
DEPARTMENT OF JOB AND FAMILY SERVICES

Child care

- Changes the periodic criminal records check required for certain child care providers from every four to every five years.
- Permits the Ohio Department of Job and Family Services (ODJFS) Director to issue a child care license or provisional license to an applicant whose type B family day-care home certificate was revoked, if the revocation occurred more than five years before applying for the license.
- Requires a county department of job and family services (CDJFS), as part of the certification process for type B homes, to request from the public children services agency (PCSA) (rather than ODJFS) information concerning abuse or neglect reports.
- Permits ODJFS to issue a child care license to a youth development center that applies for and meets the requirements for the license.
- Exempts preschool programs operated by nonchartered, nontax-supported schools from child day-care licensing requirements, provided the programs meet specified conditions.
- Requires ODJFS to establish the Ohio Electronic Child Care System to track attendance and calculate payments for publicly funded child care and requires all publicly funded child care providers to participate in the system.

Child welfare

- Requires a private child placing agency or private noncustodial agency seeking renewal of a certificate of fitness issued by ODJFS to provide ODJFS evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable American Institute of Certified Public Accountants auditing standards for the most recent fiscal year (initial renewal) or the two most recent previous fiscal years (subsequent renewal).
- Removes the requirement that a private child placing agency or private noncustodial agency, as a condition of renewal of a certificate of fitness, provide ODJFS with evidence of an independent audit of its first year of certification (initial renewal) or the two most recent fiscal years it is possible to have such an audit (subsequent renewal) unless an audit by the State Auditor during that year sets forth that no money has been illegally expended, concerted, misappropriated, or is unaccounted



for or sets forth findings that are inconsequential as defined by government auditing standards.

- Removes the requirement that for a private child placing agency or private noncustodial agency to be eligible for renewal the independent audit demonstrate that the agency operated in a fiscally accountable manner in accordance with state laws and rules and any agreement between the agency and a public children services agency.
- Removes the requirement that all audits be conducted in accordance with generally accepted government auditing standards and instead requires that the independent audits demonstrate that the agency operated in a fiscally accountable manner as determined by ODJFS.
- Allows ODJFS to adopt rules in accordance with R.C. 111.15 as necessary to implement the above-described dot points.
- Repeals the provision that authorizes ODJFS, with respect to a criminal records check required for an adult resident of a prospective adoptive or foster home or a foster caregiver's home, to waive the requirement that the records check be based on fingerprints if it determines that the adult resident is physically unable to provide fingerprints and poses no danger to foster children or adoptive children who may be placed in the home.
- Repeals the provision that specifies that, in such cases as described in the preceding dot point, the involved agency must request that BCII perform a records check using the person's name and Social Security number.

Child Support

- Revises the frequency of publication by the Office of Child Support in ODJFS of a set of posters of delinquent child support obligors who cannot be located from not less than twice annually to annually and makes it discretionary for the Office to publish the poster.
- Relieves an employer of the obligation to make a new hire report to the ODJFS when an employee is rehired after a period of separation from employment of less than 60 days.

Unemployment

- Permits an individual who quits work to accompany the individual's spouse on a military transfer to be eligible for unemployment compensation benefits under certain circumstances.

Ohio Parenting and Pregnancy Program

- Establishes the Ohio Parenting and Pregnancy Program to provide to pregnant women and parents or other relatives caring for children under 12 months of age services that promote childbirth, parenting, and alternatives to abortion.
- Specifies requirements that an entity seeking funds from the Program must meet, including having the primary purpose of promoting childbirth, not abortion.
- Allows an entity receiving funds under the Program to provide services through a subcontractor.

Therapeutic wilderness camps

- Clarifies that therapeutic wilderness camps must be certified by ODJFS.

Child care

Regulation of child care: background

(R.C. Chapter 5104.; Section 815.20)

The Ohio Department of Job and Family Services (ODJFS) and county departments of job and family services (CDJFSs) are responsible for the regulation of child care providers, other than preschool programs and school child programs, which are regulated by the Ohio Department of Education (ODE). Child care consists of administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours for any part of the 24-hour day in a place or residence other than a child's own home.¹³⁷

Child care can be provided in a facility, the home of the provider, or the child's home. Not all child care providers are subject to regulation, but a provider must be licensed or certified to be eligible to provide publicly funded child care. The distinctions among the types of providers are described in the table below.

¹³⁷ R.C. 3301.51 to 3301.59, not in the bill.



