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*Bill Analysis*  
*Legislative Service Commission*

**Sub. S.B. 66\***  
125th General Assembly  
(As Reported by S. Judiciary)

**Sens. Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady**

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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 provisions in the existing law that pertain to mandatory and discretionary reporting of child abuse or neglect to reflect the establishment under the bill's provisions of children's advocacy centers and to link certain rules and procedures under the existing provisions to the centers.
- Modifies provisions in existing law that pertain to "memorandums of understanding" that public children services agencies are required to

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\* *This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

prepare regarding reports of child abuse and neglect to reflect the establishment under the bill's provisions of children's advocacy centers.

- Modifies some of the existing provisions regarding the Children's Trust Fund Board's state plan for comprehensive child abuse and child neglect prevention, by: (1) specifying that the Board may define the term "effective public notice" in the state plan and that, if it does not so define the term, 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, (2) consistent with other changes it makes, changes references to the plans to be adopted by child abuse and child neglect prevention advisory boards from references to "comprehensive allocation plans" to references to "local allocation plans" and specifies that, in addition to reviewing them, the Board is to approve or disapprove the local allocation plans, (3) in provisions regarding the Board's allocation of funds to child abuse and child neglect prevention advisory boards, expands the expressed 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, removes the language that permits the 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, (4) modifies the provision regarding the Board's allocation of funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect prevention programs approved in the state plan, so that the Board must allocate funds to the "other entities" for the purpose of funding the programs only if the programs have "statewide significance" and have been "approved by the Board," and (5) in the provision regarding the Board's specification of information to be included in reports completed by recipients of Children's Trust Fund grants, conforms the provision to other provisions it contains that require the recipients 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 of a children's advocacy center--memorandum of understanding

The bill authorizes any county, or any group of contiguous counties, to establish a children's advocacy center 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 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" (see 'Definitions,' below) and "sexual abuse of children" (see 'Definitions,' below), (3) the prosecuting attorney of the county or a village solicitor, city director of law, or similar 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. It specifies that a center may be established to serve two or more contiguous counties if a memorandum of understanding regarding the participation in the operation of the center 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.

Any memorandum of understanding 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. If a memorandum of understanding does not include any provision of that nature, the center has jurisdiction only in relation to reports of alleged sexual abuse of a child.

Each entity that participates in the execution of a memorandum of understanding as described in the preceding paragraph must cooperate in all of the following: (1) developing a multidisciplinary team pursuant to provisions it enacts in R.C. 2151.427 (see below) 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 is specified in the applicable memorandum of understanding as being within the center's jurisdiction, (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.

The bill specifies that a children's advocacy center must operate in accordance with provisions it enacts in R.C. 2151.427 and 2151.428 (see below), the applicable interagency agreement, and the standards for full membership established by the National Children's Alliance and register annually with the Attorney General. (R.C. 2151.426.)

### **Children's advocacy center's multidisciplinary team**

**Establishment of multidisciplinary team.** The bill provides that the entities that participate in a memorandum of understanding executed as described above to establish a children's advocacy center must assemble the children's advocacy

center's multidisciplinary team. The multidisciplinary team for a single county center must consist of the following members who serve the county: (1) any 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 prosecuting attorney of the county 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 clauses (1) to (8) of the preceding sentence from the counties to be served by the center, with each county to be served by the center being represented on the multidisciplinary team by at least one member described in those clauses. (R.C. 2151.427(A) and (B).)

**General duties of multidisciplinary team.** The bill requires that a children's advocacy center's multidisciplinary team must 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 memorandum of understanding 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 R.C. 2151.426, in addition to the memorandum of understanding executed under that section, each public children services agency that participates in the execution of the memorandum of understanding, the children's advocacy center, and the children's advocacy center's multidisciplinary team must enter into an interagency agreement that stipulates 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 memorandum of understanding that creates the center as being within the center's jurisdiction (R.C. 2151.428):

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

The parties that enter into an interagency agreement must comply with the agreement in referring the reports, 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.)

