
DEPARTMENT OF JOB AND FAMILY SERVICES

Support obligors

- Modifies the processing charge a court or administrative agency must impose on an obligor under a support order.
- Requires child support obligors ordered to seek work or participate in a work activity to register with OhioMeansJobs.

Filing a paternity action after receiving pre-birth notice

- Requires, instead of permits, a putative father who receives a pre-birth notice and who wishes to preserve his right to consent to the child's adoption to file a paternity action.

Adult protective services

- Requires the Ohio Department of Job and Family Services (ODJFS) to establish and maintain a statewide adult protective services information system.
- Requires each county department of job and family services (CDJFS) to prepare a memorandum of understanding that establishes the procedures to be followed by local officials when working on cases of elder abuse, neglect, and exploitation.
- Adds irreparable financial harm as a basis for obtaining an emergency order for protective services without giving notice to the adult.
- Establishes procedure for obtaining an ex parte emergency protective services order for an older adult.
- Requires a CDJFS to refer a report of elder abuse, neglect, or exploitation it receives to one of a number of specified state agencies if the person who is the subject of the report falls under the agency's jurisdiction.
- Requires ODJFS to provide training on the implementation of the adult protective services statutes and to require all protective services caseworkers and their managers to complete the training.
- Modifies the definition of "exploitation" as that term is used in adult protective services statutes.



Child care

- Makes various changes to definitions governing child day-care.
- Consolidates existing provisions related to criminal records checks for child day-care centers, type A family day-care homes, licensed type B family day-care homes, and in-home aides and repeals duplicative provisions.
- Prohibits the ODJFS Director from issuing or renewing a license for a type A home or type B home if a minor resident has been adjudicated a delinquent child for committing a disqualifying offense.
- Requires a center, type A home, or licensed type B home to request a criminal records check for each job applicant and employee rather than only those applicants for and employees with positions involving responsibility for the care, custody, or control of a child.
- Adds offenses to the list that disqualifies a person from licensure or employment under current law.
- Requires the Director to adopt rules establishing standards for minimum instructional time for child care facilities rated through the Step Up to Quality rating system.
- Repeals provisions that specify child day-care center staff member training requirements and instead requires the Director to adopt rules regarding training.
- Authorizes the Director to contract with a government or private nonprofit entity to conduct type A family day-care home inspections.
- Specifies that certain actions of the ODJFS Director are not subject to the Administrative Procedure Act (Chapter 119. of the Revised Code).
- Requires ODJFS to suspend, without prior hearing, the license of a child care facility under specified circumstances.
- Requires the Director to establish an hourly reimbursement ceiling for in-home aides providing publicly funded child care, rather than a reimbursement ceiling that is 75% of the ceiling for type B family day-care homes.
- Permits child-care staff members to furnish evidence of qualifications to a designee of the Director.



- Changes to 300% (from 200%) of the Federal Poverty Line, the maximum amount of income a family can have for initial and continued eligibility for publicly funded child care.
- Repeals a provision that prohibits a caretaker parent from being required to pay a fee for publicly funded child care that exceeds 10% of the parent's family income.

Supplemental Nutrition Assistance Program (SNAP) and Ohio Works First (OWF)

- Specifies that rules governing SNAP must be consistent with federal work and employment and training requirements and must provide for SNAP recipients to participate in certain work activities, developmental activities, and alternative work activities.
- Specifies that rules governing OWF must include requirements for work activities, developmental activities, and alternative work activities for OWF participants.

Prevention, Retention, and Contingency (PRC) program

- Replaces a requirement that each CDJFS adopt a statement of policies governing the PRC program with a requirement that each CDJFS adopt a PRC program plan.
- Requires each CDJFS to adopt its initial PRC program plan not later than November 15, 2015 and update its plan not later than October 1, 2017, and at least every two years thereafter.
- Requires each CDJFS to include in its PRC program plan all required benefits and services specified in rules the ODJFS Director is required to adopt.
- Requires that the required benefits and services include, at a minimum, short-term supportive services that address the specific crisis or episode of need and disaster assistance.
- Restricts the circumstances under which a PRC program plan can be amended to suspend required benefits and services.
- Permits each CDJFS to include additional benefits and services in its PRC program plan.
- Prohibits required and additional benefits and services from including work subsidies.

- Mandates required and additional benefits and services to have the primary purposes of (1) diverting families from participating in Ohio Works First and (2) meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.

Ohio Healthier Buckeye Advisory Council

- Requires the Ohio Healthier Buckeye Advisory Council (OHBAC) to prepare an annual report of its activities.
- Repeals requirements that OHBAC recommend (1) criteria, application processes, and maximum grant amounts for the Ohio Healthier Buckeye Grant Program, and (2) means to achieve coordination, person-centered case management, and standardization in public assistance programs.
- Requires OHBAC to (1) provide assistance establishing local healthier buckeye councils, (2) identify barriers and gaps to achieving greater financial independence and provide advice on overcoming those barriers and gaps, and (3) collect, analyze, and report performance measure information.

Local healthier buckeye councils

- Requires each board of county commissioners, not later than December 15, 2015, to adopt a resolution establishing a local healthier buckeye council.
- Requires local councils to promote opportunities for individuals and families to achieve and maintain optimal health, and develop plans to promote that objective and other objectives in current law.
- Requires each local council to submit the council's plan to its board of county commissioners and to OHBAC.
- Requires local councils to submit annual performance reports to OHBAC.
- Requires local councils to report certain information to the Joint Medicaid Oversight Committee and OHBAC.

Healthier Buckeye Grant Program

- Repeals the existing Healthier Buckeye Grant Program and reenacts it with new criteria for grants to be awarded to local healthier buckeye councils, other public and private entities, and individuals.
- Requires that the Program be administered by OHBAC.



- Creates the Healthier Buckeye Fund in the state treasury from which grants can be awarded under the Program.

Evaluation of county departments of job and family services

- Repeals a provision that requires ODJFS to establish an evaluation system to rate CDJFSs in terms of success in helping public assistance recipients to obtain employment and cease relying on public assistance.

Disability Financial Assistance

- Permits ODJFS to contract with a state agency to make eligibility determinations for the Disability Financial Assistance Program.
- Requires ODJFS to pay the state agency's administrative costs to make those determinations.

