Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. S.B. 163** DATE: **June 22, 2007**

STATUS: **As Reported by Senate Judiciary--Criminal Justice** SPONSOR: **Sen. Niehaus**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Improves foster caregiver background checks, clarifies when a court must order a person to be fingerprinted, establishes the retained applicant fingerprint database, and makes other changes in the law regarding approval of out-of-home care workers, adoptive parents, foster caregivers, and a child day care**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund (GRF)			
Revenues	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs
Expenditures	- 0 -	- 0 -	- 0 -
Victims of Crime/Reparations Fund (Fund 402)			
Revenues	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs	Potential negligible gain in locally collected state court costs
Expenditures	- 0 -	- 0 -	- 0 -
General Reimbursement (Fund 106)*			
Revenues	Potential gain of uncertain magnitude from: (1) criminal records check fees; and (2) database utilization fees	Potential gain of uncertain magnitude from: (1) criminal records check fees; and (2) database utilization fees	Potential gain of uncertain magnitude from: (1) criminal records check fees; and (2) database utilization fees

Expenditures	(1) One-time increase to establish required database and modify weekly case report summaries, in excess of $40,000; (2) ongoing operating expenses of approximately $90,000 to maintain required database; (3) potential increase to process additional criminal records checks, offset by related fee collections	(1) Ongoing operating expenses of approximately $90,000 to maintain required database; (2) potential increase to process additional criminal records checks, offset by related fee collections	(1) Ongoing operating expenses of approximately $90,000 to maintain required database; (2) potential increase to process additional criminal records checks, offset by related fee collections

Various State and Federal Funds in the Department of Job and Family Services			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase: (1) of over $3.5 million to extend SACWIS to private agencies; (2) to collaborate with BCII; (3) to receive notification of prior revocation with offsetting cost savings; (4) to notify a recommending agency, review and, if necessary, revoke a certification; (5) due to work group involvement; (6) to adopt rules; (7) due to central registry search; (8) due to initial FBI checks and subsequent checks; (9) due to revocation for no children Potential minimal decrease: (1) due to fewer day-care licensures; (2) due to fewer foster caregiver certifications and recertifications; (3) due to provision of rules electronically; (4) due to not having to appear in court	Potential increase: (1) of over $3.5 million to extend SACWIS to private agencies; (2) to receive notification of prior revocation with offsetting cost savings; (3) to notify a recommending agency, review and, if necessary, revoke a certification; (4) due to work group involvement; (5) due to central registry search; (6) due to initial FBI checks and subsequent checks; (7) due to revocation for no children Potential minimal decrease: (1) due to fewer day-care licensures; (2) due to fewer foster caregiver certifications and recertifications; (3) due to provision of rules electronically; (4) due to not having to appear in court	Potential increase: (1) to receive notification of prior revocation with offsetting cost savings; (2) to notify a recommending agency, review and, if necessary, revoke a certification; (3) due to work group involvement; (4) due to central registry search; (5) due to initial FBI checks and subsequent checks; (6) due to revocation for no children Potential minimal decrease: (1) due to fewer day-care licensures; (2) due to fewer foster caregiver certifications and recertifications; (3) due to provision of rules electronically; (4) due to not having to appear in court

Note: The state fiscal year is July 1 through June 30. For example, FY 2007 is July 1, 2006 – June 30, 2007.

* For the purposes of this analysis, LSC fiscal staff assumes that the costs to implement and maintain the required database, any related utilization fee revenues, and to modify weekly case report summaires will be processsed through the General Reimbursement Fund (Fund 106).

- ***Retained Applicant Fingerprint Database*.** The Office of the Attorney General estimates that it will cost approximately $40,000 to develop a Retained Applicant Fingerprint Database (RAFD), and require two AFIS operators whose salaries and benefits are expected to total approximately $90,000 a year. The magnitude of the annual revenue stream that BCII might generate annually if a database utilization fee were to be adopted is uncertain.

- ***Weekly case report summaries*.** The Bureau of Criminal Identification and Investigation (BCII) may incur costs associated with the need to modify and distribute a new form to capture certain new information in the weekly report summaries sent by clerks of courts. As of this writing, LSC fiscal staff has acquired no information suggesting that the need to collect this additional information will create a significant ongoing fiscal effect for BCII.

- ***Criminal records checks*.** Presumably, as a result of the bill, additional criminal records checks will be requested and performed, and related records check fees will be collected. Currently, the Attorney General charges $15 per BCII records check and an additional $24 per FBI national records check (if applicable). The $24 pays for the $22 cost from the FBI as well as an additional $2 to pay for BCII's administrative processing costs. All of this cash flow activity takes place within the Attorney General's General Reimbursement Fund (Fund 106). As of this writing, the number of additional criminal records checks that will be performed is uncertain, as is the magnitude of the effect on Fund 106's annual cash flow activity.

- ***Court cost revenues*.** If, as assumed, the number of violations of the bill's criminal prohibitions occurring annually statewide is relatively small, then the magnitude of the potential gain in locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402) will be negligible. For the purposes of this fiscal analysis, a negligible revenue gain means an estimated annual increase in state court cost collections of less than $1,000 for either state fund.

