



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 452

130th General Assembly  
(As Introduced)

Reps. Gonzales and Derickson

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## BILL SUMMARY

### Information to be provided by children's residential facilities

- Requires residential facilities (as defined in the bill) that care for children to provide the following information to local law enforcement agencies, emergency management agencies, and fire departments:
  - Written notice that the facility is located and will be operating in the agency's or department's jurisdiction, of the address of the facility, that identifies the type of the facility, and that provides contact information for the facility;
  - A copy of the facility's procedures for emergencies and disasters;
  - A copy of the facility's medical emergency plan;
  - A copy of the facility's community engagement plan established pursuant to rules adopted under authority granted by the bill.
- Permits ODJFS to adopt rules necessary to implement the bill's provisions regarding the required notices.
- Requires each private child placing agency (PCPA), private noncustodial agency (PNA), public children services agency (PCSA), or superintendent of a county or district children's home to establish a community engagement plan in accordance with rules adopted by the Ohio Department of Job and Family Services (ODJFS) for each residential facility the agency or superintendent operates.
- Requires ODJFS's rules to include the contents of the community engagement plans, orientation procedures for training residential facility staff on the implementation of

the community engagement plan, and procedures for responding to incidents involving a child at the facility and neighbors or the police.

### **Child Placement Level of Care Tool pilot program**

- Requires ODJFS to implement and oversee use of a Child Placement Level of Care Tool on a pilot basis for 18 months in up to ten counties.
- Requires the pilot program in each county to include the county and at least one PCPA or PNA.
- Requires ODJFS to provide for an independent evaluation of the pilot program to rate the program's success in certain areas.
- Requires ODJFS to seek maximum federal financial participation to support the pilot program and the evaluation.
- Requires ODJFS to seek state funding to implement the pilot program and to contract for the independent evaluation.
- Permits ODJFS to adopt rules in accordance with the Administrative Procedures Act necessary to carry out the purposes of the pilot program.

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## **CONTENT AND OPERATION**

### **Information to be provided by children's residential facilities**

The bill requires the following residential facilities to provide specified information to local law enforcement agencies, emergency management agencies, and fire departments: (1) group homes for children, (2) children's crisis care facilities, (3) children's residential centers, (4) residential parenting facilities that provide 24-hour child care, (5) county children's homes, and (6) district children's homes. The bill specifies that a foster home is not a residential facility.<sup>1</sup>

#### **Type of information to be provided**

The bill requires a residential facility, within 10 days after the commencement of operations, to provide the following information to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

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<sup>1</sup> R.C. 5103.05(A)(6) and (B), 5153.21, and 5153.42.

(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction, of the address of the facility, that identifies the facility as a group home for children, children's crisis care facility, children's residential center, residential parenting facility, county children's home, or district children's home, and that provides contact information for the facility;

(2) A copy of the facility's procedures for emergencies and disasters established pursuant to rules adopted under existing law;

(3) A copy of the facility's medical emergency plan established pursuant to rules adopted under existing law;

(4) A copy of the facility's community engagement plan established pursuant to rules adopted under authority granted by the bill (see "**Community engagement plans**," below).<sup>2</sup>

Within ten days of a facility's recertification by the Ohio Department of Job and Family Services (ODJFS), the bill requires the facility to provide to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility updated copies of the facility's procedures for emergencies and disasters, medical emergency plan, and community engagement plan.<sup>3</sup>

### **Notice rules**

The bill also permits ODJFS to adopt rules in accordance with the Administrative Procedures Act necessary to implement the bill's provisions regarding the notices to local law enforcement agencies, emergency management agencies, and fire departments.<sup>4</sup>

### **Community engagement plans**

The bill requires each private child placing agency (PCPA), private noncustodial agency (PNA), public children services agency (PCSA), or superintendent of a county or district children's home to establish a community engagement plan in accordance with

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<sup>2</sup> R.C. 5103.05(B).

<sup>3</sup> R.C. 5103.05(C).

<sup>4</sup> R.C. 5103.05(D).



rules adopted by ODJFS for each residential facility the agency or superintendent operates.<sup>5</sup>

### **Community engagement plan rules**

The bill requires ODJFS to adopt rules in accordance with the Administrative Procedure Act that establish the following:

- The contents of a community engagement plan that includes the following:
  - Protocols for the community in which a residential facility is located to communicate concerns or other pertinent information directly to the agency;
  - Protocols for the agency in responding to such a communication.
- Orientation procedures for training residential facility staff on the implementation of the community engagement plan and procedures for responding to incidents involving a child at the facility and neighbors or the police.

