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## 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.

### 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.
- Codifies the Step Up to Quality Program to require the ODJFS and the Department of Education (ODE) to develop a tiered quality rating and improvement system for all Ohio early learning and development programs.
- Specifies by year the percentage of children that must be served by early learning and development programs with specific quality ratings.
- Requires ODJFS and ODE to identify and implement ways to accelerate early learning and development programs' movement to higher tiers and to report their recommendations to the General Assembly by October 31, 2015.
- Requires the ODJFS 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.
- Provides that a caretaker parent may not receive full-time publicly funded child care from more than one child care provider per child during a week unless the county department of job and family services grants the parent an exemption.

### **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.

### **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**

- Authorizes boards of county commissioners to establish local healthier buckeye councils rather than county councils.



- Specifies the contents of a resolution that establishes a local council.
- Authorizes the formation of joint local councils.
- 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.

### **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.

## **Administration of Workforce Innovation and Opportunity Act**

- Requires the ODJFS Director to administer the Workforce Innovation and Opportunity Act (WIOA) during fiscal years 2016 and 2017.

## **Comprehensive Case Management and Employment Program**

- Requires ODJFS, in consultation with the Governor's Office of Workforce Transformation, to create, coordinate, and supervise the Comprehensive Case Management and Employment Program (CCMEP) during fiscal years 2016 and 2017.
- Requires that CCMEP, to the extent funds under the TANF block grant and WIOA are available, make certain employment and training services available to participants in accordance with comprehensive assessments of their employment and training needs.
- Requires that CCMEP, to the extent funds under the TANF block grant are available, make enhanced services under the Prevention, Retention, and Contingency (PRC) Program available to certain CCMEP participants.
- Requires work-eligible individuals between the ages of 16 and 24 to participate in CCMEP as a condition of participating in Ohio Works First (OWF).
- Permits OWF participants who are not work-eligible individuals and individuals receiving benefits and services under the PRC Program (between the ages of 16 and 24) to volunteer to participate in CCMEP.
- Requires low-income adults, in-school youth, or out-of-school youth (between the ages of 16 and 24) who have barriers to employment to participate in CCMEP as a condition of enrollment in workforce development activities funded by the TANF block grant.



- Requires CCMEP to serve participants beginning July 1, 2016.
- Requires each board of county commissioners to designate, not later than May 15, 2016, either the CDJFS or workforce development agency (WDA) as the lead agency for purposes of CCMEP.
- Assigns to the lead agency certain duties, including the duty to administer CCMEP.
- Creates the CCMEP Advisory Board and requires the Board to (1) establish an evaluation system for CDJFSs' and WDAs' administration of CCMEP and (2) submit the evaluation system to ODJFS for approval or disapproval.
- Requires an evaluation system approved by ODJFS to be in place not later than July 1, 2016.
- Requires ODJFS, in consultation with CDJFSs and WDAs, to review the agencies' existing functions to discover opportunities for efficiencies so that CCMEP's capacity may be increased.

### **PRC Program-Enhanced**

- Establishes the PRC Program-Enhanced, to be administered by ODJFS to provide CCMEP participants in compliance with CCMEP requirements enhanced PRC Program services, including short-term supportive services that address a specific crisis or episode of need.

### **TANF report**

- Requires ODJFS, not later than July 1, 2016, to submit a report detailing spending under the TANF block grant for each county in Ohio.
- Requires the report to provide specific information with regard to PRC Program spending.

### **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.



## **Uniform Interstate Family Support Act**

- Repeals the Uniform Interstate Family Support Act (UIFSA), as currently enacted in Ohio, and replaces it with the 2008 version of UIFSA to adopt the 2001 and 2008 recommended changes to the laws.

## **Children's Trust Fund Board changes**

- Divides the state into eight regions for the purpose of applying for, receiving, and implementing child abuse and child neglect programming and services approved by the Children's Trust Fund Board (CTF Board).
- Eliminates child abuse and child neglect prevention advisory boards and creates child abuse and child neglect regional prevention councils for each region and sets forth the membership and duties of the councils.
- Requires a board or boards of county commissioners that oversee a child abuse and child neglect prevention advisory board to oversee the transfer of advisory board assets and liabilities and to complete, or delegate to a council, any pending business of the advisory board.
- Requires the CTF Board to appoint a regional prevention coordinator to each region, selected by a competitive process conducted by the CTF Board.
- Removes the requirement that the CTF Board adopt a state plan for the allocation of child abuse and child neglect prevention funds and instead requires the CTF Board to adopt a strategic plan and allocate funding to councils and children's advocacy centers.
- Modifies the requirements governing the award of one-time, start-up costs for the establishment of children's advocacy centers.

## **Mentoring Care and Job Connect Pilot Project**

- Establishes the Mentoring Care and Job Connect Pilot Project to help eligible low-income participants obtain meaningful employment through mentoring services in a minimum of one urban region and one rural region in Ohio for fiscal years 2016 and 2017.
- Requires the Governor's Office of Health Transformation, in consultation with the Department of Job and Family Services, the Department of Medicaid, and the Governor's Office of Workforce Transformation to create, monitor, and evaluate the pilot project.



- Requires the Executive Director of the Office of Health Transformation to release a request for grant applications, by September 1, 2015, for a private non-profit or not-for-profit entity to administer the pilot project, and to select an administrator by December 1, 2015.
- Requires the entity selected to administer the pilot project to establish an application process and select participants from among eligible applicants.

## **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.

## **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
<b>Child day-care center</b>	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.
<b>Family day-care home</b>	<b>Type A home</b> – 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.  <b>Type B home</b> – 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.
<b>In-home aide</b>	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)<sup>113</sup> 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).<sup>114</sup>

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.

