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Bill Analysis
Legislative Service Commission

S.B. 164

127th General Assembly
(As Introduced)

Sens. Cates, Niehaus, Austria, Clancy, Schuring

BILL SUMMARY

- Increases from 24 to 36 hours the amount of preplacement training for family foster homes.
- Allows a foster caregiver to fulfill up to 20% of the required amount of continuing training by teaching training classes or mentoring other foster caregivers.
- Alters the timing and form of reimbursement to foster caregivers for completing preplacement and continuing training.
- Removes the names, documentation, and other identifying information regarding a foster caregiver or prospective foster caregiver from the definition of "public record."
- Establishes a procedure by which two county boards of mental retardation and developmental disabilities must reach an agreement regarding which county provides services to a foster child who moves from one county to another.
- Requires the Ohio Department of Job and Family Services (ODJFS) to partner with the Ohio Department of Mental Retardation and Developmental Disabilities to offer joint cross system briefings to better educate the professionals of both systems.
- Permits a juvenile judge to enter into an agreement with ODJFS for the purpose of reimbursing the court specified foster care related costs incurred on behalf of a child who has been determined to be at serious

risk of removal from the home and for whom the court has undertaken a plan of reasonable efforts to prevent such removal.

- Requires the Director of ODJFS to appoint two current certified foster caregivers as additional members of the Ohio Child Welfare Training Program steering committee.
- Requires ODJFS to develop, implement, and oversee use of a Child Placement Level of Care Tool, on a pilot basis, to assess a child's placement needs when the child must be removed from a home and cannot be placed with a relative or kin.
- Requires an independent evaluation of the Child Placement Level of Care Tool and its comparison with the Ohio Scales Tool, which is used by the Ohio Department of Mental Health to measure outcomes for youth receiving mental health services.
- Allows ODJFS to seek federal approval through the United States Department of Health and Human Services to include within funding under Title IV-E of the Social Security Act an additional category of foster care certification for placements in which the child has an existing relationship with the foster caregiver.
- Reenacts the Interstate Compact *on* the Placement of Children that was repealed by Am. Sub. S.B. 238 of the 126th General Assembly as a continuation of that interstate compact until the new Interstate Compact *for* the Placement of Children takes effect.

CONTENT AND OPERATION

Training of foster caregivers

Increase in amount of preplacement training

Existing law requires foster caregivers to complete training prior to the placement of foster children in the home. The amount of training hours required depends upon whether the home is a family foster home or a specialized foster

home.¹ A family foster home must complete at least 24 hours of preplacement training, and a specialized foster home must complete at least 36 hours.

The bill will increase the minimum number of preplacement training hours required for a family foster home from 24 hours to 36 hours. (R.C. 5103.031.)

Fulfillment of continuing training hours

Existing law requires foster caregivers to complete a minimum number of continuing training hours to remain certified. A foster caregiver providing a family foster home must complete at least 40 hours of continuing training every two years, and a foster caregiver providing a specialized foster home must complete at least 60 hours of continuing training every two years. (R.C. 5103.032.) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) acting as a recommending agency for a foster caregiver must develop and implement a written needs assessment and continuing training plan for the foster caregiver, and the training classes must be approved by the Ohio Department of Job and Family Services (ODJFS). (R.C. 5103.035 and 5103.0316.)

The bill allows a foster caregiver to complete up to 20% of the foster caregiver's continuing training hours by teaching one or more training classes for other foster caregivers or by providing mentorship services to other foster caregivers. The PCSA, PCPA, or PNA acting as a recommending agency for a foster caregiver must include the number of hours that a foster caregiver is permitted to complete in this fashion on the foster caregiver's needs assessment and continuing training plan. The bill also requires ODJFS to adopt rules as necessary for the qualification of foster caregivers to provide training or mentorship services to other foster caregivers. (R.C. 5103.032 and 5103.035.)

