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Bill Analysis

Legislative Service Commission

H.B. 580

126th General Assembly
(As Introduced)

Rep. White

BILL SUMMARY

- Requires the Ohio Department of Job and Family Services (ODJFS) to contract with a nonprofit entity to administer aspects of the Children's Trust Fund Law, including the allocation of funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding specified prevention programs.
- Requires the ODJFS to administer the allocation of Children's Trust Fund moneys to local child abuse and child neglect prevention advisory boards.
- Retains the requirement that the Children's Trust Fund Board create a biennial state plan for comprehensive child abuse and child neglect prevention, and also requires the Board to create a biennial list of desired outcomes regarding the use of Children's Trust Fund moneys for the ODJFS to take into account in its contracting with the Trust Fund Administrator.
- Requires the Trust Fund Administrator to provide administrative support to the Children's Trust Fund Board for its meetings, to report to the Board on expenditures from the Children's Trust Fund, and to perform other specified functions.
- Authorizes the ODJFS to retain up to 4% of the total amount of fees deposited in the Children's Trust Fund for actual expenditures related to its administration duties.
- Provides that a Children's Trust Fund Board member, other than a General Assembly member or judge, who fails to attend at least two of the Board's meetings per year forfeits the member's seat.

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CONTENT AND OPERATION

Background

Children's Trust Fund Board

Current law creates within the Ohio Department of Job and Family Services (ODJFS) the Children's Trust Fund Board consisting of 15 members (R.C. 3109.15). The Board oversees the Children's Trust Fund, which, in addition to federal and other funds, gifts, and donations received for the purpose of funding child abuse and child neglect prevention programs, consists of additional fees collected (1) for each certified copy of a birth record, each certification of birth, or each copy of a death record and (2) upon filing for a divorce decree or a decree of dissolution of marriage. The additional fee is \$3 for each certified copy of a birth record, each certification of birth, or each copy of a death record and \$11 upon the filing for a divorce decree or a decree of dissolution of marriage. (R.C. 3109.14--not in the bill, R.C. 3109.15, and current R.C. 3109.16--repealed by Section 2 of the bill.)

The Children's Trust Fund Board must establish, for each fiscal biennium, a *biennial state plan* for comprehensive child abuse and child neglect prevention, transmit the plan to the Governor and legislative leaders, and make the plan available to the public (R.C. 3109.17).

Local advisory board

Current law authorizes a board of county commissioners to establish a "child abuse and child neglect prevention advisory board" or to designate the county family and children first council to serve as such an advisory board. As an alternative, the boards of county commissioners of two or more contiguous counties may 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. (R.C. 3109.18(A)(1).) 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 served by the county auditor designated as the advisory board's auditor and fiscal officer, must appropriate the amount allocated by the Children's Trust Fund Board for distribution by the advisory board to child abuse and child neglect prevention programs (R.C. 3109.18(C)).

Hiring of a Trust Fund Administrator

Current law requires (1) the Children's Trust Fund Board, upon the recommendation of the Director of Job and Family Services, to approve the employment of an *executive director* to administer the Board's programs and (2) the *ODJFS* to provide budgetary, procurement, accounting, and other related *management functions for the Board* (current R.C. 3109.16--repealed by Section 2 of the bill). The bill eliminates these requirements and requires the ODJFS to contract with a *nonprofit entity to administer the Children's Trust Fund*, that will be known as the Trust Fund Administrator. Before entering the contract, the ODJFS must issue a *request for proposals* from entities seeking to be considered the Trust Fund Administrator. Relatedly, the bill requires the Board to develop a list for each fiscal biennium of the desired outcomes regarding the use of funds from the Children's Trust Fund for the ODJFS to use *in selecting* the Trust Fund Administrator, and the request for proposals must take into account these outcomes. (R.C. 3109.13(D), new R.C. 3109.16(A), and R.C. 3109.17(B).)

Administrative duties of the Trust Fund Administrator

As part of *the contract* with the ODJFS, the Trust Fund Administrator must agree to do all of the following (new R.C. 3109.16(A)):

- Organize and provide meeting space and administrative support to the Children's Trust Fund Board for its meetings.
- Make presentations to the Board regarding the distribution of funds from the Children's Trust Fund, as the Board requests.