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<sup>113</sup> R.C. 1.59, not in the bill.

<sup>114</sup> R.C. 5104.013 and 5104.03, not in the bill.



## **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 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.<sup>115</sup> 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

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<sup>115</sup> R.C. 5104.09.



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.

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.<sup>116</sup> 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.

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<sup>116</sup> R.C. 5104.013.



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.<sup>117</sup>

### **Step Up to Quality**

(R.C. 5104.29 (primary), 5104.30, and 5104.31; Sections 263.20 and 305.163)

Current law requires ODJFS to use certain funds available under the federal Child Care Block Grant Act to establish a tiered quality rating and improvement system for child day-care providers. In response, ODJFS has established the Step Up to Quality Program. The bill codifies that program in the Revised Code, and provides that, in cooperation with the Department of Education, ODJFS is to develop a tiered quality rating and improvement system for all early learning and development programs in this state (clarifying that Step Up to Quality applies to preschool programs licensed by the Department of Education in addition to providers licensed by ODJFS).

The bill requires that the Step Up to Quality Program include all of the following components:

- (1) Quality program standards for early learning and development programs;
- (2) Accountability measures that include tiered ratings representing each program's level of quality;
- (3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;
- (4) Financial incentives linked to achieving and maintaining quality standards;
- (5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

Step Up to Quality has the following goals:

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<sup>117</sup> 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.



- Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;
- Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;
- Recognizing and supporting early learning and development programs that achieve higher levels of quality;
- Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

Continuing law provides that, under the Program, participants may be eligible for grants, technical assistance, training, and other assistance. Participants that maintain a quality rating may be eligible for unrestricted monetary awards. The bill provides that Step Up to Quality's tiered ratings are to be based on a participating program's performance in meeting standards in learning and development, administration and leadership practices, staff quality and professional development, and family and community partnerships. The Director of Job and Family Services, in collaboration with the Superintendent of Public Instruction, is required to adopt rules in accordance with the Administrative Procedure Act (Chapter 119.) to implement the Step Up to Quality Program.

#### **Percentages of children enrolled in quality programs**

The bill requires ODJFS to ensure that the following percentages of children enrolled in early learning and development programs are served by programs with a rating in the third highest tier or above in the Step Up to Quality Program:

- By June 30, 2017, 25%;
- By June 30, 2019, 40%;
- By June 30, 2021, 60%;
- By June 30, 2023, 80%;
- By June 30, 2025, 100%.

### **Helping programs move to higher tiers**

ODJFS and ODE are required to identify and implement ways to accelerate early learning and development programs moving to higher tiers in the Step Up to Quality Program. The departments may consult with the Early Childhood Advisory Council to facilitate their efforts and must include owners and administrators of early learning and development programs in the process. ODJFS and ODE must report their recommendations to the General Assembly not later than October 31, 2015.

### **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 Step Up to Quality.

### **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.

### **Full-time care from more than one provider**

(R.C. 5104.34)

The bill provides that a caretaker parent may not receive full-time publicly funded child care from more than one child care provider per child during a week, instead of during any period as provided in current law, unless the county department of job and family services grants the parent an exemption from this prohibition. Under the bill, a parent may obtain an exemption for one of the following reasons:

- (1) The child needs additional care during nontraditional hours;
- (2) The child needs to change providers in the middle of a week and the hours of care do not overlap;
- (3) The child's provider is closed on scheduled school days off or on calamity days;
- (4) The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established by ODJFS and needs care from an additional part-time provider.

### **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.<sup>118</sup>

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.<sup>119</sup>

### **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

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<sup>118</sup> 7 U.S.C. 2015(d)(2)(2014), [www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds](http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds).

<sup>119</sup> 7 U.S.C. 2015(o) (2014).



eligible family can receive benefits under OWF for up to 36 months.<sup>120</sup> The goal of the program is to promote self-sufficiency, personal responsibility, and employment.<sup>121</sup>

To be eligible for OWF, a family (referred to as an "assistance group") must satisfy requirements concerning income, work, and other matters.<sup>122</sup> 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.<sup>123</sup> 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.<sup>124</sup> 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.<sup>125</sup>

## **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 also repeals a provision authorizing OHBAC to submit recommendations, not later than December 1, 2015, concerning means to achieve

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<sup>120</sup> 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.)

<sup>121</sup> Benefits.gov. *Ohio Works First (OWF)*, available at [www.benefits.gov/benefits/benefit-details/1674](http://www.benefits.gov/benefits/benefit-details/1674). See also R.C. 5107.01.

<sup>122</sup> R.C. 5107.10.

<sup>123</sup> O.A.C. 5101:1-23-20(H) and (J).

<sup>124</sup> R.C. 5107.14(A).

<sup>125</sup> R.C. 5107.14(B).



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)

Under current law, it is permissive for boards of county commissioners to establish county healthier buckeye councils. The bill changes the councils to local councils and specifies several requirements for those that are formed. The bill requires a resolution establishing a 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 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 are to be paid from a joint general fund created by the council unless the agreement provides otherwise.

Additionally, the bill changes permissive grants of authority in current law for county healthier buckeye councils to mandates for local healthier buckeye councils (if such councils are formed), 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 council and to OHBAC.

Local councils also must do all of the following:

- (1) Convene at least once per year;
- (2) Organize in accordance with law;
- (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 modifies a provision in current law that permits county councils to report certain information to the Joint Medicaid Oversight Committee (JMOC) by requiring that information to be submitted to JMOC and 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**

(Section 551.10 of H.B. 483 of the 130th General Assembly (repealed))

The bill repeals the Healthier Buckeye Grant Program, which is administered by the ODJFS Director to provide grants to county healthier buckeye councils and CDJFSs. The bill repeals a corresponding provision authorizing OHBAC to recommend eligibility criteria, application processes, and maximum grant amounts for the Ohio Healthier Buckeye Grant Program.