Military Injury Relief Fund

- Transfers from ODJFS to the Department of Veterans Services all duties relating to grants from the Military Injury Relief Fund.
- Expands the service members eligible to receive a grant from the Fund to include a service member injured while serving after October 7, 2001, or any service member diagnosed with post-traumatic stress disorder while serving, or after having served, after October 7, 2001.
- Requires the Director of Veterans Services to adopt rules necessary to administer the Military Injury Relief Fund Grant Program.
- Specifies that the current rules regarding the grant program remain effective until the Director of Veterans Services rules take effect.

Audit Settlements and Contingency Fund

- Renames the ODJFS General Services Administration and Operating Fund the Audit Settlements and Contingency Fund.
- Specifies that the Fund is to consist of money transferred from any of the Funds used by ODJFS, other than the GRF, and is to be used to pay for required audits, settlements, contingencies, and other related expenses.
- Permits the Director of Budget and Management to transfer money from the Fund to any fund used by ODJFS or to the GRF.



Case management

- States that it is the General Assembly's intent to have any case management services regarding employment and training needs governed at the county level.

Child placement level of care tool pilot program

- Requires ODJFS to implement, oversee, evaluate, and seek federal and state funding for a pilot program in ten counties selected by ODJFS for use of a Child Placement Level of Care Tool.
- Provides for the pilot program to begin not later than six months after authority for the program is effective under the bill and for the program to last no longer than 18 months after it begins.

Exemption from certification for therapeutic wilderness camps

- Exempts private, nonprofit therapeutic wilderness camps from ODJFS certification required of other child caring institutions and associations, and from ODJFS regulations governing such entities.
- Requires the ODJFS Director to license a private, nonprofit therapeutic wilderness camp that meets specified minimum standards.
- Prohibits the operation of a private, nonprofit therapeutic wilderness camp without a license.

Support obligors

Support processing charge

(R.C. 3119.27)

The bill modifies the processing charge that a court or administrative agency must impose on a support obligor. A court that issues or modifies a support order (which can be either a child support order or spousal support order) or an agency that issues or modifies an administrative child support order must impose on the order's obligor a processing charge equal to 2% of the support payment to be collected under the order. Under current law, the amount charged is the greater of 2% of the support amount or \$1 per month.



Seek work orders for child support obligors

(R.C. 3121.03)

The bill requires a court or administrative child support agency, when ordering a child support obligor to seek employment or participate in a work activity, to also require the obligor to register with OhioMeansJobs. Under continuing law, this order supports an existing child support order. It is issued to an obligor that is able to work, but is unemployed, has no income, and does not have an account at a financial institution.

Filing a paternity action after receiving pre-birth notice

(R.C. 3107.0611 and 3107.0612)

The bill requires, instead of permits under existing law, a putative father who receives a pre-birth notice that the mother of the child intends to place the child for adoption and who wishes to preserve his right to consent to the placement for adoption of the child who is the subject of the notice to file a paternity action. The bill also modifies the language of the pre-birth notice to include this requirement.

Adult protective services

Statewide adult protective services information system

(R.C. 1347.08, 5101.612, and 5101.99)

The bill requires the Ohio Department of Job and Family Services (ODJFS) to establish and maintain a uniform statewide adult protective services information system. The information system is to contain records regarding all reports of abuse, neglect, or exploitation of adults made to a county department of job and family services (CDJFS); the investigations of those reports; the protective services provided to adults; and any other information related to adults in need of protective services that ODJFS or a CDJFS is required by law to maintain. ODJFS is to implement the information system on a county-by-county basis and notify all CDJFSs when statewide implementation of the system is complete.

The bill specifies that the information contained in or obtained from the information system is confidential, is not a public record, and is not subject to the disclosure laws that apply to other state-implemented personal information systems. The information may be accessed or used only in a manner, to the extent, and for the purposes authorized by, rules adopted by ODJFS. A person who knowingly accesses, uses, or discloses information contained in the information system other than in accordance with those rules is guilty of a fourth degree misdemeanor.



Memorandum of understanding

(R.C. 5101.621)

The bill requires each CDJFS to prepare a memorandum of understanding that sets forth the procedures to be followed by local officials when working on cases of elder abuse, neglect, and exploitation. Those procedures are to include the officials' roles and responsibilities for handling cases that have been referred by CDJFS to another agency and for filing criminal charges against the persons alleged to have committed the abuse, neglect, or exploitation. The memorandum also must provide for the establishment of an interdisciplinary team to coordinate efforts to prevent, report, and treat abuse, neglect, and exploitation of adults.

The bill specifies that a failure to follow the procedures established by the memorandum of understanding is not grounds for the dismissal of a charge or complaint arising from a report of abuse, neglect, or exploitation; for the suppression of evidence obtained as a result of such a report; or for appeal or post-conviction relief.

The bill requires the memorandum of understanding to be signed by the director of the CDJFS; the director of any state agency with which the CDJFS has entered into an interagency agreement; the county peace officer; all chief municipal peace officers within the county; law enforcement officers handling adult abuse, neglect, and exploitation cases; the county prosecuting attorney; and the county coroner. The memorandum of understanding may additionally be signed by the following as members of the interdisciplinary team established by the memorandum of understanding: a representative of the area agency on aging; the regional long-term care ombudsman; a representative of the board of alcohol, drug addiction, and mental health services; a representative of the local board of health; a representative of the county board of developmental disabilities; a representative of a victim assistance program; a representative of a local housing authority; or any other person whose participation furthers the goals of the memorandum of understanding.

Reports of elder abuse, neglect, or exploitation

(R.C. 5101.61)

The bill requires all CDJFSs to be available to receive reports of elder abuse, neglect, or exploitation 24 hours a day and seven days a week. The bill specifies that the information in the reports is confidential and repeals a provision that requires the information to be made available upon request to agencies authorized by a CDJFS to receive the information.



Referring reports of elder abuse, neglect, or exploitation

(R.C. 5101.611)

The bill modifies the requirement that a CDJFS refer a report of elder abuse, neglect, or exploitation to another state agency if the person who is the subject of the report falls under that agency's jurisdiction. If the subject of the report is a resident of a long-term care facility regulated by the Department of Aging, the report is to be referred to the State Long-Term Care Ombudsman Program. If the subject of the report is resident of a nursing home and has allegedly been abused, neglected, or exploited by an employee of the nursing home, the report is to be referred to the Department of Health. If the subject of the report is a child, the report is to be referred to the public children services agency. The referrals are to be made in accordance with rules ODJFS adopts.

