

- By requiring the county commissioners to create in each county a children services review board, the bill will increase local expenditures by an unknown amount.
- By requiring law enforcement agencies to establish indexes of orders issued by the juvenile courts, the bill will increase local expenditures minimally.
- By requiring clerks of court to establish registries of orders issued by the juvenile courts, the bill will increase local expenditures minimally.

Detailed Fiscal Analysis

Caseworker Advisory Council

This bill requires the Office of the Attorney General (AG) to establish the Caseworker Advisory Council to review, investigate, discuss, and make recommendations regarding a training program to be established for persons who investigate reports of child abuse, neglect, and dependency for county public children services agencies. This program must be designed to address the recognition and evaluation of child abuse, neglect, and dependency cases; and methods of preserving evidence that are consistent with the rules of evidence. The council shall consist of the following persons appointed by the AG: a representative of the AG; a common pleas judge who presides over juvenile cases; a county prosecutor; a dentist; foster care parent; an individual authorized to practice medicine and surgery or osteopathic medicine and surgery practicing primarily in an emergency room or trauma center; a representative of the fraternal order of police; a victim of abuse and neglect; a chief or director of a law enforcement agency; a representative of the Buckeye State Sheriff’s Association; a representative of the Department of Human Services; a training specialist for the recognition of child abuse, neglect, or dependency; and a psychologist.

According to information obtained from the AG, the cost associated with the establishment of the Caseworker Advisory Council would amount to nearly \$41, 832 per year (\$1,743 x 24). This is based upon the following assumptions:

- the council will meet bi-monthly for a one-year period in the Columbus area;
- members will not be paid for their services;
- the 12 member council will consist of members divided from each quadrant of the state; and
- costs are calculated for travel, meals, lodging at the rate of state reimbursement

The following table provides a breakout of the costs per meeting.

Mileage	Lodging	Meals	Miscellaneous	Total
Northeast: 3 x 280 x \$.26	3 x \$60 = \$180	3 x \$38 = \$114		
Northwest: 2 x 280 x \$.26	2 x \$60 = \$120	2 x \$38 = \$76		
Central: 3 x 50 x \$.26	-0-	-0-		
Southwest: 2 x 220 x \$.26	2 x \$60 = \$120	2 x \$38 = \$76		
Southeast: 2 x 180x \$.26	2 x \$60 = \$120	2 x \$38 = \$76		
Total mileage costs: \$611	9 x \$60 = \$540	9 x \$38=\$342	\$250	\$1,743

Training Costs for Child Protection Workers

The bill requires that all employees of the PCSA who investigate reports of child abuse successfully complete the training program established by the Attorney General's office. The cost of such training would have to be borne by the each PCSA. According to a spokesperson with the Public Children Services Association of Ohio, there are nearly 1,000 investigators who are required by this bill to complete this training. The Public Children Services Association of Ohio estimates that the cost for such training would range between \$300,000 to \$400,000 for the investigators. This is based upon the assumption that it would cost \$50,000 per training day for 1000 participants. Training days could range between six and eight days.

Creation of A Children Services Review Board

The bill requires that the board of county commissioners of each county create a children services review board. The board of review must consist of a doctor of medicine, a judge of the common pleas court who has jurisdiction over juvenile cases, the county prosecutor, a representative of law enforcement agencies in the county, and a representative of the county public children services agency.

The board must review all complaints made to the board about activities of the PCSA. As part of its review procedure, the board must conduct a hearing to address the issues raised in the complaint. The bill provides specific procedure that the review board must follow and requires the Department of Human Services to establish procedural rules that are to be followed by the children services review boards in conducting hearing and issuing recommendations.

The bill requires the PCSA make available to the person alleged to have inflicted abuse and the attorney for such a person any records in its custody or control regarding the report or investigation of the report once the investigation is completed.

A PCSA shall provide all information contained in any reports made, records compiled and any video recordings to the children services review board.

The counties would pay the costs associated with establishment of the review boards. At this time, LBO has not determined how much it will cost the counties to create these boards, to staff them, and to maintain them.

Mandatory Drug Testing by the PCSA

In situations where a child is declared to be abused, neglected, or dependent due to the chemical dependency of a parent, the court is required to issue an order requiring the parent to submit to drug tests. This order mandates that the public children services agency of the county in which the child resided at the time of the complaint to conduct the tests. The bill does permit the PCSA to enter into a contract with an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services or any other entity to conduct the tests. Failure of the parent to submit to the drug testing or failure of the parent to be available so that the drug test may be conducted is contempt of court.

If the results of two drug tests show that the parent has been using a drug of abuse, the parent must enroll and participate in an alcohol and drug addiction program.

If the results of three drug tests show that the parent has been using a drug of abuse, and the child is in the temporary custody of a public children services agency or private child placing agency, the agency is permitted to file a motion requesting the permanent custody of the child.

According to the Public Children Services Association of Ohio, seven out of ten children who have entered the foster care system are there because their parent has a problem with substance abuse. On any given day, there are nearly 17,500 in foster care. If 70 percent of this number have entered the system due to the parent's substance abuse problem, this means that potentially there are 12,250 parents who would have to submit to drug tests. The parent would have to be tested each month during a twelve-month period.