## **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.<sup>126</sup>

## **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

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<sup>126</sup> R.C. 117.01, not in the bill.



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.

### **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.

### **Administration of Work Innovation and Opportunity Act**

(Section 305.190(B))

The bill requires the ODJFS Director to administer the federal Work Innovation and Opportunity Act (WIOA) during fiscal years 2016 and 2017. WIOA was enacted in 2014 for the following purposes:

(1) To increase access to and opportunities for the employment, education, training, and support services that individuals, particularly those with barriers to employment, need to succeed in the labor market;



(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the U.S.;

(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy;

(4) To promote improvement in the structure and delivery of services through the U.S. workforce development system to better address the employment and skill needs of workers, jobseekers, and employers;

(5) To increase workers' and employers' prosperity, the economic growth of communities, regions, and states, and the United States' global competitiveness;

(6) To provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the U.S.<sup>127</sup>

## **Comprehensive Case Management and Employment Program**

(Section 305.190(C) to (J))

### **CCMEP created**

The bill requires ODJFS, in consultation with the Governor's Office of Workforce Transformation, to create, coordinate, and supervise the Comprehensive Case Management and Employment Program (CCMEP) during fiscals years 2016 and 2017. CCMEP must do both of the following:

(1) To the extent funds under the TANF block grant and WIOA are available, CCMEP must make certain employment and training services available to its participants in accordance with comprehensive assessments of the participants' employment and training needs;

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<sup>127</sup> 29 U.S.C. 3101.



(2) To the extent that funds under the TANF block grant are available, CCMEP must make enhanced services under the Prevention, Retention, and Contingency (PRC) Program available to CCMEP participants who are in compliance with CCMEP requirements (see "**PRC Program-Enhanced**," below).

## Participants

Beginning July 1, 2016, and subject to rules that the bill permits the ODJFS Director to adopt, individuals who are at least 16 but not older than 24 years of age are required or permitted to participate in CCMEP as follows:

(1) Individuals who are considered to be work eligible for the purpose of Ohio Works First (OWF) are required to participate in CCMEP as a condition of participating in OWF. A work eligible individual is subject to work and other requirements under continuing law governing OWF.

(2) An OWF participant who is not considered to be work eligible may volunteer to participate in CCMEP.

(3) An individual receiving benefits and services under the Prevention, Retention, and Contingency Program may volunteer to participate in CCMEP.

(4) A low-income adult, in-school youth, or out-of-school youth who is considered to have a barrier to employment under WIOA is required to participate in WIOA as a condition of enrollment in workforce development activities funded by the TANF block grant or WIOA.

A low-income individual is an individual (1) who, or whose family member, is enrolled, or during the past six months was enrolled, in SNAP (food stamps), a TANF program, SSI, or a state or local income-based public assistance program, (2) in a family with total family income not exceeding the higher of the federal poverty line or 70% of the lower living standard income level established by the U.S. Secretary of Labor, (3) who is homeless, (4) who receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act, (5) who is a foster child on behalf of whom state or local government payments are made, or (6) with a disability whose own income does not exceed the higher of the federal poverty line or 70% of the lower living standard income level but whose family income exceeds that limit.<sup>128</sup>

An individual is an in-school youth if the individual is (1) attending school, (2) not younger than 16 and, unless the individual has a disability, not older than 21, and

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<sup>128</sup> 29 U.S.C. 3102(36).



(3) one or more of the following: (a) basic skills deficient, (b) an English language learner, (c) an offender, (d) homeless, (e) a runaway, (f) in foster care, (g) aged out of the foster care system, (h) eligible for assistance under the John H. Chafee Foster Care Independence Program, (i) in an out-of-home placement, (j) pregnant or parenting, (k) disabled, or (l) in need of additional assistance to complete an educational program or to secure or hold employment.<sup>129</sup>

An individual is an out-of-school youth if the individual is (1) not attending any school, (2) not younger than 16 or older than 24, and (3) one or more of the following: (a) a school dropout, (b) within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter, (c) a recipient of a secondary school diploma or its recognized equivalent but basic skills deficient or an English language learner, (d) subject to the juvenile or adult justice system, (e) homeless, (f) a runaway, (g) in foster care, (h) aged out of the foster care system, (i) eligible for assistance under the John H. Chafee Foster Care Independence Program, (j) in an out-of-home placement, (k) pregnant or parenting, (l) disabled, or (m) in need of additional assistance to enter or complete an educational program or to secure or hold employment.<sup>130</sup>

### **Assessment and services**

The bill requires an individual participating in CCMEP to undergo a comprehensive assessment of the individual's employment and training needs in accordance with procedures that ODJFS is required to establish. As part of the assessment, an individualized employment plan must be created for the individual. The plan is to be reviewed, revised, and terminated in accordance with the assessment procedures. The plan must specify which of the following services, if any, the individual needs:

- (1) Support for the individual to obtain a high school diploma or the equivalent of a high school diploma;
- (2) Job placement;
- (3) Job retention support;
- (4) Other services that aid the individual in achieving the plan's goals.

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<sup>129</sup> 29 U.S.C. 3164(a)(1)(C). The minimum age to be an in-school youth is set by section 305.190(A)(3) of the bill.

<sup>130</sup> 29 U.S.C. 3164(a)(1)(B).



The bill provides that the services an individual receives in accordance with the individualized employment plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.