- ***Notifications of an arrest, guilty plea, or conviction*.** The bill requires the Ohio Department of Job and Family Services (ODJFS) to work with BCII to develop procedures and formats necessary to produce notices of the arrest, guilty plea, or conviction for a disqualifying offense of a person connected to a participating entity of the RAFD. This provision will increase administrative costs for ODJFS to work with BCII.

- ***Access to SACWIS*.** The bill grants public entities with which ODJFS has a Title IV-E grant agreement in effect, private child placing agencies, private noncustodial agencies, and prosecuting attorney's access to the database. The Department estimates that the cost of rolling out SACWIS to the 243 private agencies could cost as much as $7,150,000. The Department will be conducting additional research to determine if 50% of these costs will be eligible for federal reimbursement under Title IV-E.

- ***Search of the central registry*.** If the provision regarding search of the central registry is interpreted to mean that ODJFS is to contact another state and request a check of that state's registry on behalf of the recommending agency, there may be a significant increase in costs to ODJFS to make these contacts and pass on any information received from other states.

- ***Foster caregiver notices*.** The provision requiring notification of a prior revocation or the presence of a minor in the home who has been convicted of, plead guilty to, or been adjudicated delinquent for committing any of a list of specified offenses, and the prohibition against ODJFS issuing a foster home certificate to the prospective foster caregiver may have a minimal increase in administrative costs for ODJFS to receive such notification. However, there would be an offsetting decrease in administrative costs since ODJFS would not be continuing the certification process if a prospective foster caregiver were to make such notification.

- ***Notification of an offense of a foster caregiver.*** The provision directing ODJFS to provide notice of the conviction or guilty plea to the recommending agency relative to the foster caregiver may result in an increase in administrative costs for ODJFS to notify the recommending agency and when necessary review and possibly revoke a foster caregiver's certificate.

- ***Certification of institutions and associations for children.*** This provision, essentially prohibiting a type A family day-care home from also being a foster home and prohibiting a type B family day-care home from also being a specialized day-care home, may decrease administrative costs of ODJFS as there may be fewer foster families to certify or recertify. However, any decrease in costs is likely to be minimal.

- ***No licensure or certification if the home is a foster home.*** The provision in the bill regarding licensure of type A family day-care homes may decrease administrative costs to ODJFS as it may conduct fewer licensures due to the restrictions on being both any kind of foster home and type A day-care provider. Any decrease in administrative costs would be minimal.

- ***No foster children within 12-month period.*** The provision of the bill allowing ODJFS to revoke the certificate of a foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding 12 months may increase administrative costs to ODJFS to continually review the status of a foster caregiver's placements or lack thereof and move to revoke the caregiver's certificate.

- ***Criminal records checks.*** The bill requires the criminal records check before licensure of a day-care center or type A family day-care home include an FBI check and a criminal records check, with optional inclusion of the FBI component, every four years thereafter. This provision may increase costs for ODJFS to conduct criminal records checks.

- ***Provision of proposed rules.*** The provision in the bill permitting ODJFS to provide authorized day-care providers copies of proposed rules in either paper or electronic form may minimally decrease printing and postage costs to ODJFS.

- ***Putative father's consent to the adoption of a child born prior to January 1, 1997.*** The provision of the bill removing reference to the Department from the provision of law regarding a putative father's consent to the adoption of a child born prior to January 1, 1997, may result in a decrease in costs to ODJFS for not having to appear in court.

- ***ODJFS work group.*** To the extent that those who are involved in the work group do so in their official capacity as ODJFS employees, the Department will incur an increase in administrative costs (time and travel reimbursement) for those employees to participate in the work group. ODJFS will also incur some administrative costs in preparing the executive summary of the work group's recommendation and distribution to the Governor and legislative leaders of the majority party.

- ***Adoption of rules.*** There are several provisions in the bill that requires ODJFS to adopt rules. The Department maintains a staff that works specifically on the formulation and codification of rules. Therefore, any additional administrative costs to develop the rules will be absorbed within ODJFS's existing resources.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
County and Municipal Civil and Criminal Justice Systems			
Revenues	Potential gain in court costs and fines, not likely to exceed minimal	Potential gain in court costs and fines, not likely to exceed minimal	Potential gain in court costs and fines, not likely to exceed minimal
Expenditures	(1) Potential one-time increase to modify databases generating weekly case report summaries; (2) potential one-time increase to establish and equip new fingerprint areas; (3) potential increase to staff new fingerprint areas; (4) potential minimal increase to process additional misdemeanor cases; (5) potential civil immunity savings effect on court operations; (6) potential increase for additional permanent custody motions; (7) potential increase to fingerprint and report information pertaining to certain additional misdemeanor offenders; (8) potential increase due to consideration of placement options	(1) Potential increase to staff new fingerprint areas; (2) potential minimal increase to process additional misdemeanor cases; (3) potential civil immunity savings effect on court operations; (4) potential increase for additional permanent custody motions, (5) potential increase to fingerprint and report information pertaining to certain additional misdemeanor offenders; (6) potential increase due to consideration of placement options	(1) Potential increase to staff new fingerprint areas; (2) potential minimal increase to process additional misdemeanor cases; (3) potential civil immunity savings effect on court operations; (4) potential increase for additional permanent custody motions; (5) potential increase to fingerprint and report information pertaining to certain additional misdemeanor offenders; (6) potential increase due to consideration of placement options
Public Children's Services Agencies			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential decrease due to: (1) sharing of records checks; (2) fewer day-care certifications Potential increase due to: (1) initial FBI checks and subsequent checks; (2) work group involvement; (3) assessment once notification of an offense is received; (4) notification of an intended placement	Potential decrease due to: (1) sharing of records checks; (2) fewer day-care certifications Potential increase due to: (1) initial FBI checks and subsequent checks; (2) work group involvement; (3) assessment once notification of an offense is received; (4) notification of an intended placement	Potential decrease due to: (1) sharing of records checks; (2) fewer day-care certifications Potential increase due to: (1) initial FBI checks and subsequent checks; (2) work group involvement; (3) assessment once notification of an offense is received; (4) notification of an intended placement