The bill requires ODJFS to file the initial rules regarding community engagement plans within 90 days after the bill's effective date.<sup>6</sup>

### **Facility definitions**

Each of the facilities subject to the bill's provisions as residential facilities are defined as follows:<sup>7</sup>

- **Group home for children:** any public or private facility that is operated by a PCPA, PNA, or PCSA, that has been certified by ODJFS to operate a group home for children, and that meets all of the following criteria:
  - Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision 24 hours a day by a person or persons who are unrelated to the children by blood or marriage, or

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<sup>5</sup> R.C. 5103.051(A), 5153.21, and 5153.42. A technical amendment is needed to remove "entity" from the bill because it is a superfluous reference.

<sup>6</sup> R.C. 5103.051(B).

<sup>7</sup> R.C. 5103.05(A)(1), (2), (3), (4), (5), (7), and (8); 5103.13, not in the bill; 5153.21; and 5153.42.



who is not the appointed guardian of any of the children ("nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility);

- Is not certified as a foster home;
- Receives or cares for children for two or more consecutive weeks.

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

- **Children's crisis care facility**: a facility that has as its primary purpose the provision of residential and other care to either or both of the following:
  - One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;
  - One or more preteens placed in the facility by a PCSA or PCPA that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than another institution certified by ODJFS or elsewhere.

"Children's crisis care facility" does not include either of the following:

- Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the Department of Education, a local board of education, the Department of Youth Services, the Department of Mental Health and Addiction Services, or the Department of Developmental Disabilities;
  - Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody.
- **Children's residential center**: a facility that is operated by a PCPA, PNA, or PCSA, that has been certified by ODJFS to operate a children's residential center, and in which 11 or more children, including the

children of any staff residing at the facility, are given nonsecure care and supervision 24 hours a day (nonsecure care and supervision has the same meaning as described above for a group home for children).

- **Residential parenting facility**: a facility operated by a PCPA, PNA, or PCSA, that has been certified by ODJFS to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.
- **County children's home**: a children's home established by a board of county commissioners upon the recommendation of a PCSA and certified by ODFJS.
- **District children's home**: a children's home established by a joint board of county commissioners upon the recommendation of the PCSAs of the participating counties and certified by ODFJS.

### **Child Placement Level of Care Tool pilot program**

The bill requires ODJFS to implement and oversee use of a Child Placement Level of Care Tool on a pilot basis. The bill defines "Child Placement Level of Care Tool" as an assessment tool to be used by participating counties and agencies to 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 not certified as a foster caregiver that includes assessing a child's functioning, needs, strengths, risk behaviors, and exposure to traumatic experiences.<sup>8</sup>

#### **Pilot program site selection and development**

The bill requires ODJFS to implement the pilot program in up to ten counties selected by ODJFS and must include the county and at least one PCPA or PNA. The pilot program must be developed with the participating counties and agencies and must be acceptable to all participants. A selected county or agency must agree to participate in the pilot program.<sup>9</sup>

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<sup>8</sup> Section 3(A) and (F).

<sup>9</sup> Section 3(A).

## **Duration of pilot program**

The pilot program is to begin not later than 180 days after the bill's effective date and end not later than 18 months after the date the pilot program begins. The length of the pilot program is not to include any time expended in preparation for implementation or any post-pilot program evaluation activity.<sup>10</sup>

## **Independent evaluation of pilot program**

In accordance with the law governing competitive bidding for the state administered by the Department of Administrative Services, the bill requires ODJFS to provide for an independent evaluation of the pilot program to rate the program's success in the following areas:

(1) Placement stability, length of stay, and other outcomes for children;

(2) Cost;

(3) Worker satisfaction;

(4) Any other criteria ODJFS determines will be useful in the consideration of statewide implementation.

The evaluation design is to include a comparison of data to historical outcomes or control counties and a prospective data evaluation in each of the pilot counties.<sup>11</sup>

## **Funding**

The bill requires ODJFS to seek maximum federal financial participation to support the pilot program and the evaluation. And, notwithstanding Ohio law regarding distribution and withholding of federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs, the bill requires ODJFS to seek state funding to implement the pilot program and to contract for the independent evaluation.<sup>12</sup>

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<sup>10</sup> Section 3(B).

<sup>11</sup> Section 3(C).

<sup>12</sup> Section 3(D) and (E).



## Rule-making authority

The bill permits ODJFS to adopt rules in accordance with the Administrative Procedures Act as necessary to carry out the purposes of the pilot program.<sup>13</sup>

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## HISTORY

| ACTION     | DATE     |
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| Introduced | 02-19-14 |

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<sup>13</sup> Section 3(D).