### **Lead local agency**

Each board of county commissioners is required by the bill to designate either the CDJFS or workforce development agency (WDA) as the lead agency for purposes of CCMEP. The boards must inform ODJFS of their designations. The lead agency is required to do all of the following:

(1) Submit to ODJFS a plan that establishes standard processes for determining and maintaining individuals' eligibility to participate in CCMEP;

(2) Administer CCMEP;

(3) In partnership with the other agency not designated as the lead agency and any subcontractors,<sup>131</sup> (a) actively coordinate activities regarding CCMEP with the other agency and subcontractors and (b) help both agencies and any subcontractors to use their expertise in administering CCMEP.

The lead agency is responsible for all funds that ODJFS, the Auditor of State, the U.S. Department of Health and Human Services, the U.S. Department of Labor, or any other government entity determines have been expended or claimed for CCMEP, by or on behalf of the county, in a manner that federal or state law or policy does not permit.

### **Evaluation system**

The bill requires the CCMEP Advisory Board (see "**CCMEP Advisory Board**," below) to establish an evaluation system for CDJFSs' and WDAs' administration of CCMEP. ODJFS is required to evaluate CDJFSs' and WDAs' administration of CCMEP in accordance with the evaluation system.

### **Review of CDJFSs' and WDAs' functions**

The bill requires ODJFS, in consultation with CDJFSs and WDAs, to review the agencies' existing functions to discover opportunities to make their administration of the functions more efficient. The purpose of the review is to make it possible to increase

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<sup>131</sup> A subcontractor is an entity with which a CDJFS or WDA contracts to perform, on behalf of the CDJFS or WDA, one or more of the CDJFS's or WDA's duties regarding CCMEP.



the number of individuals who participate in CCMEP and the availability of services under CCMEP.

### **Applicability of state laws**

The bill provides that CCMEP is a family services duty (a duty state law requires or allows a CDJFS to assume) and therefore is subject to all statutes applicable to family services duties. This makes CCMEP subject to statutes that address issues such as the following: (1) the recovery of money spent for family services duties, (2) grant agreements between ODJFS and county entities regarding family services duties, (3) contracts for the coordination, provision, enhancement, or innovation of family services duties, (4) operational agreements between ODJFS and boards of county commissioners regarding changes to family services duties, (5) ODJFS establishing and enforcing performance and other administrative standards for family services duties, (6) using funds appropriated for family services duties for incentive awards to counties, (7) ODJFS taking corrective action against a county entity regarding a family services duty, and (8) reporting requirements for family services duties.

The bill provides that CCMEP is a TANF program and therefore subject to all statutes applicable to TANF programs, including statutes concerning (1) the county share of public assistance expenditures, (2) appeals by applicants and participants of decisions regarding TANF programs, and (3) general administrative matters regarding TANF programs.

The bill also provides that CCMEP is a workforce development activity and therefore subject to all statutes applicable to workforce development activities, including statutes concerning (1) grant agreements between ODJFS and local entities regarding workforce development activities, (2) contracts for the coordination, provision, enhancement, or innovation of workforce development activities, (3) ODJFS taking corrective action against a local entity regarding a workforce development activity, (4) reporting requirements for workforce development activities, and (5) the state's workforce development system.

### **Rules**

The bill requires the ODJFS Director to adopt rules as necessary to implement CCMEP. The rules may address any of the following issues:

- (1) Eligibility for CCMEP;
- (2) Employment and training services available under CCMEP;
- (3) Partnerships between CDJFSs, WDAs, and subcontractors;



(4) The plan that the lead agency must submit to ODJFS establishing standard processes for determining and maintaining individuals' eligibility to participate in CCMEP;

(5) Internal management;

(6) Any other issues that the Director determines should be addressed in the rules.

Rules other than internal management rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.). Internal management rules may be adopted through the process set forth in R.C. 111.15, which does not require notice and public hearings.

### **CCMEP Advisory Board**

(Section 305.193)

The bill creates the CCMEP Advisory Board. The Board is required to develop an evaluation system for local participating agencies' administration of CCMEP, as discussed above. The evaluation system must specify data to be collected, performance metrics, and a performance report card.

The Board's proposed evaluation system must be submitted to ODJFS for review. If ODJFS disapproves the proposal, the Board must revise the proposal and resubmit it to ODJFS until a proposal is approved. An evaluation system approved by ODJFS must be in place not later than July 1, 2016.

The Board is to consist of the following members:

(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;

(2) The Director of Job and Family Services, or the Director's designee;

(3) One member of the Senate, appointed by the President of the Senate;

(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor;



(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor;

(7) One member of a local workforce investment board appointed by the Governor.

Initial appointments must be made not later than 30 days after the effective date of the bill's provision that establishes the Board. Members serve at the pleasure of their appointing authority and may be reappointed. Vacancies are to be filled in the same manner as original appointments.

Members serve without compensation, but are reimbursed for their actual and necessary expenses incurred in performing their official duties.

### **PRC Program-Enhanced**

(Section 305.197)

The bill establishes the PRC Program-Enhanced (PRC-E) as part of CCMEP. Under current law, the Prevention, Retention, and Contingency (PRC) Program is one of the state's TANF programs.<sup>132</sup> Each CDJFS is required to adopt a statement of policies governing the program for the county that specifies (1) the benefits and services to be provided under the county, 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 requires that as long as funds under the TANF block grant are available, ODJFS is to administer PRC-E to provide CCMEP participants who are in compliance with CCMEP requirements enhanced services under a county's PRC Program. Certain enhanced services are required, as determined by the ODJFS Director in rules. Those services include short-term supportive services that address a specific crisis or episode of need, including assistance with employment, housing, utilities, transportation, and other employment and disaster-related needs. The enhanced services may be provided through contracts with not-for-profit, community, and faith-based organizations.