County departments of job and family services			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential decrease due to provision of rules electronically	Potential decrease due to provision of rules electronically	Potential decrease due to provision of rules electronically

- ***Clerks of courts.*** The bill's requirement that the clerks of courts add certain information to the weekly report sent under current law to the state's Bureau of Criminal Identification and Investigation (BCII) may necessitate one-time database modifications, the cost of which is, as of this writing, uncertain.

- ***Local law enforcement agencies.*** Based on conversations with the Buckeye State Sheriffs' Association (BSSA), it appears that the bill's fingerprinting requirement relative to: (1) a person appearing pursuant to a summons, and (2) fingerprinting certain additional misdemeanor offenders may in fact generate a noticeable increase in the expenditures of certain local law enforcement agencies. To effectively implement this requirement, separate fingerprinting areas may need to be constructed, or provided for, that are independent of the intake process for new arrests. This would mean that additional fingerprinting machines and equipment (Webcheck, AFIS[1] or standard ink card stations) would be necessary to accommodate persons appearing pursuant to a summons. It should also be noted that it is often the case that sheriffs perform most of the fingerprinting duties within the county, as most municipal police departments have disbanded their internal booking systems and instead rely on the services of the sheriff. If additional AFIS machines are needed, each affected local jurisdiction may experience a one-time cost increase estimated at $6,200 (the cost of an AFIS machine), plus additional costs in other staffing and related equipment costs (i.e., computer work station, desk, and chairs).

- ***County and municipal criminal justice systems generally.*** Each instance in which a person is charged with a violation of one of the bill's criminal prohibitions creates an additional case that the municipal or county criminal justice system with jurisdiction over the matter must process. This processing may include additional costs to prosecute, adjudicate, defend (if the offender is indigent), and sanction the violator. Assuming the number of violators will not be, relatively speaking, large, then any additional case processing and offender sanctioning costs generated for any affected municipal or county criminal justice system would likely be minimal at most. For the purposes of this fiscal analysis, a minimal cost means an estimated annual expenditure increase of no more than $5,000 for any affected county or municipality.

- ***Court cost and fine revenues.*** If, as assumed, the number of violations of the bill's criminal prohibitions occurring annually in any given local jurisdiction is not, relatively speaking, large, then the magnitude of the potential court cost and fine revenues collected would be minimal at most. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase in court cost and fine collections of no more than $5,000 for any affected county or municipality.

- ***Civil immunity.*** From LSC fiscal staff's perspective, a possible consequence of the bill's civil immunity provision might be to reduce the filing of civil actions alleging harm in the context of a Retained Applicant Fingerprint Database, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case. Either outcome theoretically generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and in the related workload of other court personnel. However, the precise magnitude of the resulting potential savings in annual operating costs for any given court of common pleas, municipal court, or county court is, at the time of this writing, a rather problematic calculation.

[1] AFIS: Automated Fingerprint Identification System.

- ***Confidentiality of criminal records check.*** The bill adds a public children services agency to the list of who may have access to the otherwise confidential criminal records check. The changes made by the bill will make sharing of such information permissible, thereby reducing costs of the public agency that would otherwise be required to request and pay for a new check.

- ***Criminal records checks.*** The bill requires the criminal records check at the time of the initial home study in the case of adoption, before recommendation of a foster parent for certification, and before certification of a type B family day-care home, include an FBI check and a criminal records check, with optional inclusion of the FBI component, every four years thereafter. This provision will increase costs for PCSAs to conduct criminal records checks. While this provision could have a significant fiscal impact on the public agencies, it should be noted that Am. Sub. H.B. 119 of the 127th General Assembly (main operating budget) includes $9.0 million in general revenue funds that have been identified for supporting the county child welfare agencies in implementing the reforms to the child welfare system included in this bill and other pending legislation.

- ***Notification of an offense of a foster caregiver.*** The provision directing ODJFS to provide notice of the conviction or guilty plea to the recommending agency relative to the foster caregiver may result in an increase in administrative costs for a PCSA (if it is the recommending agency) to assess the foster caregiver's overall situation for safety and concerns and forward any recommendations, if applicable, to the Department.