- Provide quarterly financial and program evaluation reports to the ODJFS and the Board regarding expenditures from the Children's Trust Fund.
- Submit to an annual audit by an independent auditor who complies with generally accepted auditing standards and submit the results of the audit to the ODJFS and the Board.

The bill also requires the Trust Fund Administrator to do all of the following as part of its administration of the Children's Trust Fund (R.C. 3109.161 and 3109.18(I)):

- 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.¹
- 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 that have statewide significance and that have been approved by the Children's Trust Fund Board.²
- Provide administrative support to the Board, including meeting facilities and other support functions related to the Board's duties.
- Provide quarterly and annual reports to the Board regarding all of the following: (1) the financial status of the Children's Trust Fund, including a description of the amount of grants the Trust Fund Administrator approves, (2) a description of all programs receiving grants from the Children's Trust Fund, and (3) if available, evaluations of the success of programs receiving grants from the Children's Trust Fund.
- Provide for the monitoring of expenditures from the Children's Trust Fund and of programs that receive money from it.³

¹ Current R.C. 3109.17(B)(1) assigns this duty to the Children's Trust Fund Board.

² Current R.C. 3109.17(B)(6) assigns this duty to the Children's Trust Fund Board.

³ Current R.C. 3109.17(B)(7) assigns this duty to the Children's Trust Fund Board.

- Collaborate with appropriate persons and government entities and facilitate the exchange of information among them for the purpose of child abuse and child neglect prevention.⁴
- Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention.⁵
- Create and provide to each advisory board a Children's Trust Fund grant application form.⁶
- Submit to the Board on an annual basis the report of a financial audit conducted by an independent auditor who complies with generally accepted auditing standards.
- Perform any other duties required in the contract the Trust Fund Administrator enters into with the ODJFS.

ODJFS' duties regarding child abuse and child neglect prevention advisory boards

The bill requires the ODJFS to do all of the following *regarding* child abuse and child neglect prevention *advisory boards* (new R.C. 3109.16(B) and (G), R.C. 3109.171, and R.C. 3109.172):

- Before each October 30, notify each advisory board of the amount estimated to be allocated to it for the following fiscal year.⁷
- Allocate funds in the manner prescribed by current law (relocated in the bill) to each advisory board for the purpose of funding child abuse and child neglect prevention programs (see new R.C. 3109.16(F) and R.C. 3109.17(B)(5)).
- Develop criteria for *county or district local allocation plans*, including criteria for determining their effectiveness.⁸

⁴ Current R.C. 3109.17(B)(9) assigns this duty to the Children's Trust Fund Board.

⁵ Current R.C. 3109.17(B)(10) assigns this duty to the Children's Trust Fund Board.

⁶ Current R.C. 3109.17(B)(11) and 3109.18(J) assign this duty to the Children's Trust Fund Board.

⁷ Current R.C. 3109.17(B)(2) assigns this duty to the Children's Trust Fund Board.

- Review, and approve or disapprove, county or district local allocation plans as required by current law and requests for one-time, start-up costs for the establishment and operation of a children's advocacy center or for funds to conduct primary prevention strategies.⁹
- Specify information to be included in a semiannual and annual report completed by a children's advocacy center for which an advisory board uses funds allocated to it under current law, and by each other person or entity that is a recipient of a Children's Trust Fund grant as start-up costs for a children's advocacy center.¹⁰
- 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 under criteria specified in current law. The ODJFS must periodically update this list as necessary, and maintain, or provide for the maintenance of, the list at an appropriate location--which may be at the ODJFS' offices. The ODJFS must provide the list upon request to any children's advocacy center or to any person or entity that may participate in the establishment of a children's advocacy center.¹¹
- Establish reporting requirements for advisory boards.¹²
- Provide quarterly and annual reports to the Children's Trust Fund Board regarding the allocation of funds to advisory boards and the advisory boards' expenditure of funds.
- Receive reports from advisory boards concerning the use of funds allocated to them.¹³

⁸ *Current R.C. 3109.17(B)(3) and 3109.18(F)(3) assign this duty to the Children's Trust Fund Board.*