**Continuation of legal obligations and responsibilities of public officials and agencies**

The bill specifies that none of its provisions contained in R.C. 2151.421 or the provisions it enacts in R.C. 2151.425, 2151.426, 2151.427, and 2151.428 and 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).)

**Definitions**

The bill defines the following terms for purposes of its provisions described above (R.C. 2151.425):

(1) **Children's advocacy center** means 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 the interagency agreement entered into under R.C. 2151.425, regarding reports received under R.C. 2151.421 of alleged sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction and regarding the children who are the subjects of the reports.

(2) **Sexual abuse of a child** means unlawful "sexual conduct" or "sexual contact," as those terms are defined in R.C. 2907.01 (see **COMMENT 2** for definitions of the terms in quotations marks), with a person under 18 years of age or a mentally retarded, developmentally disabled, or physically impaired person under 21 years of age.

**Reports of child abuse and neglect**

**Reports and investigations**

**Existing law.** Existing law lists certain categories of professions, and prohibits a person in any of the specified 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 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, or, if the child is an inmate in the custody of a state correctional institution, 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, 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 to the public children services agency or a municipal or county peace officer, or, if the child is an inmate in the custody of a state correctional institution, to the State Highway Patrol. 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), (C) to (I), and (K) to (N).)

**Operation of 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) Existing law, unchanged by the bill, provides that, when a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report must refer the report to the appropriate public children services agency. Under the bill, when a public children services agency receives a report directly from a person reporting the abuse or neglect, or receives a report from a peace officer as described in the preceding sentence, the public children services agency must do both of the following: (a) as under existing law, comply with R.C. 2151.422 (see **COMMENT 3**), and (b) as added by the bill, if the county served by the agency is also served by a "children's advocacy center" (see "**Definitions**," above for definitions of the terms in quotation marks), and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the applicable memorandum of understanding as being within the center's jurisdiction, 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, except as provided in R.C. 2151.422 (see **COMMENT 3**), the public children services agency must investigate, within 24 hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it made by a mandatory or discretionary reporter under R.C. 2151.421 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 expands the existing exception to this investigation provision to specify that it also does not apply as provided in the interagency agreement entered into under R.C. 2151.428 that applies to the report. (R.C. 2151.421(F).)

(3) Existing law provides that, when a report is made by a mandatory or discretionary reporter under R.C. 2151.421 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 alleged sexual abuse of a child or another type of abuse is specified in the memorandum of understanding that creates the center 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 relative to the advocacy center. (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 made by a mandatory or discretionary reporter under R.C. 2151.421 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 made by a mandatory or discretionary reporter under R.C. 2151.421 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 required to make a mandatory report of child abuse or neglect under R.C. 2151.421(A) 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. A 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 person who receives the report. When a peace officer or employee of a public children services agency receives a report made by a mandatory or discretionary reporter, 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 required to make such a mandatory report 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 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 juvenile judge's representative, (2) if there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' 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 juvenile 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 prosecuting attorney of the county, (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 memorandum of understanding must set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under R.C. 2151.421, 2919.21(C), 2919.22(B)(1), 2919.23(B), and 2919.24 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 under R.C. 2151.421 and, when feasible, providing for only one interview of a child who is the subject of any report so made. A failure to follow the procedure set forth in the 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, and cannot be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

A memorandum of understanding must include all of the following: (1) the roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect, and (2) standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and 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).)

***Operation of the bill.*** The bill modifies the existing "memorandum of understanding" 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 existing provisions to the centers. Specifically, the bill:

(1) Expands the required signatories of a memorandum of understanding to specify that, if a public children services agency participated in the execution of a memorandum of understanding authorized under the bill that establishes a child advocacy center (see "***Children's advocacy centers***," above), each participating member of the children's advocacy center established by the memorandum also must be a signatory of this memorandum of understanding (R.C. 2151.421(J)(1)).

(2) Specifies that, if a public children services agency participated in the execution of a memorandum of understanding authorized under the bill that establishes a child advocacy center (see "*Children's advocacy centers*," above), the agency must incorporate the contents of that memorandum in this memorandum of understanding (R.C. 2151.421(J)(4)).