Additionally, the bill requires a CDJFS to treat reports of abuse, neglect, and exploitation that are referred to it by the State Ombudsman or a regional long-term care ombudsman program as if the reports were made under the law governing adult protective services.

Emergency protective services

(R.C. 5101.69, 5101.691, and 5101.692)

Current law permits a CDJFS to petition the court for an order authorizing the provision of protective services on an emergency basis. In general, the adult must be given at least notice of the filing and contents of the petition, the adult's rights, and the consequences of a court order at least 24 hours before the hearing required by current law. The court may waive the notice requirement if reasonable attempts have been made to notify the adult or the adult's family or guardian, if any and immediate and irreparable physical harm to the adult or others would result from a 24-hour delay. The bill permits the court, in addition, to waive the 24-hour notice period if immediate and irreparable financial harm to the adult or others would result from the delay.

Emergency ex parte orders

The bill adds provisions allowing for ex parte emergency protective-services orders. These are orders issued without prior notice to the adult. Under the bill, a court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services to an adult on an emergency basis if all of the following are the case:



(1) The court receives notice from the CDJFS or its authorized employee that the CDJFS or employee believes an emergency order is needed as described in this section.

(2) There is reasonable cause to believe that the adult is incapacitated.

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

An ex parte order, which must be journalized by the judge or magistrate, may remain in effect for not longer than 24 hours, except that if the day following the day on which the order is issued is not a working day, the order remains in effect until the next working day. The CDJFS must file a regular petition for emergency court-ordered services within 24 hours after an ex parte order is issued or, if the day following the day on which the order was issued is not a working day, on the next working day. The proceedings are then the same as for a regular emergency petition, except that the court must hold a hearing not later than 24 hours after the issuance of the ex parte order (or on the next working day if the day following the day on which the order is issued is not a working day) to determine whether there is probable cause for the order. At the hearing, the court must determine whether protective services are the least restrictive alternative available for meeting the adult's needs. At the hearing, the court may do any of the following:

(1) Issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement;

(2) Order emergency services;

(3) Freeze the financial assets of the adult.

A temporary order is effective for 30 days. The court may renew the order for an additional 30-day period. Information contained in the order may be entered into the Law Enforcement Automated Data System.

Designation of duties

(R.C. 5101.622)

The bill permits a CDJFS to enter into a contract with one or more private or government entities to perform any of its duties regarding receiving reports of abuse, neglect, and exploitation; investigating the reports and arranging for the provision of



protective services; and petitioning the court for an order authorizing the provision of protective services.

ODJFS rules

(R.C. 5101.71)

Current law permits ODJFS to provide a program of ongoing, comprehensive, formal training to CDJFSs regarding the implementation of the law governing adult protective services. The bill instead requires ODJFS to provide training and require all protective services caseworkers and their supervisors to undergo the training.

As part of its authority to adopt rules governing the implementation of the law governing adult protective services, ODJFS is permitted by current law to adopt rules regarding CDJFSs' plans for proposed expenditures and reporting of expenditures for the program. The bill permits, in addition, that the rules include other requirements for intake procedures, investigations, case management, and the provision of protective services.

Definition of "exploitation"

(R.C. 5101.60)

Current law defines "exploitation" to mean the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain. The bill specifies that exploitation occurs when a caretaker obtains or exerts control over an adult or the adult's resources either without consent, beyond the scope of express or implied consent, or by deception, threat, or intimidation.

Child care

Regulation of child care: background

(R.C. 3301.51 to 3301.59; R.C. Chapter 5104.)

ODJFS and 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 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.



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 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.

Changes to child day-care definitions

(R.C. 5104.01)

The bill makes several changes to child day-care definitions. Under current law, "child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home. The bill repeals the part of that definition that excludes care provided by relatives from child care. The bill also clarifies that care provided by an in-home aide in the child's own home is child care.

Current law defines Head Start as a comprehensive child development program that receives funds under federal law and is licensed as a child day-care center. The bill



clarifies that Head Start serves children from birth to three years old and preschool-age children.

The bill also expands the definition of "owner" of a center, type A home, and type B home. Under current law, an owner is a person (which includes an individual, corporation, business trust, estate, trust, partnership, and association)¹⁰⁰ or a government entity. The bill expands that definition to include in addition a firm, organization, institution, or agency, as well as the individual governing board members, partners, incorporators, agents, and the authorized representatives of those entities. Consequently, the bill expands existing provisions that relate to owners to include those entities and individuals. These include, for example, restrictions on seeking a license after revocation or denial and criminal records check and attestation requirements (see "**Criminal records checks**," below).¹⁰¹

Finally, the bill expands the definitions of part-time child care providers. Under current law, only centers or type A homes that provide child care for no more than four hours per day for any child meet the definition. The bill expands part-time child care to include centers and type A homes that operate for not more than 15 consecutive weeks per year, regardless of the number of hours per day.

Criminal records checks and attestations

(R.C. 109.57, 109.572, 5104.012, 5104.013, 5104.04, 5104.09, 5104.37, and 5104.99)

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, (3) the administrator of a licensed type B family day-care home, and (4) any person age 18 or older who lives in a type A home or licensed type B home. A CDJFS is required to request a criminal records check of an in-home aide. An administrator of a center or type A home is required to request a criminal records check of any applicant who has applied to the center or type A home for employment as a person responsible for the care, custody, or control of a child. The criminal records checks for all of these specified persons must be requested at the time of initial application and every five years thereafter.

In general, the ODJFS Director is prohibited from granting a license to a center, type A home, or type B home and a CDJFS director is prohibited from certifying an in-home aide if a person for whom a criminal records check is required in connection with

¹⁰⁰ R.C. 1.59, not in the bill.

