 2289
Passed House (97-0)	12-07-04	pp. 2364-2365
Senate concurred in House amendments (32-0)	12-08-04	pp. 2436-2437

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