The ODJFS Director is required to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.) to implement PRC-E. The rules must specify and establish all of the following:

- (1) Required benefits and services that each CDJFS must provide under PRC-E;

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<sup>132</sup> R.C. 5108.01, *et seq.*



(2) Income and other eligibility requirements for required benefits and services and maximum eligibility requirements for additional benefits and services that a CDJFS may provide under PRC-E in addition to the required benefits and services;

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

(4) Other requirements the Director considers appropriate.

## **TANF report**

(Section 305.195)

The bill requires ODJFS, not later than October 1, 2016, to submit a report to the General Assembly that provides a comprehensive overview of Ohio's TANF program for fiscal year 2016. The report must identify the source and allocation of local, state, and federal funds supporting the TANF program, and expenditures and program participation by expenditure category for Title IV-A programs and other programs funded in part by the TANF block grant. Title IV-A programs include OWF, the PRC Program, the Kinship Permanency Incentive Program, and the Ohio Parenting and Pregnancy Program. Other programs funded in part with TANF funds include Title XX services, early childhood education, faith-based initiatives, and child welfare services. The information must be broken down by county.

With regard to expenditures for the PRC Program, the report must detail the number of participants served each month by age (with one group being 16 to 24 year olds) for each of the following categories:

- (1) Training, employment, and work support;
- (2) Short-term basic needs;
- (3) Help Me Grow;
- (4) Child welfare and family support;
- (5) Out-of-wedlock pregnancy prevention;
- (6) Youth education and support;
- (7) Domestic violence;
- (8) Community and economic development;
- (9) Disaster assistance.



## **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,<sup>133</sup> 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.

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<sup>133</sup> R.C. 125.01 to 125.12, many of the sections in that range are in the bill.



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.<sup>134</sup> 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.

### **Uniform Interstate Family Support Act**

The bill repeals the Uniform Interstate Family Support Act (UIFSA), as currently enacted in Ohio, and replaces it with the 2008 version of UIFSA (the Act). The Act includes the 2001 amendments to UIFSA adopted by the Uniform Law Commission that were never adopted in Ohio. Federal law requires each state to enact the 2008 UIFSA amendments by the end of its 2015 legislative session to continue receiving federal funding for state child support programs.<sup>135</sup> The 2008 UIFSA amendments primarily focus on incorporating the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, signed by the United States in 2007. The Convention required certain changes to the uniform procedures established by UIFSA for handling international child support cases. The 2001 amendments cut across all aspects of UIFSA procedures and requirements. Highlights of the major provisions of the updated Act are provided below.

#### **Determination of controlling order**

(R.C. 3115.207, 3115.305, 3115.307, 3115.602, 3115.605, and 3115.607)

The bill modifies several provisions of UIFSA related to the determination of a controlling order. Under UIFSA, one child support order (issued by an appropriate tribunal) is identified as the "controlling order" with which other states and international courts must abide. The process of determining the controlling order (DCO) is modified by the updated Act.

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<sup>134</sup> R.C. 5101.141(E), not in the bill.

<sup>135</sup> Uniform Law Commission, "Legislative Fact Sheet – Interstate Family Support Act Amendments (2008)," <http://www.uniformlaws.org/LegislativeFactSheet.aspx?title=Interstate%20Family%20Support%20Act%20Amendments%20%282008%29>, last visited June 16, 2015. See also Preventing Sex Trafficking and Strengthening Families Act, Public Law No. 113-183, Sec. 301 (2014).



### **Personal jurisdiction required**

The Act clarifies that personal jurisdiction over the obligor and obligee subject to the order is necessary for determining the controlling order. The prior version of UIFSA was not clear about the requirement for personal jurisdiction.

### **Who may request a DCO and when?**

The Act clarifies that a child support enforcement agency (CSEA) may request a DCO, in addition to an individual party. Additionally, the Act clarifies that a request for a DCO may be filed with a registration for enforcement, a registration for modification, or may be filed as a separate proceeding.

### **Notice requirements**

With respect to a proceeding of registration for enforcement or registration for modification, if the registering party asserts that two or more orders are in effect, the notice issued to the non-registering party must do the following:

- (1) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;
- (2) Notify the non-registering party of the right to a determination of which is the controlling order;
- (3) State that the notice procedures generally applicable in a registration proceeding apply to the determination of which is the controlling order;
- (4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

### **Contesting a DCO**

The Act provides that proving the alleged controlling order is not the controlling order is a defense for a party contesting the registration of a support order or who seeks to vacate the registration.

### **Required documents for a DCO**

The Act requires a DCO request to be accompanied by a copy of every child support order in effect.



### **Required findings for a DCO**

A tribunal that determines a controlling order or issues a new controlling order must state the following:

- (1) The basis upon which the tribunal made its determination;
- (2) The amount of prospective support, if any;
- (3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made under any other child support order for support of the same child are credited.

### **Other DCO-related changes**

The Act makes other changes to the DCO procedures:

- (1) Specifically authorizes a tribunal to determine the controlling child support order;
- (2) Requires a CSEA to make all necessary efforts to obtain a DCO for a party;
- (3) Provides guidelines and limitations regarding how a CSEA pursues a registration action. For example, the Act prohibits a CSEA from registering the support order with the highest support amount if multiple orders are in effect, rather than investigating and determining which order is actually controlling.

### **Registration of a foreign support order**

(R.C. 3115.616)

The Act provides that a party or CSEA seeking to modify or to modify and enforce a foreign support order from a country that has not signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance may do so using the registration for enforcement process.

### **Calculation of arrears**

(R.C. 6115.604(A)(2))

The Act requires a tribunal in a DCO proceeding to also determine the total amount of consolidated arrearages and accrued interest under all orders. Additionally the calculation of arrears and interest are to be governed by the law of the state or foreign country that issued the order.