- ***No licensure or certification if the home is a foster home.*** The provision in the bill regarding certification of type B family day-care homes may decrease administrative costs to county departments of job and family services as they may conduct fewer certifications due to the restrictions on being both a specialized foster home and type B day-care provider. Any decrease in administrative costs would be minimal.

- ***Notification of intended placement.*** The provision of the bill that expands the requirements surrounding notification of an intended placement of a child in a foster home will increase costs for the public children services agencies that place children in foster care.

- ***Provision of proposed rules.*** The provision in the bill permitting a county department of job and family services to provide authorized day-care providers and in-home aides copies of proposed rules in either paper or electronic form may minimally decrease printing and postage costs to the county agency.

- ***Permanent custody of a child.*** If, due to consideration of time spent in temporary custody in another state, an agency were to move forward more quickly on filing a motion requesting permanent custody, there may be an increase in costs to the courts to entertain such motions and rule on the case. The magnitude of this impact is difficult to estimate since LSC was not able to obtain information on the number of children who were in temporary custody in another state and for how long.

- ***Review hearings that pertain to permanency plans.*** The provision of the bill requiring consideration of in-state or the out-of-state placement may cause an increase in administrative costs for the court to meet with the child and consider all placement options when deciding on a permanency plan for the child.

- ***ODJFS work group.*** To the extent that those who are involved in the work group do so in their official capacity as employees of a local government entity, those employers will incur an increase in administrative costs (time and travel reimbursement) for those employees to participate in the work group.

Detailed Fiscal Analysis

Criminal justice system

For the purposes of this fiscal analysis, from a criminal justice perspective, the bill most notably:

- Expands the list of offenses for which a person who is arrested or taken into custody is subjected to fingerprinting to include certain misdemeanor offenses, with those fingerprints, as under current law, being forwarded to the Bureau of Criminal Identification and Investigation (BCII).
- Requires clerks of courts to include additional information in the weekly report of case summaries sent to BCII.
- Clarifies that if a person or child has not been arrested and first appears before a court or magistrate in response to a summons, the court must order the person or child to appear before the sheriff or chief of police within 24 hours for fingerprinting.
- Directs BCII to establish and maintain a Retained Applicant Fingerprint Database (RAFD).
- Creates two criminal offenses associated with the improper usage of information contained in the RAFD.
- Provides to certain officials immunity from civil liability related to the dissemination or failure to disseminate information contained in the RAFD.
- Imposes additional requirements relative to criminal records checks for out-of-home care providers, foster parents, and adoptive parents.
- Permits the clerks of courts of common pleas to sign the public children services agency memorandum of understanding.
- Expands the categories of professions to which the state's existing mandatory child abuse and neglect reporting provision applies.

Clerks of courts and weekly BCII reports

The bill requires the clerks of courts to add the date of the offense, summons, or arraignment to the weekly report sent under current law to the state's Bureau of Criminal Identification and Investigation (BCII). During a conversation with the Lucas County Clerk of Courts relative to this provision, LSC fiscal staff was informed that clerks of courts might need to modify their databases so that this additional information is captured in their weekly report. Such modifications may result in a one-time expense to alter computer-related applications, the cost of which is uncertain. As of this writing, however, LSC fiscal staff has not acquired any more precise information on how this requirement to provide additional information will affect clerks of courts of common pleas, municipal courts, and county courts.

BCII may also incur costs associated with modifying and distributing new forms to include a space for the date of offense, summons, or arraignment for each case. As of this writing, LSC fiscal staff has acquired no information suggesting that the need to collect this additional information will create a significant ongoing fiscal effect for BCII.

Court-ordered fingerprinting

The bill requires fingerprinting of: (1) a person who is not arrested, but appears in court for any of certain offenses pursuant to a criminal summons, and (2) certain additional misdemeanor offenders. Based on conversations with the Buckeye State Sheriffs' Association (BSSA), it appears that this requirement may in fact generate a noticeable increase in the expenditures of certain local law enforcement agencies.

Criminal summons. As the bill clarifies that the court must order the person or child to appear before the sheriff or chief of police within 24 hours for fingerprinting, BSSA envisions that a new system will be necessary to accommodate these persons who appear for fingerprinting. To effectively implement this requirement, it is BSSA's belief that separate fingerprinting areas will need to be constructed, or provided for, that are independent of the intake process for new arrests. Arrested individuals are processed in secure areas and their mingling with persons who report for fingerprinting pursuant to a summons would be strongly discouraged.

This would mean that additional fingerprinting machines and equipment (Webcheck, AFIS[2] or standard ink card stations) would be necessary to accommodate persons appearing pursuant to a summons. It should also be noted that it is often the case that sheriffs perform most of the fingerprinting duties within the county, as most municipal police departments have disbanded their internal booking systems and instead rely on the services of the sheriff.

If additional AFIS machines are needed, each affected local jurisdiction may experience a one-time cost increase estimated at $6,200 (the cost of an AFIS machine), plus additional costs in other staffing and related equipment costs (i.e., computer work station, desk, and chairs).

Misdemeanor offenders. At the time of this writing, LSC fiscal staff has not had an opportunity to research any available statewide statistical resources to determine how many additional misdemeanor offenders would be required to be fingerprinted under the bill. As such, it is difficult to quantify the potential fiscal impact on both the state and local criminal justice agencies.