LBO therefore assumes 12,250 parents are to be tested for drugs each month for a twelve-month period at a cost of \$52.07, which represents the maximum allowable unit cost for community Medicaid in FY 1996. $12,250 \text{ units of urinalysis screening} \times 52.07 \times 12 = \$7,654,290$. If the PCSA earns federal reimbursement of nearly 60 percent on these expenditures, the remaining state and local share of such expenditures would be \$3,061,716. LBO is assuming that the drug testing required by this bill can be modeled after the requirement that TANF recipients undergo urine drug screens in order to participate in Ohio Works First.

If the unit cost is less than the maximum allowable Medicaid rate, the overall costs for the drug testing would be less. For example if the unit cost were only \$30, which is the low-end estimate, then the total expenditures would amount to \$4,500,000 annually. If federal reimbursement can be earned, the remaining state and local share of these expenditure would be \$1,800,000.

Parents who fail the drug test twice are required to enroll in an alcohol and drug addiction program. The bill makes no mention of how this is to be paid. If the parent is indigent or his or her income low enough that they may qualify for Medicaid, the state share of such cost is dependent on the number of people who qualify for health care assistance. At this point, this is an unknown; thus, the cost is indeterminate.

If the parent fails the drug test three times, the bill permits for the permanent placement of a child who is in temporary custody. This mechanism may enhance the ability of the PCSA and other placement agencies to place children in a permanent setting. The result could be a decrease in the number of children in long-term foster care. If this is the case, there could be some savings to the state and the local governments on expenditures for foster care.

The Department of Human Services is required to adopt rules in accordance with Chapter 119 of the Revised Code governing drug testing required by court orders. These rules must include procedures, standards the department determines are necessary to conduct the testing, and requirements regarding contracts entered into by the agency for conducting the drug tests.

Under the Medicaid reimbursement rule for toxicology screening, drug screen providers must have a physician's order for a drug screen to be eligible for reimbursement. The Department of Alcohol and Drug Addiction Services policy concerning the employment of toxicology screens corresponds to the Medicaid rule.

Mandatory Videotaping of Interviews of Alleged Abuse and Neglect

The bill requires a person or entity (including law enforcement, hospital, public children service agency, county prosecutor) that conducts an interview of a child pursuant to an investigation of a report of child abuse and neglect to record the entire interview on videotape. The videotape must record all the visual and audible portions of the interview.

The cost associated with videotaping is clearly dependent on length of time the interview of neglect and abuse takes and the level of incidence of abuse, neglect and dependency. If it is assumed by LBO that the current average number of child abuse, neglect and dependency reports will stay at 105,000 annually. According to information obtained from the Public Children Services Agency Association of Ohio, on average the interview portion of the investigation of the intake and assessment function took 213 minutes or 3 hours and 33 minutes. When these two factors (105,000 reports x 213 minutes) are calculated, the result is 22,3650,000 minutes or 372,750 hours of videotaping required by this bill.

The cost associated with video taping by the PCSA is determined by whether or not the PCSA chooses to perform this function internally or to contract it out. According to the Public Children Services Agency of Ohio, the average cost is \$20 per hour if it performed in-house, and the agency needs to hire additional staff to do it. A person would need to run the video equipment while the social worker conducts the interview.

If all the counties had to hire additional staff to perform this function, this would mean an average of two new staff persons per county for a total of 176. $176 \times 20 \times 2,080 = \$7,321,600$. LBO does not know if all the counties would have to hire additional staff to videotape interviews. If not, the cost would be considerably less. If the county contracted out this duty, it is possible that the cost could be less.

In addition would be the cost of equipment for videotapes and cameras. The Public Children Services Association of Ohio estimates that \$1 million would be needed to purchase this equipment. Other costs would be for duplicating tapes that are required to be shared with the defense attorney and the children services review board.

The total cost of the videotaping requirement is truly dependent on how each PCSA chooses to implement it. At the high end, if counties hire an average of two additional staff persons, purchase videotapes and cameras, and make duplicate or triplicate copies of these recordings, the cost could easily exceed \$7 million dollars annually. On the other hand, if the videotaping function can be absorbed within a current staff position and the PCSA only needed purchase the necessary equipment the cost could amount to nearly \$3 million to \$4 million.

The taped interview or part of it is admissible in evidence. The bill requires the Department of Human Services to adopt rules pursuant to Chapter 119 of the Revised Code.

Recording of Certain Orders

The bill provides for the establishment of indexes by law enforcement agencies and the establishment of registries by clerks of court, in which the following orders issued by the juvenile courts must be maintained:

- Temporary orders that restrain or control a person's conduct that is not in the best interest of the child or that order a person to vacate the child's home;
- Dispositional orders that place a child in protective supervision or that order a person to vacate the child's home.

The aforementioned orders are to be issued to each law enforcement agency that has jurisdiction to enforce the orders and to the parent, guardian, or custodian of the child. The bill permits a parent, guardian, or custodian to register the order with any law enforcement agency or court in any county of the state. The bill provides for the enforcement of such orders by law enforcement agencies regardless of whether the orders are registered in the county.

LBO assumes that the cost associated with the establishment of the indexes and registries will be minimal to the law enforcement agencies and the clerks of court. It is assumed that such registries will be model after other record keeping devices used by such entities.

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Synopsis of Changes from Preceding Version

This synopsis compares the fiscal effects of the changes in this bill to the previous version.

The previous version of the bill created new classifications of severely abused and severely neglected children. It also established procedural changes to handle such newly created classifications. By removing these provisions from the bill, state and local governments avoid additional costs associated with these changes.