¹⁰¹ R.C. 5104.013 and 5104.03, not in the bill.



the center or home has been convicted of or pleaded guilty to certain offenses. A license or certificate may be issued if the person has met ODJFS established rehabilitation standards. Additionally, a center or type A home is prohibited from employing or contracting with another entity for the services of a person as a person responsible for the care, custody, or control of a child if the person has been convicted of or pleaded guilty to specified offenses, unless the person meets ODJFS rehabilitation standards. The center or home may employ a person conditionally until the criminal records check is completed, but the center or home's administrator must review the results of the criminal records check before the applicant has sole responsibility for the care, custody, or control of any child.

Current law also contains another provision listing offenses that disqualify a person from owning or operating a center, type A home, or licensed type B home; being employed in any capacity in a center or type A home; or being certified as an in-home aide unless rehabilitation standards are met.¹⁰² The offenses are somewhat duplicative of those that are included in the criminal records check requirements, but the list is not as extensive. The provision also requires that the following attestations be made:

- Each employee of a center or type A home and every person age 18 or older residing in a type A home or licensed type B home must sign a statement attesting to the fact that the employee or resident has not been convicted of or pleaded guilty to any disqualifying offense and that no child has been removed from the employee's or resident's home pursuant to an abuse, dependency, or neglect adjudication.
- Each licensee of a type A home or licensed type B home must sign a statement attesting to the fact that no person under age 18 who resides in the home has been adjudicated a delinquent child for committing any disqualifying offense.
- Each administrator and licensee of a center, type A home, or licensed type B home must sign a statement attesting that the administrator or licensee has not been convicted of or pleaded guilty to any disqualifying offense and that no child has been removed from the person's home pursuant to an abuse, dependency, or neglect adjudication.
- Each in-home aide must sign a statement attesting that the aide has not been convicted of or pleaded guilty to any disqualifying offense and that no child has been removed from the aide's home pursuant to an abuse, dependency, or neglect adjudication.

¹⁰² R.C. 5104.09.

Withholding or falsifying information on the attestations described above is a first degree misdemeanor.

The bill consolidates all of the existing provisions related to criminal records checks, disqualifying offenses, and attestations that concern child care into a single Revised Code section and makes conforming technical changes.¹⁰³ It also makes several substantive changes to these provisions.

First, the bill extends its criminal records check and attestation requirements to include employees, owners, and licensees of licensed type B homes rather than only administrators of licensed type B homes. Further, it specifies that criminal records check requirements for employees apply to *any* employee rather than only those employed as a person responsible for the care, custody, or control of a child.

Next, in addition to the attestation required under current law, the bill expressly prohibits the ODJFS Director from issuing a license to a type A home or type B home if a child under 18 residing in the home has been adjudicated a delinquent child for committing any of the offenses for which a criminal records check must be performed.

Finally, the bill adds the following offenses to those currently included in a criminal records check (and that are disqualifying offenses unless rehabilitation standards are met): extortion, trafficking in persons, commercial sexual exploitation of a minor, soliciting to engage in sexual activity for hire, aggravated arson, arson, disrupting public services, vandalism, inciting to violence, aggravated riot, riot, inducing panic, misrepresentation relating to provision of child care, failure to disclose the death or injury of a child in a child care facility, intimidation, failure to report child abuse or neglect, making a false report of child abuse or neglect, escape, or aiding escape or resistance to lawful authority.¹⁰⁴

Minimum instructional time for certain child care facilities

(R.C. 5104.015, 5104.017, and 5104.018)

The bill requires the Director to adopt rules establishing standards for minimum instructional time for child day-care centers, type A family day-care homes, and licensed type B family day-care homes that are rated through the quality tiered rating and improvement system (Step Up to Quality) that existing law requires the Director to establish.

¹⁰³ R.C. 5104.013.

¹⁰⁴ R.C. 2151.421, 2905.11, 2905.32, 2907.19, 2907.24, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2919.224, 2919.225, 2921.03, 2921.14, 2921.34, 2921.35, not in the bill.



Child day-care center staff training

(R.C. 5104.037 (repealed), 5104.015, 5104.016, and 5104.036)

Under current law, a child day-care center staff member must complete 15 hours of in-service training annually, with certain exceptions. The bill repeals this provision and instead requires that the Director adopt rules regarding the training of child day-care center staff members.

Type A family day-care home inspections

(R.C. 5104.03)

The bill authorizes the Director to contract with a government or private nonprofit entity to conduct inspections of type A family day-care homes. Current law requires that each child day-care center, type A family day-care home, or type B family day-care home be inspected following the filing of an application for licensure. Under existing law, however, the Director may contract with a government or private nonprofit entity to conduct inspections for type B homes only.

Certain actions not subject to the Administrative Procedure Act

The bill specifies that certain actions of the Director are not subject to the Administrative Procedure Act (Chapter 119. of the Revised Code). Under existing law, if the Director revokes the license of a child day-care center, type A home, or licensed type B home, the Director cannot issue another license to the owner of the center or home until five years have elapsed from the date the license is revoked.

In addition, if the Director denies an application for licensure, current law prohibits the Director from accepting another application from the applicant until five years have elapsed since the date the previous application was denied. The bill provides that the Director's refusal to issue a license because the application was filed within five years of license revocation or application denial is not subject to the Administrative Procedure Act.

Summary suspension of child care licenses

(R.C. 5104.042 (new))

The bill requires ODJFS to suspend, without prior hearing, the license of a center, type A home, or licensed type B home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center or home;



(2) A public children services agency (PCSA) receives a report of the possible abuse or neglect or possible threat of abuse or neglect of a child receiving child care in the center or home and the person who is the subject of the report is the owner, licensee, administrator, employee, or resident of the center or home;

(3) An owner, licensee, administrator, employee, or resident of the center or home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child;

(4) ODJFS determines that the center or home created a serious risk to the health or safety of a child receiving child care in the center or home that resulted in or could have resulted in a child's death or injury;

(5) The owner, licensee, administrator, employee, or resident of the center or home is charged by an indictment, information, or complaint with fraud.

Under the bill, ODJFS must issue a written order of suspension and must furnish a copy of the order to the licensee. The licensee may appeal the suspension to the common pleas court of the county in which the licensee resides or the licensee's business is located.

The bill provides that a summary suspension remains in effect, unless reversed on appeal, for the longer of 60 days or until any of the following occurs:

(1) The PCSA completes its investigation of the report of the possible abuse or neglect or the possible threat of abuse or neglect;

(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty;

(3) A final order issued by ODJFS becomes effective.