## **Jurisdiction to modify orders**

### **Continuing, exclusive jurisdiction**

(R.C. 3115.201, 3115.205, 3115.611, 3115.613, and 3115.615)

Under UIFSA, a tribunal that has issued a controlling order has continuing, exclusive jurisdiction to modify the order if the obligor, obligee, or child who is the subject of the order lives in the state. The Act clarifies that the residence of those parties is determined at the time a request for modification is filed.

The Act also provides that a tribunal may modify a controlling order even if the obligor, obligee, or child who is the subject of the order does not live in the court's state if all the parties consent in a record or in open court for the tribunal to exercise jurisdiction.

The Act additionally clarifies that a tribunal may not exercise continuing, exclusive jurisdiction if all the parties consent to a tribunal in another state assuming continuing, exclusive jurisdiction.

### **Long-arm jurisdiction**

Under UIFSA, it was not clear exactly how far a court could go to exercise its "long-arm" jurisdiction authority – meaning how and when the court can take action involving a nonresident of the court's state (that is, exercise "personal jurisdiction" over the person). The Act clarifies that a tribunal may not use UIFSA's long-arm provisions and thereby gain personal jurisdiction to modify a child support order of another state or country unless other conditions under the Act are met.

### **Authority to modify another jurisdiction's order when both parties live out of state**

The Act provides that, notwithstanding the general requirements regarding modification of support orders and the long-arm jurisdiction requirements, a tribunal retains jurisdiction to modify an order issued by a tribunal of the same state if one party to the order resides in another state and the other party resides outside the United States.

### **Modification of support duration**

The Act clarifies that the general prohibition against one state modifying any aspect of a child support order that could not otherwise be modified under the law of the issuing state includes the duration of the obligation of support. In any proceeding to modify a child support order, the law of the state that is determined to have issued the "initial" controlling order governs the duration of the obligation of support. Also, if the obligor has fulfilled the obligor's duty of support established by the initial controlling



order, UIFSA precludes imposition of a further obligation of support by a court in another state.

### **Redirection of payments**

(R.C. 3115.307 and 3115.319)

Under the Act, if the obligor, obligee, and child who is the subject of the child support order do not live in the state that issued the controlling order, the CSEA or tribunal of the issuing state must direct the support payment to the CSEA in the state in which the obligee receives services and issue and send to the obligor's employer an appropriate income withholding order or notice of change of payee regarding the redirected payments. The Act requires the CSEA of the state receiving redirected funds from another state to furnish to a requesting party or tribunal of the issuing state, upon request, a certified statement regarding the amount and dates of redirected payments. Similarly, a CSEA of one state can require a tribunal or CSEA of another state to issue a child support order and income withholding order that redirect payment of current child support, arrears, and interest.

### **Contesting income withholding**

(R.C. 3115.506)

The Act permits an obligor to challenge a withholding order by registering it using the standard registration process and seeking protection from the tribunal pending the resolution of the challenge.

### **Hague Convention changes**

(R.C. 3115.701 to 3115.713)

The Act adopts a series of changes required as a result of the United States joining the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The Convention lays out uniform procedures for the processing of international child support cases. Changes to UIFSA provide guidelines and procedures for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Convention. In general, it provides that foreign child support orders that a party seeks to be enforced in Ohio must be immediately registered in Ohio unless an Ohio tribunal determines that the registration would go against the policy of the state.



## **Other international law changes**

### **Foreign currency exchange**

(R.C. 3115.304, 3115.305, and 3115.307)

The Act places the burden on CSEAs and tribunals to convert the amount of support ordered in the foreign currency into the equivalent amount of dollars under the applicable exchange rates as publicly reported.

### **Modification across international borders**

(R.C. 3115.615)

The Act permits a United States tribunal to modify an order issued by a foreign tribunal if the foreign tribunal would have authority to modify under the rules of UIFSA but it cannot or will not exercise jurisdiction due to limitations in the law of the foreign county or political subdivision. Under these circumstances, the order issued by an Ohio tribunal becomes the controlling order.

### **Comity under UIFSA**

(R.C. 3115.104 and 3115.20)

The Act makes changes in order to incorporate the principles of comity regarding the recognition and enforcement of support orders issued by a foreign country or political subdivision.

### **Nondisclosure of information**

(R.C. 3115.312)

The Act modifies provisions regarding the confidentiality of personal information of parties to a child support order. The act aligns the language with the Uniform Child Custody Jurisdiction and Enforcement Act in situations in which the health, safety, or liberty of a party or child would be jeopardized (such as when there is a risk of domestic violence or child abduction).<sup>136</sup>

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<sup>136</sup> Enacted in Ohio as R.C. Chapter 3127.



## **Other changes**

### **Evidentiary changes**

(R.C. 3115.316)

First, the Act provides that a tribunal cannot compel the physical presence of any party in a UIFSA proceeding. Second, a party cannot be compelled to give testimony under oath to be admissible. Instead, if the testimony is provided under the penalty of perjury, that is sufficient. Third, parentage can be established by a voluntary acknowledgement of paternity, certified as a true copy. Finally, a tribunal must permit parties or witnesses to testify remotely via telephone or other means.

### **Temporary support orders**

(R.C. 3115.401)

The Act modifies the list of circumstances under which a tribunal can issue a temporary support order so that the circumstances are consistent with the bases for a temporary support order under the Uniform Parentage Act.<sup>137</sup>

### **Choice of law provisions**

(R.C. 3115.604)

The Act clarifies which state's law controls regarding the calculation of interest on arrears. If there are multiple orders and a DCO has not occurred, the arrears, including interest, under each order must be calculated using the law of the state that issued the order. After a DCO is made and arrears are consolidated, however, interest is calculated based on the state that issued the controlling order. Future issues regarding the interest rates on the balance of consolidated arrears are also determined by laws of the state that issued the controlling order.

