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*Bill Analysis*  
*Legislative Service Commission*

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

125th General Assembly  
(As Passed by the Senate)

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

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### **BILL SUMMARY**

- Authorizes counties to establish children's advocacy centers, through execution of a memorandum of understanding by specified county officials and entities, to perform functions and activities and provide services, in accordance with the applicable interagency agreement, regarding reports of alleged sexual abuse of a child or another type of abuse within the center's jurisdiction and regarding the children who are the subjects of the reports.
- Provides that the entities that establish a children's advocacy center must assemble a children's advocacy center's multidisciplinary team, and requires the multidisciplinary team to 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 are within the center's jurisdiction.
- Modifies certain existing provisions pertaining to mandatory and discretionary reporting of child abuse or neglect to reflect the establishment of children's advocacy centers and to link certain rules and procedures under the existing provisions to the centers.
- Modifies existing provisions that pertain to "memoranda of understanding" that public children services agencies are required to prepare regarding reports of child abuse and neglect to reflect the establishment of children's advocacy centers.
- Provides that, in the Children's Trust Fund Board's state plan for comprehensive child abuse and child neglect prevention, the Board may

define the term "effective public notice," but if it does not, it must include in the state plan (as under existing law) 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.
- Expands the purposes for which an allocation from the Children's Trust Fund Board to child abuse and child neglect prevention advisory boards (advisory boards) is made to permit an advisory board's use of a portion of the funds for one-time, start-up costs for children's advocacy centers.
- Eliminates the ability of the Children's Trust Fund Board to revise the allocation of funds to an 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 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 to make semi-annual as well as annual reports and that require children's advocacy centers that receive from an advisory board one-time, start-up costs for the center to make the 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 bill 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 severe physical abuse of children and "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 severe physical abuse of children and sexual abuse of children in the area to be served by the center, and (4) any other entity considered appropriate by all the other entities executing the memorandum. The bill specifies that a center may be

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<sup>1</sup> *The bill 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)).*

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, other than sexual abuse of a child, that are to be within the jurisdiction of the children's advocacy center.<sup>3</sup> 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 bill, each entity that participates in the execution of a CAC memorandum<sup>4</sup> must cooperate in all of the following: (1) developing the center's multidisciplinary team (see below), (2) participating in the operation of the center in compliance with standards for full membership established by the National Children's Alliance (see **COMMENT**), and (3) employing the center's staff. (R.C. 2151.426(B).)

The bill 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 (see below), as well as the applicable interagency agreement, and the standards for full membership established by the

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<sup>3</sup> *It appears from the definition of the term "child advocacy center" that the intention of the bill is to provide centers with jurisdiction in situations involving reports of alleged sexual abuse regardless of whether the center is given jurisdiction over other types of abuse. The bill, however, provides that the CAC memorandum can include a provision specifying types of abuse other than sexual abuse that may fall within the jurisdiction of the center. Because of the use of the phrase "other than" it seems unclear whether jurisdiction over these specified types of abuse would be in addition to or instead of jurisdiction over cases of alleged sexual abuse. An amendment may be needed to remove this ambiguity.*

<sup>4</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 bill 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)).*

National Children's Alliance. The bill also requires the center to register annually with the Attorney General.<sup>5</sup> (R.C. 2151.426(C).)

**Multidisciplinary team**

**Establishment.** The bill 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 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 bill 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 bill, 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 alleged sexual abuse of a child and reports of allegations of another type of abuse of a child that is specified in the CAC memorandum as being within the center's jurisdiction (R.C. 2151.428):

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<sup>5</sup> *While the bill 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.*

(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 bill, 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**

The bill specifies that none of its 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**

**Existing law.** Existing 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>6</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. If the child is an inmate in the custody of a state correctional institution, however, reports must be made to the State Highway Patrol. Existing 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,

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<sup>6</sup> *Mandatory reporters include attorneys, physicians, dentists, nurses, psychologists, and teachers (R.C. 2151.421(A)(1)(b)).*

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.