Additionally, if ODJFS initiates the revocation of a license that has been summarily suspended, the suspension remains in effect until the revocation process is completed.

In-home aide reimbursement for publicly funded child care

(R.C. 5104.30)

The bill requires the Director to establish an hourly reimbursement ceiling for in-home aides providing publicly funded child care. Under current law, the reimbursement ceiling must be 75% of the reimbursement ceiling that applies to



licensed type B family day-care homes. The bill changes the reimbursement ceiling set by the Director to an hourly cap.

Child-care staff credential procedures

(R.C. 5104.036)

The bill permits child-care staff members of a child day-care center to furnish evidence of qualifications to a designee of the Director, rather than only to the Director. Continuing law generally requires such staff members to furnish evidence of at least high school graduation or certification of equivalency, or evidence of completion of a training program approved by ODJFS or the State Board of Education.

Publicly funded child care

(R.C. 5104.38)

Eligibility

Existing law requires the Director to adopt rules governing financial and administrative requirements for publicly funded child care, including the maximum amount of income a family can have to qualify. Currently, that maximum income is capped at 200% of the Federal Poverty Line for both initial and continued eligibility. The bill increases the maximum income that the Director may establish to 300%.

Fees paid by caretaker parents

Existing law also requires the Director to adopt a schedule of fees that may be charged to caretaker parents for publicly funded child care. The Director is restricted from requiring a fee in excess of 10% of a family's income. The bill repeals that limitation on the Director's ability to determine the fee schedule.

Work requirements for SNAP recipients and OWF participants

(R.C. 5101.54 and 5107.05)

Supplemental Nutritional Assistance Program

Existing law requires the ODJFS Director to administer the Supplemental Nutritional Assistance Program (SNAP) (commonly referred to as the Food Stamp Program) in accordance with the federal Food and Nutrition Act. It authorizes ODJFS to adopt rules governing employment and training requirements for recipients of SNAP benefits and provides that the rules must be consistent with federal law. Under the bill, the rules must also be consistent with the federal Food and Nutrition Act's work and training requirements and, to the extent practicable, must provide for SNAP recipients



to participate in certain work activities, developmental activities, and alternative work activities.

SNAP background

SNAP is a federal program administered by the states to assist low-income households in purchasing food products from authorized food merchants. As a condition of receiving SNAP benefits, certain participants are subject to work requirements established by federal law. In general, SNAP benefits for an able-bodied adult without dependents, or ABAWD, are limited to three months in a 36-month period, unless the ABAWD complies with specified work requirements. The following are not considered ABAWDs: (1) individuals under the age of 18 or 50 years of age or over, (2) pregnant women, (3) individuals medically certified as physically or mentally unfit for employment, (4) those responsible for the care of a child under 6 or an incapacitated household member, and (5) individuals already exempt from SNAP general work requirements.¹⁰⁵

ABAWDs, also known as work registrants under federal law, may satisfy the work requirements by doing any of the following: (1) working 20 or more hours per week, averaged monthly, (2) participating in and complying with the requirements of a work program for 20 or more hours per week, as determined by the Ohio Department of Job and Family Services, or (3) participating in or complying with the requirements of a workfare program or a comparable program established by a state or political subdivision.¹⁰⁶

Ohio Works First

Current law requires the ODJFS Director to adopt rules to implement Ohio Works First (OWF) and provides that the rules must be consistent with federal law. The rules must address the following topics: the method of determining the amount of cash assistance received, requirements for initial and continued eligibility, and application procedures. Under the bill, the rules must establish requirements for work activities, developmental activities, and alternative work activities for OWF participants.

OWF background

OWF is the cash assistance portion of Ohio's Temporary Assistance for Needy Families (TANF) program and provides cash benefits to eligible families. Generally, an

¹⁰⁵ 7 U.S.C. 2015(d)(2)(2014), www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds.

¹⁰⁶ 7 U.S.C. 2015(o) (2014).



eligible family can receive benefits under OWF for up to 36 months.¹⁰⁷ The goal of the program is to promote self-sufficiency, personal responsibility, and employment.¹⁰⁸

To be eligible for OWF, a family (referred to as an "assistance group") must satisfy requirements concerning income, work, and other matters.¹⁰⁹ Regarding income requirements, the assistance group's gross income must not exceed 50% of the FPL, and the group's countable income must not exceed the OWF payment standard, which is the maximum amount of cash assistance that an assistance group may receive under OWF.¹¹⁰ In calculating gross income and countable income, certain expenses, such as the cost of child care, are disregarded.

Regarding work requirements, each adult member of the assistance group or the group's minor head of household must enter into a self-sufficiency contract.¹¹¹ The contract must set forth the assistance group's plan to achieve self-sufficiency and personal responsibility within the program's time limit, as well as work-related activities in which each member must participate.¹¹²

Prevention, Retention, and Contingency (PRC) program

(R.C. 5108.04 (primary), 5108.01, 5108.021, 5108.022, 5108.03, 5108.041, 5108.05, 5108.051 (repealed), 5108.06, 5108.07, 5108.09, 5108.10 (repealed), and 5108.11)

The PRC program is one of the state's TANF programs. The purpose of TANF, as stated in the federal law creating it, is to increase the flexibility of states in operating a program designed to (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives, (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage, (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these

¹⁰⁷ There are exceptions to the 36-month time limit. Under certain circumstances, a family may receive OWF benefits for an additional 24 months (for a total of 60 months) two years after leaving OWF due to the initial 36-month time limit. Some families may be exempt from the initial 36-month and total 60-month time limits. (R.C. 5107.18.)

¹⁰⁸ Benefits.gov. *Ohio Works First (OWF)*, available at www.benefits.gov/benefits/benefit-details/1674. See also R.C. 5107.01.

¹⁰⁹ R.C. 5107.10.

¹¹⁰ O.A.C. 5101:1-23-20(H) and (J).

¹¹¹ R.C. 5107.14(A).

¹¹² R.C. 5107.14(B).



pregnancies, and (4) encourage the formation and maintenance of two-parent families.¹¹³ The PRC program is administered by ODJFS on the state level. On the county level, it is administered by CDJFSs.