***Children's Trust Fund, Children's Trust Fund Board, and child abuse and child neglect prevention advisory boards***

***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 within the State Treasury, and specifies that certain statutorily specified fees collected by the Director of Health, a local commissioner of health, or a local registrar of vital statistics for certified copies of a birth record, certifications of birth, and copies of a death record, or collected by a court of common pleas upon the filing of a divorce or marriage dissolution proceeding must be deposited into the Fund. Existing law, unchanged by the bill, also creates within the Department of Job and Family Services (the 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 (see **COMMENT 4**). 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, 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, upon 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" (see **COMMENT 5**); it also may accept gifts and donations from any source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. 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.)

**Children's Trust Fund Board--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 (see "**Child abuse and child neglect prevention advisory boards--plan for preventing child abuse and neglect, and making of grants,**" for a summary of the provision that uses this term). (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) Before October 30 of each year, notify each "child abuse and child neglect prevention advisory board" (see "**Child abuse and child neglect prevention advisory boards--establishment and general functions,**" below) 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" (see **COMMENT 5**). 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 be disbursed to the board not later than September 30 and the remainder of the funds allocated to the board for that fiscal year 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 for the purpose of funding child abuse and child neglect prevention programs approved in the state plan;

(7) Provide for the monitoring of expenditures from the Children's Trust 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 under a provision described below in "**Child abuse and child neglect prevention advisory boards--procedures, duties, and reports regarding moneys they provide.**"

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)).

**Operation of the bill.** The bill modifies some of the existing provisions regarding the state plan for comprehensive child abuse and child neglect prevention. Regarding the definition of "effective public notice" that must be included in the state plan, the bill specifies that the Children's Trust Fund Board may define the term in the state plan and that, if it does not so define the term, 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) Consistent with changes it makes regarding the plans to be adopted by child abuse and child neglect prevention advisory boards (see "*Child abuse and child neglect prevention advisory boards--plan for preventing child abuse and neglect, and making of grants,*" below), it changes references to those plans from references to "comprehensive allocation plans" to references to "local allocation plans" and it specifies that, in addition to reviewing them, the Board is to 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, it: (a) expands the expressed 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 (see "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers,*" below), and (b) it removes the language that permits the 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 described below in "*Child abuse and child neglect prevention advisory boards--approval, revision, failure to submit, or denial of plan*" and "*Child abuse and child neglect prevention advisory boards--failure to submit annual report,*" permit the Board to allocate a reduced amount in a succeeding year to an advisory board (R.C. 3109.17(B)(5)).

(3) It modifies the provision regarding the Board's allocation of funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect prevention programs approved in the state plan, so that the Board must allocate funds to the "other entities" for the purpose of funding 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) In the provision regarding the Board's specification of information to be included in reports completed by recipients of Children's Trust Fund grants, it conforms the provision to other provisions it contains that require the recipients 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 (see "*Child abuse and child neglect prevention advisory boards--procedures, duties, and reports regarding moneys they provide*" and "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers,*" below). Under the bill, the

provision requires the Board to 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).)

**Children's Trust Fund Board--list of funding sources for children's advocacy centers**

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, operating, or establishing and operating a children's advocacy center (see "**Children's advocacy center's**," above). 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 upon 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 (see **COMMENT 6**).

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" (see **COMMENT 5**). 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).)

**Operation of 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) Regarding the establishment of the County or District Children's Trust Fund, it requires "the auditor" who has been designated as the auditor and fiscal officer of the advisory board in a multicounty district to establish the 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) Regarding the appropriation of funds by the appropriate board of county commissioners, it expands the existing provision that specifies that the appropriation is to be for distribution by the advisory board to child abuse and child neglect prevention programs to also refer to distribution by the advisory board "for other purposes" authorized under R.C. 3109.18(E), which is expanded by the bill to permit start-up costs for children's advocacy centers as described below in "**Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers**" (R.C. 3109.18(C)).