### **Uniformity of application and construction of laws**

(R.C. 3115.901)

The bill states that its provisions must be construed and applied with the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

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<sup>137</sup> The Uniform Parentage Act has not been enacted in Ohio.



### **Effective date of changes**

(R.C. 3115.902)

The new UIFSA changes apply to proceedings begun on or after January 1, 2016, including the establishment of parentage or a support order or to register, recognize, enforce, or modify a prior order, determination, or agreement.

### **Severability clause**

(R.C. 3115.903)

The bill states that if any provision of R.C. Chapter 3115. or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to that end in valid provisions are severable.

### **Revised Code numbering for UIFSA**

(R.C. 3115.101)

To preserve uniformity in Ohio's enactment of the updated UIFSA, the bill uses the numbering system of the National Conference of Commissioners on Uniform State Laws. The digits to the right of a section's decimal point are sequential and not supplemental to any preceding Revised Code sections.

### **Cross reference updates**

(R.C. 145.56, 145.571, 742.462, 742.47, 2919.21, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 3309.671, 5505.22, and 5505.261)

The bill updates numerous cross references throughout the Revised Code to correspond with the complete repeal and replacement of UIFSA, as enacted in Ohio.

### **Children's Trust Fund Board changes**

The bill modifies the law governing the Children's Trust Fund Board (CTF Board), including (1) the Board's oversight of regional child abuse and child neglect prevention activities, (2) the abolishment of existing child abuse and child neglect prevention advisory boards, and (3) the creation of regional child abuse and child neglect regional prevention councils across eight regions of the state.



## **Child abuse and child neglect regional prevention councils**

(R.C. 3109.171 and 3109.172)

The bill divides the entire state into eight child abuse and child neglect prevention regions, each consisting of several counties. The bill creates a child abuse and child neglect regional prevention council for each region. The bill eliminates the child abuse and child neglect prevention advisory boards that exist under current law.

Each board of county commissioners within a region may appoint up to two county prevention specialists to represent the county on the council. The CTF Board may appoint additional specialists to each region's council at the CTF Board's discretion. Each council shall also include a representative of the council's regional prevention coordinator, who will serve as a nonvoting member and chairperson of the council. Members appointed by boards of county commissioners are to serve two-year terms and members appointed by the CTF Board or to represent the regional prevention coordinator are to serve three-year terms. Members may be reappointed for two consecutive terms only. The member's appointing authority may remove the member from council service for misconduct, incompetence, or neglect of duty. Council members are not to receive compensation for service to the council. The council is required to meet at least quarterly.

Council members are required by the bill to do the following:

- (1) Attend council meetings;
- (2) Assist the council's regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in the region;
- (3) Collaborate on assembling the council's regional prevention plan;
- (4) Assist the council's regional prevention coordinator with implementing the prevention plan, coordinating county data collection, and ensuring timely and accurate reporting to the CTF Board;
- (5) Any other duties specified by ODJFS.

### **County prevention specialist definition**

The bill defines county prevention specialist to include the following:

- (1) Representatives of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region;



(2) Providers of alcohol or drug addiction services or representatives of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or representatives of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Representatives of county boards of developmental disabilities that serve counties within a region;

(5) Representatives of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a region;

(7) Pediatricians, health department nurses, and other representatives of the medical community in the counties within a region;

(8) Counselors and social workers serving counties within a region;

(9) Head start agencies serving counties within a region;

(10) Child care providers serving counties within a region;

(11) Other persons with demonstrated knowledge in programs for children serving counties within a region.

### **Council reporting duties**

(R.C. 3109.17(B)(4) and 3109.172(J))

Each council must submit a progress report and an annual report to the CTF Board, by the due dates specified by the CTF Board. Each report must document the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports must contain all information the Board specifies.

### **Regional prevention coordinator**

(R.C. 3109.173)

The CTF Board must select for each council a regional prevention coordinator to direct the council. The CTF Board shall select each region's coordinator through a competitive selection process. Coordinators are required to do all of the following:



(1) Select a representative to serve as chairperson of the regional prevention council;

(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region;

(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on CTF Board guidelines;

(4) Implement the regional prevention plan, including monitoring fulfillment of prevention deliverables and achievement of prevention outcomes, coordinating county data collection, and ensuring timely and accurate reporting to the Board;

(5) Any additional duties specified in rules adopted by ODJFS.

### **Regional prevention plans for funding**

(R.C. 3109.17, 3109.174, and 3109.175; R.C. 3109.171 (repealed))

The bill requires each council to submit to the CTF Board a regional prevention plan for funding child abuse and child neglect prevention programs and activities. The plan must be based on criteria set forth by the CTF Board and submitted in the form and manner required under rules adopted by ODJFS. After receiving a prevention plan, the CTF Board may approve, deny, or require the submitting council to amend the plan and submit it back to the CTF Board.

Under current law, the CTF Board is required to adopt a biennial state plan for comprehensive child abuse and child neglect prevention. The bill changes this to a requirement for a "strategic" plan, omitting the "biennial" and "comprehensive" requirements.

Current law requires the CTF Board to develop a funding allocation plan for each child abuse and child neglect prevention advisory board for the following fiscal year and sets forth the procedures and other requirements by which funding is distributed to these boards. The bill generally eliminates these provisions.