Reimbursement for training

Existing law requires a PCSA, PCPA, or PNA acting as a recommending agency for a foster caregiver to pay each foster caregiver a stipend to reimburse the foster caregiver for attending a preplacement or continuing training program. The bill changes the form of payment for attending preplacement training

¹ A specialized foster home is a foster home that either provides specialized medical services designed to meet the needs of children with intensive health care needs or incorporates special rehabilitative services designed to treat the specific needs of children who have been emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs. A family foster home is any foster home that does not fall under the definition of a specialized foster home. (R.C. 5103.02.)

programs from the stipend rate to a lump sum payment. The stipend rate remains for the completion of continuing training. (R.C. 5103.0312.)

Existing law also requires ODJFS to reimburse PCPAs and PNAs for the cost of procuring or operating preplacement and continuing training programs for foster parents. These agencies must be reimbursed for each hour of training provided or received. The bill limits agency reimbursement to the minimum amount of preplacement and continuing training required; an agency may not provide additional training hours and receive additional reimbursement from ODJFS. (R.C. 5103.0313.)

Currently, individuals who attend a preplacement training program receive their reimbursement when they receive a foster home certificate from ODJFS. Under the bill, these individuals receive their reimbursement only when a child has actually been placed in their home. (R.C. 5103.0312.)

Public records

Existing law does not exclude information about foster caregivers held by ODJFS, a county department of job and family services, or a PCSA from being considered a public record. The bill ensures that names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification and the home study conducted by ODJFS are not accessible through a public records request. The bill also includes in the Public Records Law a cross-reference to an existing provision that specifies that certain records held by ODJFS, a county department of job and family services, and a PCSA are not public records. (R.C. 149.43 and 5101.29.)

Services provided by county boards of mental retardation and developmental disabilities

The bill provides a method for resolution of disputes in situations in which a foster child is receiving services from a county board of mental retardation and developmental disabilities and is subsequently placed with a foster caregiver in another county. The agency that places the child in the new foster home must inform the county board in the new county that a foster child who has previously been receiving services from another county has been placed in the new county. The agency must then provide the name and other identifying information regarding that child, and the name of the child's previous county of residence.

Upon receiving the notice that the child was receiving services from a county board of mental retardation and developmental disabilities in the previous county, the county board in the new county must communicate with the county

board of the previous county to determine which county must provide services for the foster child.

If the two county boards are unable to reach an agreement within five days of the child's placement, the county board in the new county must send notice to the Ohio Department of Mental Retardation and Developmental Disabilities (ODMRDD) of the failure to agree. Within five days of receiving notice that the county boards could not reach an agreement, ODMRDD must decide which county board is to provide services for the foster child. (R.C. 5126.04.)

Joint cross system briefings

The bill also requires ODJFS to partner with ODMRDD to offer joint cross system briefings to better educate the professionals of both systems for more effective service delivery for dually involved children and families. The joint cross system briefings must be conducted regularly for one year after the effective date of the bill and serve as a platform for conducting forums and developing training curriculums for foster caregivers that care for mentally retarded and developmentally disabled children. (Section 8.)

Reimbursements to juvenile courts

Existing law allows a juvenile judge to enter into an agreement with ODJFS for the purpose of reimbursing the court for foster care maintenance costs and associated administrative and training costs incurred on behalf of a child eligible for payments under Title IV-E of the Social Security Act² and who is in the temporary or permanent custody of the court or subject to certain dispositions of the court. Under the bill, the agreement also may be for the purpose of reimbursing such costs on behalf of a child who has been determined to be at serious risk of removal from the home and for whom the court has undertaken a plan of reasonable efforts to prevent such removal. (R.C. 2151.152.)

The Ohio Child Welfare Training Program

The Ohio Child Welfare Training Program in ODJFS provides the various training classes required for certification as a foster caregiver or a PCSA caseworker or supervisor, and for adoption assessors who conduct home studies (R.C. 5103.30). Leading this program is a steering committee, currently comprised of employees of ODJFS, one representative of each of the regional training centers located throughout the state, one representative of a statewide organization that represents the interests of PCSAs, one representative of the Ohio Child Welfare Training Program coordinator, and employees of PCSAs.

² 94 Stat. 501, 42 U.S.C. 670 (1980).