Current law requires each CDJFS to adopt a written statement of policies governing the PRC program for the county. A CDJFS's statement of policies must establish or specify (1) the benefits and services to be provided under the county's PRC program, (2) restrictions on the amount, duration, and frequency of the benefits and services, (3) eligibility requirements, and (4) certain other matters.

The bill replaces the requirement for each CDJFS to adopt a written statement of policies with a requirement for each CDJFS to adopt a written PRC program plan. The initial plan must be adopted not later than November 15, 2015. The plan must be updated not later than October 1, 2017, and at least every two years thereafter. A CDJFS is permitted to amend its plan; however, it cannot suspend required benefits and services unless funds allocated for the PRC program by the ODJFS Director have been exhausted and the CDJFS submits an amended plan. Each CDJFS is required to comply with rules that the bill requires the Director to adopt when adopting, updating, amending, or suspending its plan.

A CDJFS's PRC program plan is required to include all benefits and services that the Director's rules require be included. The bill requires that all of the following be specified in the rules as required benefits and services: short-term supportive services that address the specific crisis or episode of need, disaster assistance, and any other benefits and services the Director specifies. A CDJFS's plan may include additional benefits and services.

Current law requires that the benefits and services included in a CDJFS's statement of policies for its PRC program be allowable uses of federal TANF funds, except that they may not be "assistance" as defined in a federal regulation but rather benefits and services that the regulation excludes from that definition. Assistance includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).¹¹⁴ The following are excluded from assistance: (1) nonrecurrent, short-term benefits that are designed to deal with a specific crisis situation or episode of need, are not intended to meet recurrent or ongoing needs, and will not extend beyond four months, (2) work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages,

¹¹³ 42 U.S.C. 601(a).

¹¹⁴ 45 C.F.R. 260.31(a).



benefits, supervision, and training), (3) supportive services such as child care and transportation provided to families who are employed, (4) refundable earned income tax credits, (5) contributions to, and distributions from, Individual Development Accounts, (6) services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support, and (7) transportation benefits provided under a Job Access or Reverse Commute project to an individual who is not otherwise receiving assistance.¹¹⁵

The bill includes a similar requirement. All benefits and services provided under the PRC program, regardless of whether they are required or additional, must be allowable uses of federal TANF funds and must not be assistance but rather benefits and services excluded from the federal definition of "assistance." However, the bill establishes one exception. Despite being excluded from assistance, work subsidies are not to be included in any required or additional benefit or service available under the PRC program. The bill also mandates that required and additional benefits and services have the primary purposes of (1) diverting families from participating in Ohio Works First (OWF) and (2) meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.

In addition to other rules discussed above, the Director is required by the bill to adopt rules specifying and establishing all of the following for the PRC program:

(1) Income and other eligibility requirements for required benefits and services and maximum eligibility requirements for additional benefits and services;

(2) The maximum amount of required benefits and services and additional benefits and services an eligible individual may receive in a year;

(3) Other requirements for CDJFSs' PRC program plans.

If a CDJFS includes additional benefits and services in its PRC program plan, it must establish eligibility requirements for the benefits and services that do not exceed the maximum eligibility requirements specified in the Director's rules.

The bill applies requirements to CDJFSs' PRC program plans that current law applies to their statements of policies. For example, as is required for a statement of policies, a PRC program plan must be consistent with (1) the plan of cooperation that continuing law requires boards of county commissioners to develop to enhance the administration of the PRC program and other programs, (2) the review and analysis of

¹¹⁵ 45 C.F.R. 260.31(b).



the CDJFS's implementation of the PRC program and OWF that the county family services committee is required by continuing law to conduct, (3) federal and state laws and the state's TANF plan. The bill requires that a PRC program plan also be consistent with the rules that the Director is required to adopt.

Under current law, a CDJFS must do either of the following before the CDJFS director signs and dates the initial or updated statement of policies for the PRC program: provide the public and local government entities at least 30 days to submit comments on the statement or have the county family services planning committee review the statement. Current law exempts amendments to the statement of policies from this requirement. The bill requires a CDJFS to take either of those actions before the PRC program plan or any amendments are submitted to ODJFS.

Ohio Healthier Buckeye Advisory Council

(R.C. 5101.91 and 5101.92)

Current law establishes the Ohio Healthier Buckeye Advisory Council (OHBAC), which, among other duties, is tasked with developing means by which county healthier buckeye councils may reduce the reliance of individuals on publicly funded assistance programs. Several permissible activities for OHBAC are provided in current law, many of which the bill repeals. The bill repeals a provision authorizing OHBAC to recommend eligibility criteria, application processes, and maximum grant amounts for the Ohio Healthier Buckeye Grant Program (see "**Ohio Healthier Buckeye Grant Program**," below). Instead, it requires OHBAC to administer the Program.

The bill also repeals a provision authorizing OHBAC to submit recommendations, not later than December 1, 2015, concerning means to achieve coordination, person-centered case management, and standardization in public assistance programs. Instead, the bill requires OHBAC to do the following:

- (1) Provide assistance establishing local healthier buckeye councils;
- (2) Identify barriers and gaps to achieving greater financial independence and provide advice on overcoming those barriers and gaps;
- (3) Collect, analyze, and report performance measure information.

The bill specifies that ODJFS will provide administrative support to OHBAC, and that members serve without compensation but are reimbursed for related expenses. The bill requires OHBAC to prepare an annual report of its activities.



Local healthier buckeye councils

(R.C. 103.412, 355.02, 355.03, and 355.04)

The bill requires that not later than December 15, 2015, each board of county commissioners adopt a resolution establishing a local healthier buckeye council. Under current law, it is permissive for boards of county commissioners to establish county healthier buckeye councils. The bill makes local healthier buckeye councils mandatory. The bill requires the resolution establishing the local council to specify the council's organization and to designate a member to serve as staffing agent, and if necessary, fiscal agent. The board may revise the council's organization as necessary by adopting a resolution.

Current law permits a board to invite any person or entity to become a member of the council, and the bill adds a nonexhaustive list of individuals and entities to be considered, including those with leadership experience, those receiving healthier buckeye programs and services, and representatives of public and private entities such as employers, local governments, health care providers, education providers, transportation providers, and housing providers. The bill also provides that if a county healthier buckeye council was established under current law, the board may designate the county council to serve as the local council mandated by the bill.