(3) Regarding the existing provision that permits boards of county commissioners to incur reasonable costs for the purpose of carrying out the functions of the advisory board, it modifies the provision to specify that "the advisory board," and not "the board of county commissioners," may incur the 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(D)).

**Child abuse and child neglect prevention advisory boards--plan for preventing child abuse and neglect, and making of 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 the purpose of 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 developed pursuant to the provision described above in (1), make grants to "child abuse and child neglect prevention programs" (see **COMMENT 5**). Existing law specifies that, 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.

**Operation of 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," instead of a "comprehensive allocation plan," as under existing law, requires each advisory board to develop a local allocation plan for each fiscal biennium, and requires the advisory board to submit the local allocation plan so developed 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) In the existing provision that requires each advisory board to provide "effective public notice" to potential applicants about specified matters, it conforms the provision to another provision of the bill, discussed above in "**Children's Trust Fund Board--state plan for comprehensive child abuse and child neglect prevention,**" that permits that Board to define "effective public

notice" in the state plan. Under this provision as modified by 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) In the existing provision pertaining to grants by advisory boards to child abuse and child neglect prevention programs, it eliminates the language that identifies certain factors that the advisory boards may consider in making the grants, and it specifies that the provision does not limit an advisory board in using, in accordance with its provisions described below in "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers*," 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) It modifies the existing provision that requires 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 for which funds are used in accordance with its provisions described below in "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers*" (R.C. 3109.18(F)(5)).

*Child abuse and child neglect prevention advisory boards--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 that the advisory board make changes to the plan and resubmit to the Board an amended plan.

If an advisory board fails to submit to the Children's Trust Fund Board 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).)

**Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers**

The bill provides that, subject to the restrictions described in the two succeeding paragraphs, 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 under R.C. 3109.17 as one-time, start-up costs for the establishment and operation of a children's advocacy center, pursuant to the bill's provisions described above in 'Children's advocacy centers,' as follows: (1) if the advisory board serves a single county, the advisory board may use an amount not to exceed \$5,000, out of the funds so allocated to the advisory board, as one-time, start-up costs for the establishment and operation pursuant to those provisions of a children's advocacy center that serves that county, and (2) if the advisory board serves a multicounty district, for each county within the district, the advisory board may use an amount not to exceed \$5,000, out of the funds so allocated to the advisory board, as one-time, start-up costs for the establishment and operation pursuant to those provisions of a children's advocacy center that serves the particular county in relation to which the use is being made (any use under this clause must identify the particular county in relation to which the use is being made).

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 in relation to which the expenditure is made is served by the center for which the advisory board uses the amount as 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" (see **COMMENT 5**).

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).)

**Child abuse and child neglect prevention advisory boards--procedures, duties, and reports regarding moneys they provide**

**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" (see **COMMENT 5**). Any grant funds not spent by the recipient of the funds within the time specified by the terms of the grant must be returned to the county treasurer, 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, and the State Treasurer must deposit such unspent moneys into the Children's Trust Fund to be spent for purposes 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).)

**Operation of the bill.** The bill modifies some of the existing provisions regarding procedures, duties, and reports regarding moneys provided by a child abuse and child neglect prevention advisory board, as follows:

(1) In the existing provision that specifies that grant recipients must use grant funds only to fund primary and secondary child abuse and child neglect prevention programs, it includes new language that specifies that a children's advocacy center for which an advisory board uses any amount out of the funds allocated to the advisory board by the Children's Trust Fund Board, as start-up costs for the establishment and operation of the center as described above in "**Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers,**" 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 as described above in "**Children's advocacy centers.**" The bill continues the application of the existing provision regarding any other person or entity that is a recipient of a grant from the Children's Trust Fund. (R.C. 3109.18(I).)

(2) It modifies the existing provision requiring recipients of grants from an advisory board to file reports with the advisory board by: (a) requiring the recipients to make semi-annual, as well as annual, reports that include the information required by the Children's Trust Fund Board, and (b) also requiring children's advocacy centers that receive from an advisory board any one-time, start-up costs for the center (see "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers,*" above) to file with the advisory board the semi-annual and annual reports (R.C. 3109.18(K)(1).)