⁹ *Current R.C. 3109.17(B)(4), 3109.171, 3109.172(A), (B), and (C), and 3109.18(F)(1) assign this duty to the Children's Trust Fund Board.*

¹⁰ *Current R.C. 3109.17(B)(12), 3109.172, and 3109.18(K)(1) assign this duty to the Children's Trust Fund Board.*

¹¹ *Current R.C. 3109.17(D) assigns these duties to the Children's Trust Fund Board.*

¹² *Current R.C. 3109.17(B)(8) and 3109.18(F)(5) and (K)(2) assign this duty to the Children's Trust Fund Board.*

The bill does not change the formula for allocating funds from the Children's Trust Fund to advisory boards--based on the ratio of the number of children under 18 in the county or multicounty district to the number of children under 18 in Ohio (new R.C. 3109.16(F) and R.C. 3109.17(B)(5)).

Other ODJFS duties

Report

The bill requires the ODJFS to prepare a report for each fiscal biennium that delineates the expenditure of money from the Children's Trust Fund. On or before January 1 of a year that follows the end of the state's fiscal biennium, the Children's Trust Fund Board must file a copy of the report with the Governor, House Speaker, Senate President, and House and Senate Minority Leaders.¹⁴ (New R.C. 3109.16(C).)

Allocation of funds

Each fiscal biennium, the bill requires the ODJFS to allocate to the Trust Fund Administrator the funds remaining in the Children's Trust Fund after the ODJFS allocates funds (1) to child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect prevention programs and (2) to itself as reimbursement for actual expenditures in the administration of the Children's Trust Fund and its performance of related duties (see below). Before each November 15, the ODJFS must notify the Trust Fund Administrator of the amount estimated to be allocated to the Administrator for the following fiscal biennium. (New R.C. 3109.16(D).)

Retained reimbursement

The bill authorizes the ODJFS to retain an amount *not to exceed 4%* of the total amount of *the fees deposited* in the Children's Trust Fund in each fiscal year for actual expenditures in the administration of the Fund and the ODJFS' performance of its related duties under the bill (new R.C. 3109.16(E)). This contrasts with current law which authorizes the ODJFS to use *not to exceed 3%* of the total amount of those fees for costs directly related to the ODJFS' administrative functions (current R.C. 3109.16--repealed by Section 2 of the bill).

¹³ Current R.C. 3109.171(C) and R.C. 3109.18(K)(2) assign this duty to the Children's Trust Fund Board.

¹⁴ Current R.C. 3109.17(C) assigns this duty to the Children's Trust Fund Board. It is possible that the bill actually intends ODJFS to file a copy of the report with the Governor and legislative leaders, not the Board.

Operation of the Children's Trust Fund Board

Meetings

Current law requires the Children's Trust Fund Board to meet at least quarterly at the call of the chairperson. The bill relocates and continues that requirement, but also authorizes the chairperson to hold a special meeting at the call of a majority of the Board's members. (R.C. 3109.15 and current R.C. 3109.16--repealed by Section 2 of the bill.)

Forfeiture of membership

Current law also provides that a Children's Trust Fund Board member, except a member of the General Assembly or a judge of any court, who fails to attend at least *three-fifths* of the regular and special meetings the Board holds during *any two-year period* forfeits the member's position on the Board. The bill instead provides that a Board member, except a member of the General Assembly or a judge of any court, who fails to attend at least *two* of the regular and special meetings the Board holds during *any year* forfeits the member's position on the Board. (R.C. 3109.15.)

Effective public notice

Current law *permits* the Children's Trust Fund Board to define, in the biennial state plan for comprehensive child abuse and child neglect prevention, "effective public notice" for purposes of a child abuse and child neglect advisory board providing public notice to potential applicants about the availability of Children's Trust Fund funds.¹⁵ The bill instead *requires* the Board to define this term in the plan. (R.C. 3109.17 and 3109.18(F)(2).)

HISTORY

ACTION	DATE
Introduced	05-09-06

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¹⁵ *If the Children's Trust Fund Board does not define this term in the plan, it must include in the plan the definition of the term as specified in ODJFS rules.*