The bill authorizes multi-county councils to be formed through a written agreement between the boards of county commissioners of two or more counties. Each board entering into the agreement must ratify the agreement by a resolution and notify OHBAC. The agreement may set forth procedures and standards necessary for the joint local council to perform its duties and operate efficiently. Costs incurred in operating a joint local council shall be paid from a joint general fund created by the council unless the agreement provides otherwise.

The bill changes permissive grants of authority in current law for county healthier buckeye councils to mandates for local healthier buckeye councils, and adds several requirements. The bill requires local councils to promote a cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby achieving greater productivity and reducing reliance on publicly funded assistance programs. Local councils must develop a Healthier Buckeye Plan to promote that objective and other objectives in current law. The Plan must be submitted to the board of county commissioners that created the plan and to OHBAC.

Local councils also must do all of the following:

(1) Convene at least once per year;



(2) Organize in accordance with applicable laws;

(3) Collect and analyze data regarding recipients of services and participants in programs provided by members;

(4) Beginning one year after the bill's effective date, submit an annual performance report to OHBAC.

Additionally, local councils may apply for, receive, and oversee the administration of grants.

The bill maintains a provision in current law that requires county councils to report certain information to the Joint Medicaid Oversight Committee, and also requires that information be submitted to OHBAC. The information includes:

(1) Notification the local council has been formed and information regarding the council's organization plan and activities;

(2) Information regarding enrollment or outcome data collected;

(3) Recommendations regarding best practices for administration and delivery of publicly funded assistance programs and services or programs provided by council members;

(4) Recommendations regarding best practices in care coordination.

Healthier Buckeye Grant Program

(R.C. 5101.93; Section 511.10 of H.B. 483 of the 130th General Assembly (repealed))

The bill repeals the existing uncodified Healthier Buckeye Grant Program (HBG Program) and reenacts it in the Revised Code. Under the bill, the HBG Program is administered by the Ohio Healthier Buckeye Advisory Council, with assistance from the Ohio Department of Job and Family Services, if requested. The HBG Program awards grants to local healthier buckeye councils, other public and private entities, and individuals. Funds for the grants come from the Healthier Buckeye Fund, which the bill creates in the state treasury. The Fund consists of moneys appropriated to it and any grants or donations received. Interest earned on money in the fund are to be credited to the fund.

The bill specifies that eligibility criteria established for the HBG Program must give priority to proposals that include the following factors:



(1) Prior effectiveness providing services that achieve lasting self-sufficiency for low-income individuals;

(2) Alignment and coordination of public and private resources to assist low-income individuals achieve self-sufficiency;

(3) Maintenance of continuous mentoring support for participants;

(4) Use of local matching funds;

(5) Use of volunteers and peer supports;

(6) Evidence of previous experience managing or providing similar services with public funds;

(7) Evidence of capability to effectively report relevant participant data;

(8) Creation through local assessment and planning processes;

(9) Collaboration between entities that participate in assessment and planning processes.

Evaluation of county departments of job and family services

(R.C. 5101.90 (repealed))

The bill repeals a provision that requires ODJFS, in consultation with representatives designated by the County Commissioners Association of Ohio and the Ohio Job and Family Services Directors Association, to establish an evaluation system that rates each CDJFS in terms of its success with helping public assistance recipients obtain employment that enables the recipients to cease relying on ODJFS- and CDJFS-administered programs that provide financial assistance or social services. Law repealed by the bill permits CDJFSs to implement an evaluation system established by ODJFS to evaluate an individual caseworker's success in helping a public assistance recipient obtain employment that enables the recipients to cease relying on public assistance programs.

Disability Financial Assistance eligibility determinations

(R.C. 5115.04)

The bill permits ODJFS to enter into an agreement with a state agency to have the state agency make eligibility determinations for the Disability Financial Assistance Program. Current law requires ODJFS to supervise and administer the Program, subject



to several exceptions. The bill adds an additional exception to permit another state agency to make eligibility determinations for the Program, and to require ODJFS to pay administrative costs incurred by the state agency to make the eligibility determinations. The bill defines "state agency" as every organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government.¹¹⁶

Military Injury Relief Fund Grant Program

(R.C. 5101.98 (5902.05), 4503.535, 5747.01, 5747.113, and 5902.02; Section 759.10)

The bill expands the scope of service members who are eligible to receive a grant under the Military Injury Relief Fund Grant Program. Currently, any service member injured while serving under Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom is eligible. The bill expands this to make any service member who was injured while serving after October 7, 2001, eligible. This includes service members diagnosed with post-traumatic stress disorder while serving, or after having served, after October 7, 2001.

The bill requires the Department of Veterans Services (DVS) to administer the provision of grants from the Military Injury Relief Fund instead of ODJFS.

The Director of DVS must adopt rules necessary to administer the Grant Program. The bill specifies that the rules currently governing the Grant Program, which were adopted by the ODJFS Director, must be administered by the Director of DVS and that they remain effective until the Director of DVS adopts rules as required. All references made in the rules to ODJFS must be read as if they refer to DVS. Finally, in applying the rules, the Director of DVS must read the eligibility of an individual for a grant as if it had been expanded as explained above.

Removal of obsolete provision

The bill removes from existing law a provision that specifies that incentive grants, authorized by the federal Jobs for Veterans Act, may be contributed to the Military Injury Relief Fund. Federal law does not permit these grant funds to be used for that purpose.

¹¹⁶ R.C. 117.01, not in the bill.



Audit Settlements and Contingency Fund

(R.C. 5101.073; Section 305.150)

Under existing law, the ODJFS General Services Administration and Operating Fund is used to pay for the expenses of the programs administered by ODJFS and its administrative expenses, including the costs of required audit adjustments and other related expenses. The bill renames that fund the ODJFS Audit Settlements and Contingency Fund and specifies that the Fund is to be used to pay for audits, settlements, contingencies, and other related expenses. As necessary, the ODJFS Director may request the Director of Budget and Management to transfer money from any of the funds used by ODJFS, except the GRF, to the Fund. Additionally, the Director of Budget and Management, in consultation with the ODJFS Director, may transfer money from the Fund to any fund used by ODJFS or to the GRF.

The bill also permits the Fund to hold earned federal revenue the final disposition of which is unknown.