(3) It modifies the existing provision requiring advisory boards to file annual reports with the Children's Trust Fund Board by: (a) requiring the annual reports to 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 described above in "*Child abuse and child neglect prevention advisory boards--use of funds for start-up costs for children's advocacy centers,*" in addition to covering the local allocation plan that contains the information required by the Board, and (b) by specifying 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); see the next paragraph).

*Child abuse and child neglect prevention advisory boards--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 pursuant to the provision described in the preceding paragraph 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

1. Existing R.C. 2901.01, not in the bill, provides that, as used in the Revised Code:

(a) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration (presumably, the "physical harm" used in the bill refers to physical harm to person).

(b) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use

or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

(c) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

2. Existing R.C. 2907.01, not in the bill, provides that, as used in the Sex Offenses Law (R.C. Chapter 2907.):

(a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

3. Existing R.C. 2151.422, not in the bill, provides that, upon receipt of a notice pursuant to R.C. 2151.421(A), (B), or (D), the public children services agency must determine whether the child subject to the report is living in a shelter for victims of domestic violence or a "homeless shelter" (defined as a facility that provides accommodations to homeless individuals) and whether the child was brought to that shelter pursuant to an agreement with a shelter in another county. If the child is living in a shelter and was brought there from another county, the agency immediately must notify the public children services agency of the county from which the child was brought of the report and all the information contained in it. On receipt of this notice, the agency of the county from which the child was brought must conduct the investigation of the report required pursuant to R.C. 2151.421 and perform all duties required of the agency under R.C. Chapter 2151. with respect to the child who is the subject of the report. If the child is not living in a shelter or the child was not brought to the shelter from another county, the agency that received the report pursuant to R.C. 2151.421(A), (B), or (D) must conduct the investigation required pursuant to R.C. 2151.421 and perform all duties required of the agency under R.C. Chapter 2151. with respect to the child who is the subject of the report. The agency of the county in which the shelter is located in which the child is living and the agency of the county from which the child was brought may ask the shelter to provide information concerning the child's residence address and county of residence to the agency.

If a child is living in a shelter for victims of domestic violence or a homeless shelter and the child was brought to that shelter pursuant to an agreement with a shelter in another county, the public children services agency of the county from which the child was brought must provide services to or take custody of the child if services or custody are needed or required under R.C. Chapter 2151. or R.C. 5153.16. When a homeless shelter provides accommodations to a person, the shelter, on admitting the person to the shelter, must determine, if possible, the person's last known residential address and county of residence; the information concerning the address and county of residence is confidential and may only be released to a public children services agency as described above.

4. Existing R.C. 3109.15, not in the bill, provides that the membership of the Children's Trust Fund Board is as follows: (a) three members are the Directors of Alcohol and Drug Addiction Services, Health, and Job and Family Services, (b) eight public members appointed by the Governor (the eight public members must be persons with demonstrated knowledge in programs for children, be representative of the demographic composition of this state, and, to the extent practicable, be representative of the following categories--the educational community, the legal community, the social work community, the medical community, the voluntary sector, and professional providers of child abuse and child neglect services; five of these members must be residents of metropolitan statistical areas as defined by the United States Office of Management and Budget where the population exceeds 400,000 and no two such members may be residents of the same metropolitan statistical area), (c) two members are members of the House of Representatives appointed by the House Speaker, who are members of two different political parties, and (d) two members are members of the Senate appointed by the Senate President, who are members of two different political parties. The law provides the terms of the members and 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.

5. Existing R.C. 3109.13, not in the bill, specifies that, as used in R.C. 3109.13 to 3109.18 (this range of sections includes the bill's provisions regarding the Children's Trust Fund, Children's Trust Fund Board, and child abuse and child neglect prevention advisory boards):

(a) "Child abuse and child neglect prevention programs" means programs that use "primary and secondary prevention strategies" (see (5)(b) and (c), below) 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.

(b) "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.

(c) "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.

6. Existing R.C. 3109.18(D) provides that, 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. It also provides that 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.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
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