Existing 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 bill.*** The bill modifies some of the existing rules and procedures pertaining to follow-ups and investigations regarding a report of child abuse or neglect, and related provisions, to reflect the establishment under its provisions of children's advocacy centers, as described above in "***Children's advocacy centers,***" and to link the rules, procedures, and provisions to the centers. Specifically, the bill does the following:

(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 regarding the report 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) Existing 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. Existing law describes the manner in which the investigation is to be made, specifies that the failure to make an investigation does not affect any charges or grant any rights to any person, and requires the submission of a report of the investigation to a Central Registry that the Department of Job and Family Services maintains and to the law enforcement agency. The bill specifies that this investigation provision does not apply as provided in the interagency agreement that applies to the report. (R.C. 2151.421(F).)

(3) Existing law provides 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 the child who is the subject of the report dies for any reason at any time after the report is made but before the child attains 18 years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the Child Fatality Review Board, must submit a summary sheet of information providing a summary of the report to the Review Board of the county in which the deceased child resided at the time of death. On the request of the Review Board, the agency or peace officer may, at its discretion, make the report available to the Review Board. The bill states that if the county served by the public children services agency also is served by a children's advocacy center and the report of abuse is specified in the CAC memorandum as being within the center's jurisdiction, the agency or center must perform the duties and functions specified in existing law in accordance with the applicable interagency agreement. (R.C. 2151.421(H)(4).)

(4) Existing 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. The bill expands this provision to also apply regarding reports that are referred pursuant to the applicable interagency agreement to a children's advocacy center under the bill. (R.C. 2151.421(H)(5).)

(5) Existing law specifies that a person who is a mandatory reporter of child abuse or neglect generally may make a reasonable number of requests of the public children services agency that receives or is referred the report to be provided information as to whether the agency has initiated an investigation of the report, whether the agency is continuing to investigate the report, whether the agency 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. 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. When a peace officer or employee of a public children services agency receives a report, the recipient must inform the person of the right to request this information. 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. The bill expands this "request" provision to also permit a person who is a mandatory reporter of child abuse or neglect to generally 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. (R.C. 2151.421(K).)

### **Memorandum of understanding**

**Existing law.** Existing law requires each public children services agency to prepare a memorandum of understanding (existing 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.

An existing 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, and 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 existing 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.

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

(1) Expands the required signatories of an existing 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 existing 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 existing law memorandum (R.C. 2151.421(J)(4)).

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

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

Existing law, unchanged by the bill, 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 collected by a common pleas court on the filing of a divorce or dissolution proceeding must be deposited into the Fund. Existing law, unchanged by the bill, 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>7</sup> The 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,

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<sup>7</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, 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.*

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 bill.)

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>8</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 bill.)

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

**Existing law.** Under existing law, 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)):

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<sup>8</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.*

(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) Before October 30 of each year, notify each child abuse and child neglect prevention advisory board 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: (a) each advisory board must receive a minimum of \$10,000 per fiscal year, and (b) 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 funds 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.

Existing law, unchanged by the bill, 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 bill.** The bill 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 (as under existing law) the definition of the term specified in rules adopted by ODJFS (R.C. 3109.17(A)). Regarding the existing provisions that impose specified duties on the Board in its development and carrying out of the state plan, the bill 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) In the provisions regarding the Board's allocation of funds to child abuse and child neglect prevention advisory boards: (a) expands the purposes for which the allocation is made to also refer to an advisory board's use of a portion of the funds for one-time start-up costs for children's advocacy centers as permitted under the bill, and (b) it removes language permitting the Board to revise the allocation of funds to an advisory board if the 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, permit the Board to allocate a reduced amount in a succeeding year to an advisory board (R.C. 3109.17(B)(5)).

(3) 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, so that the Board must allocate funds to the other entities to fund the

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 existing law) (R.C. 3109.17(B)(6)).