Retained Applicant Fingerprint Database

BCII. The bill directs the Superintendent of BCII, an organizational unit of the Office of the Attorney General, to establish and maintain a Retained Applicant Fingerprint Database (herein referred to as RAFD). The database is to be kept separate and apart from all other records maintained by BCII. The purpose of the database is to notify a participating entity when an individual who is licensed, certified, approved, or employed by, or volunteers with, the participating entity is arrested for, pleads guilty to, or is convicted of an offense that would disqualify that individual from licensure, certification,

[2] AFIS: Automated Fingerprint Identification System.

employment, or volunteering with that particular entity. The Superintendent is required to adopt rules relating to the administration of the RAFD, including, but not limited to, the charging of a reasonable fee for utilizing the database.

The Office of the Attorney General estimates that it will cost approximately $40,000 to develop the Retained Applicant Fingerprint Database, and require two AFIS operators whose salaries and benefits are expected to total approximately $90,000 per year.[3] The magnitude of the annual revenue stream that BCII might generate annually if a database utilization fee were to be adopted is uncertain.

Criminal offenses

The bill creates two criminal offenses associated with the improper usage of the information contained in the RAFD as follows:

(1) The offense of unlawful dissemination or use of retained applicant fingerprint database information, a violation of which is a misdemeanor of the fourth degree.[4]

(2) The offense of harassment or intimidation using retained applicant fingerprint database information, a violation of which is a misdemeanor of the first degree.[5]

The bill also expands the categories of professions to which the state's existing mandatory child abuse and neglect reporting provision applies to include an *employee of a county department of job and family services who is a professional and who works with children and families*. Failure to make such a report, under current law and unchanged by the bill, is generally a misdemeanor of the fourth degree. If the failure to make such a report results in harm or suffering, the penalty for a violation of the offense increases to a misdemeanor of the first degree.

A misdemeanor violation falls under the subject matter jurisdiction of a municipal court or a county court. Thus, each instance in which a person violates one of the above noted criminal offenses creates an additional case that the municipal or county criminal justice system with jurisdiction over the matter must process. And this processing may include additional costs to prosecute, adjudicate, defend (if the offender is indigent), and sanction the violator. As of this writing, LSC fiscal staff does not have any evidence at hand suggesting that a relatively large number of persons would violate these criminal offenses in any given local jurisdiction in any given year. Assuming that were true, then any additional case processing and offender sanctioning costs generated for any affected municipal or county criminal justice system would likely be minimal at most. For the purposes of this fiscal analysis, a minimal cost means an estimated annual expenditure increase of no more than $5,000 for any affected county or municipality.

For each guilty plea or conviction for a violation of the bill's misdemeanor offenses, the county court or municipal court processing the matter may collect related court cost revenues. As for any fines

[3] Salary costs of AFIS Operator II: $16.05 per hour + 35% benefits = $45,069 ($90,137 for two operators).

[4] A misdemeanor of the fourth degree is punishable by a jail term of not more than 30 days, a fine of not more than $250, or both.

[5] A misdemeanor of the first degree is punishable by a jail term of not more than 6 months, a fine of not more than $1,000, or both.

imposed for such violations, the county in which the violation occurred receives any fine revenues collected for a state-created misdemeanor, while fine revenues collected from locally created misdemeanors (local ordinances) are forwarded to the municipality or township where the offense was committed. If, as assumed, the number of violations occurring annually in any given local jurisdiction were not, relatively speaking, large, then the magnitude of that potential revenue would be minimal at most. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase in court cost and fine collections of no more than $5,000 for any affected county or municipality.

As a result of violations of the bill's criminal offenses, the state may gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 402). State court costs for a misdemeanor conviction total $24, with $9 of that amount being credited to the Victims of Crime/Reparations Fund (Fund 402) and the remainder, or $15, being credited to the GRF. If, as assumed, the number of violations occurring annually statewide were relatively small, then the magnitude of that potential revenue gain for either state fund would be negligible. For the purposes of this fiscal analysis, a negligible revenue gain means an estimated annual increase in state court cost collections of less than $1,000 for either state fund.

Civil immunity

From the perspective of local civil justice systems, the most readily apparent effect of the bill's immunity provision may be to reduce the number of tort claims that might otherwise have been filed in a court of common pleas, municipal court, or county court. An additional possibility is that, if filed, such civil actions may be resolved more promptly than might otherwise have been the case under current law.

From LSC fiscal staff's perspective, a possible consequence of the bill might be to reduce the filing of civil actions alleging harm in the context of the RAFD, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. Either outcome theoretically generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and in the related workload of other court personnel. However, the precise magnitude of the resulting potential savings in annual operating costs for any given court of common pleas, municipal court, or county court is, at the time of this writing, a rather problematic calculation.

Clerk of the court of common pleas and the memorandum of understanding

The bill permits the clerks of courts of common pleas to sign a required memorandum of understanding to minimize interviews of children who are the subjects of alleged child abuse. Under current law, unchanged by the bill, each public children services agency is required to prepare a memorandum of understanding signed by various public officials. The memorandum must set forth the normal operating procedure for all concerned officials in the execution of their respective responsibilities in the investigation and prosecution of child abuse. If the clerk signs the memorandum, the clerk must execute all relevant responsibilities as required of officials specified in the memorandum. At the time of this writing, the potential effect on the workload and related operating expenses of any participating clerk of court is unclear.