### **Denial or reduction of funding**

(R.C. 3109.176)

Under the bill, the CTF Board may deny funding or allocate a reduced amount of funds on a pro-rated daily basis to a council for the fiscal year for which a regional prevention plan was required to be developed under any of the following circumstances:



(1) If a council fails to submit a regional prevention plan to the CTF Board a regional prevention plan by the date specified by the Board;

(2) If a council fails to submit to the CTF Board an amended if required to do so;

(3) If the CTF Board fails to approve a plan or an amended plan submitted by a council.

The CTF Board may allocate a reduced amount of funds to a council on a prorated daily basis for the following fiscal year if the council fails to submit to the board a progress report or annual report by the due dates specified by the Board for those reports. The bill's provisions regarding denial or reduction of funding are largely similar to current law governing denial and reduction of funding to child abuse and child neglect prevention advisory boards.

### **Board adoption of state plan for funding**

(R.C. 3109.16)

The bill eliminates the requirement that a majority of Board members are required to adopt the state plan for the allocation of funds from the Children's Trust Fund. Instead, the allocation may be decided by a majority of the quorum present.

### **Transition period**

(Section 731.10; R.C. 3109.18 (repealed))

The bill abolishes all existing child abuse and child neglect prevention advisory boards. The bill requires the board or boards of county commissioners that oversee operation of an advisory board to provide procedures for the transfer of any advisory board assets and liabilities. Under the bill, any business commenced but not completed by the bill's effective date by an advisory board shall be completed by the appropriate board or boards of county commissioners. The board or boards of county commissioners may delegate to a child abuse and child neglect regional prevention council any of the duties described in this provision.

### **Start-up costs for children's advocacy centers**

(R.C. 3109.17(B)(4) and 3109.178; R.C. 3109.172 (repealed))

The bill extends to councils the authority to request from the CTF Board up to \$5,000 for each county within the council's region to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each county in the region or a center to serve two or more contiguous counties within the region.



Under current law, child abuse and child neglect prevention advisory boards (eliminated in the bill) are permitted to make a similar request.

The CTF Board may approve or disapprove the request. The CTF Board is required to provide written notice if a request is disapproved, stating the reasons for the disapproval.

A children's advocacy center funded under this provision must follow all the laws generally applicable to such centers.<sup>138</sup> Additionally, the bill requires that any children's advocacy center that receives start-up costs under this provision must have as a component a primary prevention strategy. "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.<sup>139</sup>

The bill prohibits a council that receives funds under this provision in any fiscal year from using the funds received in a different fiscal year or for a different center in any fiscal year without the approval of the CTF Board.

Finally, the bill requires each children's advocacy center that receives funds under this provision to file with its respective council, by the date specified by the CTF Board, an annual report that includes the information required by the CTF Board. The council is required to forward a copy of the annual report to the CTF Board.

### **ODJFS rulemaking**

The bill sets forth rules that ODJFS is required to adopt and rules it is permitted to adopt to implement the bill's provisions. All of the rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.) When adopting rules, ODJFS must consult with the CTF Board and the CTF Board's executive director.

ODJFS is required to adopt the following rules:

- (1) Operation requirements for councils;
- (2) The manner in which boards of county commissioners are to appoint council members;
- (3) The form and manner by which councils are to submit regional prevention plans.

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<sup>138</sup> R.C. 2151.425 through 2151.428, not in the bill.

<sup>139</sup> R.C. 3109.13, not in the bill.



ODJFS is permitted to adopt rules regarding the following:

- (1) Duties of council members;
- (2) Duties of regional prevention coordinators;
- (3) Any other rules necessary to implement the bill's provisions.

### **Children's advocacy center funding**

(R.C. 3109.177)

The bill provides that each children's advocacy center may annually request funds from the Children's Trust Fund Board to conduct primary preventions strategies (described above).

### **Mentoring Care and Job Connect Pilot Project**

(Sections 305.75 and 751.50)

The bill creates the Mentoring Care and Job Connect Pilot Project, effective in fiscal years 2016 and 2017, to help participants obtain meaningful employment through mentoring services. The Governor's Office of Health Transformation – in consultation with the Department of Job and Family Services, Department of Medicaid, and the Governor's Office of Workforce Transformation – must establish, monitor, and evaluate the pilot project.

#### **Pilot Project Goals and Operation**

Under the bill, the pilot project would provide assistance to (1) long-term unemployed individuals (those individuals who have been out of work for at least fifteen weeks and are unlikely or unable to obtain permanent, full-time employment to become economically self-sufficient) and (2) individuals who are receiving benefits under the federal Supplemental Nutrition Assistance Program (commonly known as "food stamps"). Participating individuals are to be provided mentoring services to help them access, connect, and coordinate their benefits and services from federal government, state government, local government, nonprofits, and not-for-profit entities. Programs and services to which the pilot project will connect participants include:

- Health care services;
- Educational programs;
- Job training, placement, and retention programs;



--Transportation options;

--Child care services;

--Disability services;

--Any other benefits and services that would maximize employment opportunities for participants.

### **Pilot project establishment**

The bill requires the Executive Director of the Office of Health Transformation, by September 1, 2015, to release a request for grant applications from private, nonprofit or not-for-profit entities to administer this pilot project. The applicants must demonstrate effective strategies to meet the pilot project's goals. The Executive Director must select an entity from the applicants by December 1, 2015.

The entity selected to administer the pilot project must create an application process and select participants for the pilot project from eligible applicants. The project must be operated in at least one urban region and one rural region of Ohio, to be determined by the Executive Director. The Executive Director, in consultation with the Department of Job and Family Services, Department of Medicaid, and the Governor's Office of Workforce Transformation, must develop a system for evaluating the pilot project. At a minimum, evaluation factors must include: aggregate measurements of participants' employment outcomes, healthy practices, and personal responsibility.