Case management

(Section 305.190)

The bill states that it is the intent of the General Assembly that any publicly administered case management services made available to individuals regarding employment and training needs be governed at the county level and provided through county departments of job and family services and workforce development agencies.

Child placement level of care tool pilot program

(Section 305.120)

Pilot program

The bill requires ODJFS to implement and oversee the use of a Child Placement Level of Care Tool as a pilot program in up to ten counties that it selects. ODJFS must include, presumably from each county selected, at least one private child placing agency or private custodial agency. A selected county and agency must agree to participate in the pilot program. Also, the pilot program must be developed with the participating counties and agencies, and it must be acceptable to all those participating.

The pilot program must begin not later than 180 days after the program requirement takes effect and end not later than 18 months after it begins. The length of the pilot program must not include any time expended in preparation to implement the program or for any post-pilot-program evaluation activity.



Child Placement Level of Care Tool

Under the bill, the "child placement level of care tool" is an assessment tool to be used in the pilot program to assess a child's placement needs when the child must be removed from home and cannot be placed with a relative (who is not certified as a foster caregiver) that includes assessing a child's functioning, needs, strengths, risk behaviors, and exposure to traumatic experiences.

Pilot program evaluation

ODJFS, in accordance with Ohio law governing competitive selection for state government purchases of supplies or services,¹¹⁷ must provide for an independent evaluation of the pilot program to rate its success in the following areas:

- Placement stability, length of stay, and other outcomes for children;
- Cost;
- Worker satisfaction;
- Any other criteria 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 and a prospective data evaluation in each of the pilot counties.

Funding and rules

ODJFS is required to seek maximum federal financial participation to support the pilot program and evaluation. In addition, ODJFS must seek state funding to implement the pilot program and to contract for its evaluation, notwithstanding the limits on ODJFS use of the federal financial participation amounts withheld from amounts to be reimbursed to counties.¹¹⁸ ODJFS may adopt rules under the Administrative Procedure Act (Chapter 119.) as necessary to carry out the purposes of the pilot program, its evaluation, and the securing of federal and state funding.

Exemption from certification for therapeutic wilderness camps

The bill exempts private, nonprofit therapeutic wilderness camps from a requirement that they be certified by ODJFS.¹¹⁹ It defines "private, nonprofit therapeutic

¹¹⁷ R.C. 125.01 to 125.12, many of the sections in that range are in the bill.

¹¹⁸ R.C. 5101.141(E), not in the bill.

¹¹⁹ R.C. 5103.02.



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 (1) the children are placed by their parents or another relative with custody, (2) the children spend the majority of their time either outdoors or in a primitive structure, and (3) the camp accepts no public funds for use in its operations.

Under current law, with limited exceptions, 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. It is likely that a private, nonprofit therapeutic wilderness camp is considered an institution or association and classified as a children's residential center under rules adopted by ODJFS.¹²⁰ Extensive ODJFS regulations establish the certification process for children's residential centers and the specific criteria that those centers must meet.¹²¹ The bill exempts private, nonprofit therapeutic wilderness camps from ODJFS certification by excluding them from the definitions of "association" and "institution" in the certification law.¹²²

Regulation of private, nonprofit therapeutic wilderness camps

License requirement

The bill requires the ODJFS Director to issue a license to a private, nonprofit therapeutic wilderness camp that meets the following minimum standards:¹²³

- The camp must develop and implement a written policy that establishes the following:
 - (1) Standards for hiring, training, and supervising staff;
 - (2) Standards for behavioral intervention, including standards prohibiting the use of prone restraint and governing the use of other restraints or isolation;
 - (3) standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records;

¹²⁰ O.A.C. 5101:2-1-01(B)(47).

¹²¹ O.A.C. 5101:2-9-02 through 5101:2-9-36.

¹²² R.C. 5103.02.

¹²³ R.C. 5103.50.



- (4) A procedure for handling complaints about the camp from the children attending the camp, their families, staff, and the public;
 - (5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times;
 - (6) Standards that ensure the protection of children's civil rights; and
 - (7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge.
- The camp must cooperate with any request from the Director for an inspection or access to the camp's records or written policies.

A license issued pursuant to the bill is valid for five years (unless earlier revoked). A private, nonprofit therapeutic wilderness camp seeking license renewal must apply to the Director. If the camp meets the minimum standards described above, the Director must renew the license.¹²⁴

Failure to meet minimum standards

If a licensed private, nonprofit therapeutic wilderness camp fails to meet the minimum standards for such a camp (see "**License requirement**," above), the ODJFS Director must notify the camp that the Director intends to revoke the license.¹²⁵ Unless the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp, the Director must give the camp 90 days to come into compliance. If the violation does pose such an imminent risk or the camp fails to meet the minimum standards within 90 days after notice, the bill requires the Director to revoke the license. An order of revocation may be appealed pursuant to the Administrative Procedure Act (R.C. Chapter 119.).

Prohibition against operating without a license

The bill prohibits a private, nonprofit therapeutic wilderness camp from operating without a license.¹²⁶ If the ODJFS Director determines that a camp is operating without a license, the Director may petition the court of common pleas of the county in which the camp is located for an order enjoining its operation. The bill requires the

¹²⁴ R.C. 5103.51.

¹²⁵ R.C. 5103.54.

¹²⁶ R.C. 5103.53.

court to grant the injunction upon a showing that the camp is operating without a license.

Inspections

The bill authorizes the ODJFS Director to inspect a private, nonprofit therapeutic wilderness camp at any time and to delegate this authority to a county department of job and family services. The Director may request access to the camp's records or its policies adopted under the bill. This authority also may be delegated to a county department.¹²⁷

Criminal records check requirements

The bill adds employees of and other persons who care for children at private, nonprofit therapeutic wilderness camps to the list of persons who are required to undergo criminal records checks.¹²⁸

Mandatory child abuse reporting

The bill adds administrators and employees of private, nonprofit therapeutic wilderness camps to the list of persons who are required to report suspected child abuse to a public children services agency or law enforcement official.¹²⁹

Compulsory school attendance

The bill specifies that a parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's legal obligations regarding compulsory school attendance.¹³⁰

¹²⁷ R.C. 5103.52.

¹²⁸ R.C. 2151.011(B)(29).

¹²⁹ R.C. 2151.421.

¹³⁰ R.C. 5103.55 and 3321.04, not in the bill.