Criminal background checks

The bill requires: (1) that, if an FBI check is performed as part of BCII's criminal records check for out-of-home care providers, foster parents, or prospective adoptive parents, it must include fingerprint based checks of national crime information databases, and (2) requires that for a prospective foster caregiver and any adult who resides with the foster caregiver the check must include certain information from the FBI prior to issuing a foster home certificate, or upon every other foster home recertification.

Currently, the Attorney General charges $15 per BCII records check and an additional $24 per FBI national records check (if applicable). The $24 pays for the $22 cost from the FBI as well as an additional $2 to pay for BCII's administrative processing costs. All of this cash flow activity takes place within the Attorney General's General Reimbursement Fund (Fund 106). Presumably, as a result of the bill, additional criminal records checks will be requested and performed, and related records check fees will be collected. As of this writing, the number of additional criminal records checks that will be performed is uncertain, as is the magnitude of the effect on Fund 106's annual cash flow activity.

Child Welfare System

Notifications of an arrest, guilty plea, or conviction

The bill requires the Ohio Department of Job and Family Services (ODJFS) to work with BCII to develop procedures and formats necessary to produce notices of the arrest, guilty plea, or conviction of a disqualifying offense of a person connected to a participating entity of the RAFD. ODJFS must also adopt rules, as if they were internal management rules, necessary for this collaboration. Additionally, ODJFS may adopt rules that are necessary for utilizing the information received from the Database.

Fiscal effect – This provision will increase administrative costs for ODJFS to work with BCII and, if the Department chooses, to adopt rules. With regard to the rules, the Department maintains a staff that works specifically on the formulation and codification of rules. Therefore, any additional administrative costs to develop the rules discussed here will be absorbed within ODJFS's existing resources.[6]

Statewide Automated Child Welfare Information System

Access and Statewide Implementation. ODJFS operates a uniform statewide automated child welfare information system (SACWIS). This information system contains records regarding investigations of children and families and children's care in out-of-home care, care and treatment provided to children and families, and other information related to children and families that state or federal law, regulation, or rule requires ODJFS or a public children services agency to maintain.

[6] Am. Sub. H.B. 119 of the 127th General Assembly (main operating budget) includes funding that will support state level administrative expenses for reforms to the child welfare system included in this bill and other pending legislation.

Current law specifies that this information may only be accessed by ODJFS and a public children services agency in specified circumstances.

The bill changes the term "public children services agency" to "title IV-E agency," which means a public children services agency or a public entity with which ODJFS has a Title IV-E subgrant agreement in effect. Additionally, the bill permits a prosecuting attorney, a private child placing agency, and a private noncustodial agency to access the information.

Under current law, ODJFS is required to finalize implentation of SACWIS not later than January 1, 2008. Given the extension of access in the bill to private agenices and prosectuting attorneys, the bill specifies that the January 1, 2008 date applies to implementation in public agencies. The bill also provides that, until the system is implemented statewide, agencies or persons required to include a summary report under adoption or foster care provisions must request a check of the Ohio Central Registry of Abuse and Neglect and that after SACWIS is implemented statewide, all private agencies must request a check of SACWIS until they can access the system and conduct their own search.

Fiscal effect – The Department is currently in the process of rolling out SACWIS to the 88 county agencies and is in the process of planning how and when to extend SACWIS to about 240 private agencies. There are some challenges the Department is considering, such as making sure that the private agency has the proper computer equipment and Internet capabilities to run the system, as well as issues like training and security. The current plan is to have all public agencies connected to SACWIS by the end of calendar year 2007. Once that is complete, the Department can then turn its attention to bringing the private agencies and other statutorily permitted users into the system. Based on current contract negotiations with the vendor that is conducting the rollout of SACWIS to the public agencies, the Department estimates that the cost of rolling out SACWIS to the 243 private agencies could cost as much as $7,150,000. The Department will be conducting additional research to determine if 50% of these costs will be eligible for federal reimbursement under Title IV-E.

Currently, ODJFS handles all requests for SACWIS and the central registry searches for the public and private agencies. Once SACWIS has been rolled out to all 88 public agencies, the burden on ODJFS to provide the summary reports will be lessened as the public agencies will then be able to conduct their own searches and then even more so once the private agencies have direct access to SACWIS and are able to conduct their own searches as well.

Search of SACWIS and the central registry. Under current law, *before a child is placed* in a foster home, *an association or institution* certified to place a child into a foster home must obtain a summary report of a search of SACWIS.

The bill requires that *before a foster home is certified or recertified*, a *recommending agency* must obtain this summary report from an entity that is authorized to access the system. Based on the summary report, and when considered within the totality of the circumstances, ODJFS may deny a foster home certification or recertification. ODJFS may not deny certification or recertification solely based on the summary report.