(4) 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 and requiring children's advocacy centers that receive from an advisory board one-time, start-up costs for the center to make the reports. Under the bill, 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 bill 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 periodically must update the list as necessary, must maintain, or provide for the maintenance of, the list at an appropriate location (which may be the offices of ODJFS), and must provide the list on request to any children's advocacy center or to any person or entity identified in the bill 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**

**Existing law.** Existing 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; the law specifies certain categories of persons who

must be on the advisory board and certain categories who may be on the advisory board.<sup>9</sup>

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. The advisory board must 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.

Each January, the board of county commissioners of a county that has established an advisory board or, in a multicounty district, the board of county commissioners of "the county the auditor of which has been designated as the auditor and fiscal officer for the advisory board," 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. Each board of county commissioners may 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).)

**The bill.** The bill modifies some of the existing 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

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<sup>9</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. The law provides the terms of the members.*

District Children's Trust Fund (instead of requiring "the county the auditor of which" has been so designated to establish the Fund, as under existing law), and requires the auditor to deposit all funds received from the Children's Trust Fund Board into that Fund (instead of requiring the advisory board to deposit those funds, as under existing law) (R.C. 3109.18(B)).

(2) Expands the existing provision that specifies that the appropriation by the board of county commissioners is for distribution by the advisory board to child abuse and child neglect prevention programs to also refer to distribution by the advisory board for certain other purposes, including start-up costs for children's advocacy centers as described below (R.C. 3109.18(C) and (E)(2)).

(3) Modifies existing law permitting boards of county commissioners to incur reasonable costs to carry out the functions of the advisory board to specify that the advisory board, and not the board of county commissioners, may incur those 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 advisory board's functions (R.C. 3109.18(E)(1)).

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

**Existing law.** Existing 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) Consistent with the plan described above in (1), make grants to child abuse and child neglect prevention programs. In making such grants, the advisory board may 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 bill.** The bill 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) It changes the name of the plan to a local allocation plan, requires each advisory board to develop a local allocation plan for each fiscal biennium, and 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); conforming change in R.C. 3109.18(G)).

(2) Conforms the existing provision that requires each advisory board to provide "effective public notice" to potential applicants about specified matters to another provision of the bill, discussed above that permits that Board to define "effective public notice" in the state plan. Under the bill, 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).)

(3) Eliminates language identifying certain factors that the advisory boards may consider in making grants to child abuse and child neglect prevention programs, and specifies that the provision does not limit an advisory board in using an amount out of the funds allocated to the board as one-time, start-up costs for a children's advocacy center (R.C. 3109.18(F)(4)).

(4) Modifies the existing provision requiring advisory boards to establish reporting requirements for grant recipients so that the provision instead provides that advisory boards must 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 advisory board funds for start-up costs (R.C. 3109.18(F)(5)).

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

The bill 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 resubmit 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**

The bill provides that, subject to certain restrictions, each child abuse and child neglect prevention advisory board may use an amount out of the funds allocated to the board by the Children's Trust Fund Board as one-time, start-up costs for the establishment and operation of a children's advocacy center. Under the bill, if the advisory board serves a single county, it may use up to \$5,000 as one-time, start-up costs for the establishment and operation of a children's advocacy center that serves that county. If the advisory board serves a multicounty district, for each county within the district, the advisory board may use up to \$5,000 as one-time, start-up costs for the establishment and operation of a children's advocacy center that serves the county for which the start-up funds are being used (any such use must identify the particular county for which the funds are being used).

Expenditures may be made under the provisions described in the preceding paragraph for a children's advocacy center that is established to serve a single county or that is established to serve two or more contiguous counties, provided that the county for which the expenditure is made is served by the center receiving the one-time, start-up costs. No funds allocated to an advisory board by the Children's Trust Fund Board under R.C. 3109.17 may be used as start-up costs for the establishment or operation of any children's advocacy center unless the center has as a component a "primary prevention strategy."