Child Care Providers		
Type	Description/Number of children served	Regulatory system
Child day-care center	Any place in which child care is provided as follows: --For 13 or more children at one time; or --For 7-12 children at one time if the place is not the permanent residence of the licensee or administrator (which is, instead, a type A home).	A child day-care center must be licensed by ODJFS, regardless of whether it provides publicly funded child care.
Family day-care home	Type A home – a permanent residence of an administrator in which child care is provided as follows: --For 7-12 children at one time; or --For 4-12 children at one time if 4 or more are under age 2. Type B home – a permanent residence of the provider in which child care is provided as follows: --For 1-6 children at one time; and --No more than 3 children at one time under age 2.	A type A home must be licensed by ODJFS, regardless of whether it provides publicly funded child care. To be eligible to provide publicly funded child care, a type B home must be certified by a CDJFS or, beginning January 1, 2014, licensed by ODJFS.
In-home aide	A person who provides child care in a child's home but does not reside with the child.	To be eligible to provide publicly funded child care, an in-home aide must be certified by a CDJFS.

Child care licensing

Criminal records checks for child care providers

(R.C. 5104.012 and 5104.013; Sections 110.20, 110.21, and 110.22)

ODJFS is required by current law to request a criminal records check of the following persons: (1) the owner, licensee, or administrator of a child day-care center, (2) the owner, licensee, or administrator of a type A family day-care home and any person 18 years of age or older who lives in a type A home, and (3) beginning January 1, 2014, the administrator of a licensed type B family day-care home and any person age 18 or older who lives in the home. In addition, a CDJFS is required to request a criminal records check of the following persons: (1) until January 1, 2014, an authorized provider of a certified type B family day-care home and any person age 18 or older who resides in the home, and (2) beginning January 1, 2014, an in-home aide. An administrator of a



child day-care center or type A home must request a criminal records check of any applicant who has applied for employment as a person responsible for the care, custody, or control of a child.

Current law specifies that the criminal records checks for all of the specified persons must be requested at the time of the initial application for licensure, certification, or employment and every four years thereafter. The bill requires instead that the criminal records checks be requested on initial application and every *five* years thereafter.

Restriction on licensure for applicants with a prior revocation

(R.C. 5104.03)

Current law prohibits the ODJFS Director from issuing a license or provisional license for a child day-care center or type A home if the Director determines, based on documentation from the CDJFS, that the applicant previously had been certified as a type B family day-care home, that the CDJFS revoked that certification, that the revocation was based on the applicant's refusal or inability to comply with criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

The bill maintains this restriction, but only if the revocation occurred less than five years before applying for the license.

Requests for information from the Statewide Automated Child Welfare Information System (SACWIS)

(R.C. 5104.11)

As part of the requirements for certification of type B homes, current law requires that a CDJFS request from the public children services agency (PCSA) (until SACWIS is finalized statewide) or ODJFS (once SACWIS is finalized statewide) information concerning any abuse or neglect report of which the applicant for a type B home certification, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver is the subject. The bill provides that the CDJFS request this information from only the PCSA.

Authority to revoke a type B home certificate

(R.C. 5104.11 and 5104.12)

Under current law, a CDJFS director may revoke a type B home or in-home aide certificate after determining that the revocation is necessary. The bill provides instead



that a CDJFS director may revoke such a certificate (1) if the director determines, pursuant to rules adopted under the Administrative Procedure Act, that revocation is necessary or (2) if the authorized provider or in-home aide does not participate in the Ohio Electronic Child Care System (Ohio ECC) or violates certain prohibitions regarding Ohio ECC.

Licensure of youth development programs

(R.C. 5104.02 and 5104.021)

Under current law, youth development programs operated outside of school hours by a community-based center are exempt from child care licensure laws if all of the following apply:

(1) The children enrolled in the program are under age 19 and enrolled in or eligible to be enrolled in a grade of kindergarten or above;

(2) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities;

(3) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established by ODE;

(4) The community-based center is operating the program under the charitable exemption from federal income taxation.

The ODJFS Director currently is prohibited from issuing a child day-care center or type A home license to these youth development programs. The bill permits the ODJFS Director to issue a child day-care center or type A home license to a youth development program that is exempt from the child care licensure law if the program applies for and meets all of the requirements for the license. It clarifies that "informal child care" refers to child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. The bill removes the restriction that the program must provide at least two of the activities described in (2) above.