Additionally, the bill requires that, whenever a prospective foster parent, prospective adoptive parent, or a person 18 or older who lives in the home has resided in a state other than Ohio in the last five years, the recommending agency working with the prospective foster parent, or administrative director of an agency or attorney, who arranges the adoption, which ever is applicable, must request a check of the Ohio Central Registry of Abuse and Neglect from ODJFS regarding the prospective foster parent, prospective adoptive parent, or the other persons to enable the agency to check any child abuse and neglect registry maintained by that other state. The agencies or attorney must make the request and review the results before the prospective foster parent may be finally approved for placement of a child or before a final decree or interlocutory order of adoption may be made. Information received pursuant to such a request is considered as if it were the required summary report. ODJFS must comply with any request to check the central registry that is similar to the request described in this paragraph and that is received from another state.

The bill also specifies that the information and documents to be included in a home study report, as required by rule of ODJFS, must include, in addition to the currently required information, a report of a check of a central registry of a state other than Ohio if such a check is required.

Fiscal effect – The provision described above regarding when a summary report must be obtained only affects the timing of when a private agency must obtain a summary report of a search of SACWIS.

It is unclear what effect the requirement of a central registry check will have on ODJFS. LSC was not able to obtain clarification of how a search of Ohio's central registry will enable an agency to check a child abuse and neglect registry maintained by another state. If this provision is interpreted to mean that ODJFS is to contact another state and request a check of that state's registry on behalf of the recommending agency, there may be a significant increase in costs to ODJFS to make these contacts and pass on any information received from other states.

Criminal records checks for out-of-home care providers, foster parents, and prospective adoptive parents

Timing of required criminal records checks. Under current law, criminal background checks are required for out-of-home care providers, prospective foster and adoptive parents, and all other persons 18 years of age or older who reside in a prospective foster or adoptive home. If a person subject to a criminal records check does not present proof that the person has been an Ohio resident for the past five years or does not provide evidence that in the last five years that BCII has requested information about the person from the FBI in a criminal records check, then BCII must also request information from the FBI regarding the person. If the person does present proof of Ohio residency for the prior five years, the criminal records check may include information from the FBI.

As stated earlier, the bill requires that if an FBI check is performed, it must include fingerprint based checks of national crime information databases as described in federal law.

The bill specifies that the administrative director of an agency, or attorney who arranges an adoption must request a criminal records check at the time of the initial home study and every four years after the initial home study at the time of an update, and at the time that an adoptive home study is completed as a new home study. Similarly, before a recommending agency submits a recommendation to ODJFS regarding issuance of a foster home certificate, the agency must request a criminal records check (current law) and the bill requires additional checks every four years thereafter prior to recertification. Under the bill, the initial checks *must* include an FBI check and all subsequent checks *may* include an FBI check.

Fiscal effect **–** This provision will result in increased costs for county agencies to conduct criminal records checks for foster care and adoption. The current cost for a BCII check is $15 and an FBI check is $24. (The FBI does not accept all arrests and convictions and without both checks certain crimes committed in Ohio could be missed.) This provision not only requires the initial check to include both types of checks but also that checks be done subsequently. While this provision could have a significant fiscal impact on the public agencies, it should be noted that Am. Sub. H.B. 119 of the 127th General Assembly (main operating budget) includes $9.0 million in general revenue funds that have been identified for supporting the county child welfare agencies in implementing the reforms to the child welfare system included in this bill and other pending legislation.

Disqualifying offenses**.** Current law includes a list of offenses that disqualifies a person from providing out-of-home care, being an adoptive parent, or being a foster caregiver (if a person age 18 or older who resides with the prospective adoptive parent or foster caregiver who has been convicted of or pleads guilty to one of the defined offenses, the prospective adoptive parent or foster caregiver is disqualified).[7]

The bill expands the list of disqualifying offenses to include the following: cruelty to animals, permitting child abuse, menacing by stalking, menacing, soliciting or providing support for an act of terrorism, making terroristic threat, terrorism, identity fraud, inciting violence, aggravated riot, ethnic intimidation, or two or more operating a vehicle while intoxicated (OVI) or operating a vehicle after underage consumption (OVUAC) violations in the past three years.

Additionally, the bill requires the Director of ODJFS to adopt rehabilitation standards that a person who has been convicted of or pleaded guilty to a disqualifying offense must satisfy in order for ODJFS to not revoke a foster home certificate for the violation.

Fiscal effect **–** When BCII conducts a check, all offenses that the person who is the subject of the check has committed appear on the report. Therefore, the additional crimes that must be checked for under the bill will not cause any increase in costs to BCII.

ODJFS already has in place rules establishing the rehabilitation standards that a person who has been convicted of or pleaded guilty to a disqualifying offense must satisfy in order for an appointing or hiring officer to appoint or employ an individual responsible for a child's care, a probate court to issue a final decree of adoption or interlocutory order of adoption, or ODJFS to issue a foster home certificate.

[7] For a complete list of current disqualifying offenses, see the LSC bill analysis.

Adding an additional rule related to revocation will be a minimal increase in administrative costs to the Department.

Confidentiality of criminal records check. Under current law, a criminal records check for an out-of-home care provider, prospective adoptive parent, or prospective foster caregiver is not a public record under the Public Records Law. Only certain persons have authority to access the information.

The bill adds a public children services agency to the list of who may have access to the otherwise confidential criminal records check.