No advisory board that serves a single county and that, in any fiscal year, uses any amount out of the funds allocated to the advisory board by the Children's Trust Fund Board under R.C. 3109.17 as start-up costs for the establishment and operation of a children's advocacy center may use any amount out of any funds so allocated to the advisory board for the same center in a different fiscal year or for a different center in any fiscal year. No advisory board that serves a multicounty district and that, in any fiscal year, uses any amount out of the funds so allocated to the advisory board as start-up costs for the establishment and operation of a children's advocacy center in relation to a particular county within the district may use any amount out of any funds so allocated to the advisory board, in relation to the same county, for the same center in a different fiscal year or for a different center in any fiscal year. (R.C. 3109.18(E)(2).)

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

**Existing law.** Existing 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 returned to the county treasurer, and any grant funds returned 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 bill.** The bill 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 bill's provisions pertaining to such centers (R.C. 3109.18(I)).

Additionally, the bill 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 bill, children's advocacy centers that receive from an advisory board any one-time, start-up costs for the center must file with the advisory board the semi-annual and annual reports. (R.C. 3109.18(K)(1).)

The bill 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, in addition to covering the local allocation plan that contains the information required by the Board. The bill 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 bill 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 not later than 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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## **COMMENT**

The National Children's Alliance has created the following standards for children's advocacy center programs. The purpose of children's advocacy centers is to provide a comprehensive, culturally competent, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. A child appropriate/child-friendly setting and a multidisciplinary team are essential for accomplishment of the mission of children's advocacy centers and for full membership in National Children's Alliance.

The team response to allegations of child abuse includes forensic interviews, medical evaluations, therapeutic intervention, victim support/advocacy, case review, and case tracking. These components may be provided by children's advocacy center staff or by other members of the multidisciplinary team. To the maximum extent possible, components of the team response are provided at the CAC (children's advocacy center) in order to promote a sense of safety and consistency to the child and family.

The following program components are necessary for full membership in National Children's Alliance:

1. **Child-Appropriate/Child-Friendly Facility:** A children's advocacy center provides a comfortable, private, child-friendly setting that is both physically and psychologically safe for clients.

2. **Multidisciplinary Team (MDT):** A multidisciplinary team for response to child abuse allegations includes representation from the following:

- law enforcement
- child protective services
- prosecution
- mental health

- medical
- victim advocacy
- children's advocacy center.

3. **Organizational Capacity:** A designated legal entity responsible for program and fiscal operations has been established and implements basic sound administrative practices.

4. **Cultural Competency and Diversity:** The CAC promotes policies, practices and procedures that are culturally competent. Cultural competency is defined as the capacity to function in more than one culture, requiring the ability to appreciate, understand and interact with members of diverse populations within the local community.

5. **Forensic Interviews:** Forensic interviews are conducted in a manner which is of a neutral, fact finding nature, and coordinated to avoid duplicative interviewing.

6. **Medical Evaluation:** Specialized medical evaluation and treatment are to be made available to CAC clients as part of the team response, either at the CAC or through coordination and referral with other specialized medical providers.

7. **Therapeutic Intervention:** Specialized mental health services are to be made available as part of the team response, either at the CAC or through coordination and referral with other appropriate treatment providers.

8. **Victim Support/Advocacy:** Victim support and advocacy are to be made available as part of the team response, either at the CAC or through coordination with other providers, throughout the investigation and subsequent legal proceedings.

9. **Case Review:** Team discussion and information sharing regarding the investigation, case status and services needed by the child and family are to occur on a routine basis.

10. **Case Tracking:** CACs must develop and implement a system for monitoring case progress and tracking case outcomes for team components.<sup>10</sup>

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<sup>10</sup> Available at <http://www.nca-online.org/network.html> (last visited 05-10-04).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-02-03	p. 245
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