Exemption for preschools operated by nonchartered, nontax-supported schools

(R.C. 5104.02)

The bill exempts preschool programs operated by nonchartered, nontax-supported schools from child care licensure under specified conditions. Current law



exempts certain programs from licensure; however, preschool programs operated by a nonchartered, nontax-supported school are not presently exempt. The bill exempts those preschool programs from licensure if the following conditions are satisfied:

- (1) The program complies with state and local health, fire, and safety laws;
- (2) The program annually certifies in a report to the parents of its pupils that the school is in compliance with state and local health, fire, and safety laws, and a copy of the report is filed with ODJFS on or before September 30 of each year;
- (3) The program complies with all applicable reporting requirements in the same manner as required by the State Board of Education for nonchartered, nonpublic primary and secondary schools;
- (4) The program is associated with a nonchartered, nontax-supported primary or secondary school.

Publicly funded child care

Ohio Electronic Child Care System

(R.C. 5104.32 (primary), 5104.11, and 5104.12; Sections 110.20, 110.21, and 110.22)

During fiscal years 2012 and 2013, H.B. 153 of the 129th General Assembly (the main operating appropriations act for 2011-2013) required that, if ODJFS implements a program that uses a swipe card system and point-of-service device to track attendance and submit invoices for payment for publicly funded child care, (1) misuse of the system by a provider participating in the program is a reason for which the provider's license or certification may be subject to revocation and (2) misuse of the system by a caretaker parent participating in the program is a reason for which the parent may lose eligibility for publicly funded child care.

The bill requires ODJFS to establish Ohio ECC to track attendance and calculate payments for publicly funded child care. It requires that all child care providers seeking to provide publicly funded child care participate in Ohio ECC. A provider participating in Ohio ECC may not use or possess an electronic child care card issued to a caretaker parent, falsify attendance records, knowingly seek payment for publicly funded child care that was not provided, or knowingly accept reimbursement for publicly funded child care that was not provided.

Child welfare

Audit prior to renewal of certificate

(R.C. 5103.0323)

Current law requires ODJFS every two years to pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.¹³⁸ These institutions and associations include a private child placing agency or a private noncustodial agency. When ODJFS is satisfied as to the care given such children and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, ODJFS must issue a certificate to that effect to the institution or association. Under existing law, a private child placing agency or private noncustodial agency that seeks renewal of that certificate, as a condition of renewal, must provide ODJFS evidence of an independent audit of its first year of certification (initial renewal) or the two most recent years (subsequent renewal) it is possible to have such an audit unless the State Auditor has audited the agency during that year or years and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards. The bill repeals this requirement and instead requires such an agency, as a condition of renewal, to provide ODJFS evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable American Institute of Certified Public Accountants auditing standards for the most recent fiscal year for the first recertification or for the two most recent previous years it is possible to have such an audit for any subsequent recertifications.

The bill removes the requirement that, for an agency to be eligible for renewal, the independent audit demonstrate that the agency operated in a fiscally accountable manner in accordance with state laws and rules and any agreement between the agency and a public children services agency and that all audits must be conducted in accordance with generally accepted government auditing standards. The bill instead requires that the independent audits demonstrate that the agency operated in a fiscally accountable manner as determined by ODJFS and provides that the ODJFS Director may adopt in accordance with R.C. 111.15 rules as necessary to implement the above-described provisions.

The bill removes the term "government auditing standards," defined as the government auditing standards published by the comptroller general of the U.S. General Accounting Office and replaces it with "American Institute of Certified Public

¹³⁸ R.C. 5103.03, not in the bill.



Accountants auditing standards," defined as the auditing standards published by the American Institute of Certified Public Accountants.

Criminal records checks for adult residents of a prospective adoptive or foster home or a foster caregiver's home

(R.C. 2151.86)

Under existing law, ODJFS may waive the requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective adoptive or foster home or the home of a foster caregiver if the recommending agency documents to the Department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency must request that BCII conduct a criminal records check using the person's name and social security number.

The bill repeals the provision that authorizes ODJFS, with respect to a criminal records check required for an adult resident of a prospective adoptive or foster home or a foster caregiver's home, to waive the requirement that the records check be based on fingerprints if it determines that the adult resident is physically unable to provide fingerprints and poses no danger to foster children or adoptive children who may be placed in the home. Additionally, the bill repeals the provision that specifies that in such cases, the involved agency must request that BCII perform a records check using the person's name and Social Security number.