The bill requires ODJFS to appoint two additional members to the steering committee. These new members must be current foster caregivers certified by ODJFS. (R.C. 5103.391.)

Child Placement Level of Care Tool

Development

The bill requires ODJFS to develop, implement, and oversee the use of a Child Placement Level of Care Tool. The Tool will be used to evaluate a child's behavior, history, psychological state, and the involvement of service systems, in an effort to better assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin. This Tool must be developed by the participating counties and implemented by ODJFS on a pilot basis. The participating counties will include Cuyahoga County and up to nine additional counties selected by ODJFS. Participation in this pilot program will be voluntary; a selected county must agree to participate. ODJFS may adopt rules under R.C. 111.15, as if they were internal management rules, to carry out the pilot program and must seek maximum federal financial participation to support the pilot program and its evaluation. The pilot program will be conducted between July 1, 2008, and December 31, 2009. (Section 6(A), (B), (E), and (G).)

Evaluation

ODJFS must designate a person to independently evaluate the pilot program to rate the following: success in placement stability, length of stay, and other outcomes for children; costs; worker satisfaction; and any other criteria that ODJFS determines will be useful in the consideration of statewide implementation. The evaluation design must include a comparison of data to historical outcomes or control counties, a retrospective data review of Cuyahoga County's use of the Tool, and a prospective data evaluation in each of the ten pilot counties. (Section 6(C).)

Coordination with the Ohio Department of Mental Health

The Ohio Department of Mental Health (ODMH) must conduct a study of a sample of the children placed using the Child Placement Level of Care Tool, which must run concurrent with ODJFS Child Placement Level of Care Tool pilot program. This study will evaluate outcomes from the initial and regular administration of the Ohio Scales Tool (the Ohio Youth Problems, Functioning, and Satisfaction Scales used by ODMH to measure outcomes for youth ages five to 18 who receive mental health services) and changes in the level of children's functioning over time. ODMH must seek maximum federal financial participation to conduct the Ohio Scales Tool evaluation.

Upon completion of the study, ODMH must send a copy of the results of the study to the independent evaluator of the Child Placement Level of Care Tool, who will then compare the evaluation of the Child Placement Level of Care Tool to the study of the Ohio Scales Tool. The comparison will focus on analyzing any correlations between the placement stability outcomes associated with the Level of Care Tool and the behavioral health level of functioning outcomes associated with the Ohio Scales Tool. The independent evaluator must send a copy of the evaluator's initial evaluation of the Child Placement Level of Care Tool, the ODMH study, and the comparison to ODJFS. (Section 6(D) and (E).)

Title IV-E funding eligibility

The bill grants ODJFS authority to seek federal approval through the United States Department of Health and Human Services to include within funding under Title IV-E of the Social Security Act an additional category of foster care certification, and simplified standards for that certification, for placements in which the child has an existing relationship with the foster caregiver (Section 7).

The Interstate Compact on the Placement of Children

Am. Sub. S.B. 238 of the 126th General Assembly repealed the Interstate Compact *on* the Placement of Children and replaced it with the Interstate Compact *for* the Placement of Children. This new compact has not yet taken effect because not enough states have enacted it; it will not take effect until 35 states enact the new compact, and Ohio is the only state to have enacted it.³ As a result, the Interstate Compact on the Placement of Children no longer appears in the Revised Code, although it remains in effect due to the fact that Article IX of the Compact contained a two-year delay of any repeal.

The bill reenacts the old compact, while retaining the new compact in the event of its future effectiveness. The bill states that the enactment of the old compact is a continuation of the interstate compact of the same name that was repealed by Am. Sub. S.B. 238 of the 126th General Assembly and that its provisions will no longer apply once the new compact becomes effective. (Sections 9, 10, 11, and 12.)

Technical changes

The bill corrects two technical problems created by the enactment of Am. Sub. S.B. 238 of the 126th General Assembly. Sections 5153.122 and 5153.123 of

³ <http://www.csg.org/programs/ncic/InterstateCompactforthePlacementofChildren.aspx>.

the Revised Code referred to incorrect amounts of training hours. The bill corrects these references.

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 05-09-07 |

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