Child support

Poster of delinquent child support obligors

(R.C. 3123.958)

The bill authorizes, instead of requires as under current law, the Office of Child Support in ODJFS to publish throughout the state a set of posters of delinquent child support obligors who cannot be located. The set of posters may be published annually instead of not less than twice annually as under current law.

Conditions for filing a new hire report

(R.C. 3121.89 and 3121.891; conforming changes to R.C. 3121.892 and 3121.893)

The bill requires every employer to make a new hire report to ODJFS regarding a "newly hired employee" who resides, works, or will be assigned to work in Ohio and to whom the employer anticipates paying compensation. The bill defines a newly hired



employee as either of the following: (1) an employee who has not previously been employed by the employer, or (2) an employee who was previously employed by an employer but has been separated from that prior employment for at least 60 consecutive days. Current law requires every employer to make a new hire report to ODJFS regarding the hiring, rehiring, or return to work as an employee, of a person who resides, works, or will be assigned to work in Ohio to whom the employer anticipates paying compensation, but does *not* make an exception for an employee who was previously employed by an employer and has been separated from that employment for less than 60 consecutive days. Continuing law requires every employer to make a new hire report to ODJFS with regard to contractors.

Unemployment

Spousal unemployment benefits – military transfer

(R.C. 4141.29(D) and (H))

The bill adds the following as a nondisqualifying reason for separation from employment, and therefore permits an individual who otherwise qualifies to be eligible for unemployment compensation benefits: the individual's spouse is a member of the United States armed forces who is on active duty, the spouse is the subject of a military transfer, the individual left employment to accompany the spouse to a location from which it is impractical to commute to the individual's place of employment, and upon arrival at the new place of residence, the individual in all respects able and available for suitable work.¹³⁹

If the individual was previously employed by a contributory employer (most private sector employers), the benefits are paid from the mutualized account in the Unemployment Compensation Fund and are not charged to the employer. The mutualized account is a separate account in the Fund that is primarily used to pay benefits when an individual employer's account cannot be charged for those benefits for a variety of reasons. If the employer was a reimbursing employer (most public sector employers and nonprofit organizations), the employer pays the benefits by reimbursing the Fund.

Ohio Parenting and Pregnancy Program

(R.C. 5101.804, 3125.18, 5101.35, 5101.80, 5101.801, 5101.803, and 5153.16)

The bill establishes the Ohio Parenting and Pregnancy Program to provide Temporary Assistance to Needy Families (TANF) block grant funds to certain private,

¹³⁹ R.C. 4141.29(D)(2)(a)(v).



nonprofit entities that provide services to pregnant women and parents or other relatives caring for children under 12 months of age that promote childbirth, parenting, and alternatives to abortion and meet one of the purposes of the TANF block grant. ODJFS may provide funds to these entities by contract (to the extent permitted by federal law). In accordance with criteria it develops, ODJFS may solicit proposals from entities seeking funds under the Program. Under the bill, ODJFS may enter into an agreement only if the entity meets the following conditions:

(1) The entity is a private and not-for-profit entity;

(2) The entity is one whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) The entity provides services to pregnant women and parents or other relatives caring for children 12 months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive programs or related outreach;

(4) The entity does not charge pregnant women and parents or other relatives caring for children 12 months of age or younger a fee for any services received;

(5) The entity is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising; and

(6) The entity does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.

The bill permits an entity that has entered into an agreement with ODJFS to provide some or all of the services through a subcontractor. Under the bill, a subcontract may be entered into with another entity only if that entity meets all of the following conditions:

(1) The entity is a private and not-for-profit entity;

(2) The entity is physically and financially separate from any entity, or component of an entity, that engages in abortion activities; and

(3) The entity is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising.

The ODJFS Director is required to adopt rules as necessary to implement the Program.

Therapeutic wilderness camps

(R.C. 5103.02)

The bill clarifies that therapeutic wilderness camps must be certified by ODJFS. It defines "therapeutic wilderness camp" as a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which the children (1) are placed by their parents or with another relative with custody, and (2) spend the majority of their time either outdoors or in a primitive structure.

Under current law, administrators and employees of residential camps must report suspected child abuse or neglect to a public children services agency or law enforcement, and persons responsible for a child's care at residential camps are subject to criminal background check requirements. Residential camps also must meet requirements that the Department of Health adopts under its general authority to regulate public health. The bill does not change these requirements.

In addition, any institution or association that receives or desires to receive and care for children for two or more consecutive weeks must be certified by ODJFS. The bill expressly provides that therapeutic wilderness camps are subject to this requirement.