Fiscal effect – Under current law, if a prospective adoptive parent or prospective foster caregiver was working with a private agency that recently conducted a criminal records check on that person and that person switches to working with the public agency, the private agency cannot share the criminal records check with the public agency. The changes made by the bill will make sharing of such information permissible, thereby reducing costs of the public agency that would otherwise be required to request and pay for a new check.

Foster caregiver notices

Prior to certification or recertification as a foster caregiver, the bill requires the foster caregiver to notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within five years prior to the date of application to become a foster caregiver in Ohio. If a person has had such a revocation, ODJFS is prohibited from issuing a foster home certificate to the prospective foster caregiver. The failure of a prospective foster caregiver to notify the recommending agency if any revocation of that type in another state that occurred in the last five years is grounds for denial of the person's application or the revocation of the person's foster home certificate.

Additionally, the bill expands a provision of current law that prohibits a foster caregiver or prospective foster caregiver from failing to notify the recommending agency if a person at least 12 years old but less than 18 years old who resides in the home has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any of a list of specified offenses so that it also applies regarding a conviction, guilty plea, or adjudication for OVI or OVUAC in this or another state if the person previously was convicted of or pleaded guilty to one or more such offenses in the last three years. Under existing law, unchanged by the bill, a recommending agency that learns that a foster caregiver has failed to comply with this requirement must notify ODJFS and ODJFS must revoke the foster caregiver's certificate.

Fiscal effect – This provision may result in a minimal increase in administrative costs for ODJFS to receive such notification. However, there could be an offsetting decrease in administrative costs since ODJFS would not be continuing the certification or recertification process if a prospective foster caregiver were to make such notification.

Possible revocation of the foster caregiver's certificate

Notification of an offense of a foster caregiver. Within 96 hours after receiving notice from BCII, or learning in any other manner, that a foster caregiver has been convicted of or pled guilty to any foster caregiver-disqualifying offense, the bill directs ODJFS to provide notice of the conviction or guilty plea to the recommending agency relative to the foster caregiver. If the recommending agency receives such notice from ODJFS, the recommending agency must assess the foster caregiver's overall situation for safety and concerns and forward any recommendations, if applicable, for the Department's review for possible revocation.

Fiscal effect – This provision may result in an increase in administrative costs for ODJFS to notify the recommending agency and, (when necessary) review and possibly revoke a foster caregiver's certificate. This provision may also result in an increase in administrative costs for a PCSA (if it is the recommending agency) to assess the foster caregiver's overall situation and forward any recommendations, if applicable, to the Department.

No foster children within 12-month period

The bill authorizes ODJFS to revoke the certificate of any foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding 12 months, but specifies that, prior to the revocation, the recommending agency must have the opportunity to provide good cause for ODJFS to continue the certification and not revoke the certification and that, if ODJFS decides to revoke the certification, ODJFS must notify the recommending agency that the certification will be revoked.

Fiscal effect – This provision may increase administrative costs to ODJFS to continually review the status of a foster caregiver's placements or lack thereof and move to revoke the caregiver's certificate.

Notification of intended placement

The bill expands the list of entities that must be notified when a private or governmental entity intends to place a child in a certified foster home, the circumstances in which notification of the intended placement of a child is required, and the type of information that must be provided depending on the child's placement circumstance.

Fiscal effect – This provision will increase costs for the public children services agencies that place children in foster care.

Certification of institutions and associations for children

Under continuing law, every two years, ODJFS must pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes (except for facilities under the control of the Department of Youth Services, places of detention for children, and child day-care centers). When ODJFS is satisfied as to care given such children, and that the requirements of the statutes and rules covering the management of such institutions and

associations are being complied with, the Department is to issue to the institution or association a certificate to that effect.

The bill specifically prohibits ODJFS from issuing a certificate to a prospective foster home or prospective specialized foster home pursuant to this specific statutory authority if the prospective foster home operates as a type A family day-care home. Additionally, the bill prohibits ODJFS from issuing a certificate to a prospective specialized foster home if the prospective specialized foster home operates as a type B family day-care home.

ODJFS is required by the bill to adopt rules that require a foster caregiver or other individual certified to operate a foster home, as described above, to notify the recommending agency that the foster caregiver or other individual is certified to operate a type B family day-care home.

Fiscal effect – This provision may result in a decrease in administrative costs for ODJFS, as there may be fewer foster families to certify or recertify due to the restrictions described above. However, any decrease in costs is likely to be minimal since a recent assessment by ODJFS revealed only 65 out of approximately 10,300 foster homes are also child care providers (all were type B homes). Not every one of the 65 homes identified would necessarily have to make the choice between being a foster home or child care provider since it is permissible for a family foster home to also be a type B child care provider. The bill only restricts specialized foster homes from also being a type B day-care home.

Provisions regarding child day-care centers, type A homes, and type B homes

Requirement that a type B family day-care home notify parents that the home is also certified as a foster home. Current law requires ODJFS to adopt rules governing the certification of type B family day-care homes. Current law also includes a list of topics that ODJFS must address in these rules. The bill adds to the required rules that ODJFS must adopt by specifying that the type B family day-care rules must include requirements for the type B home to notify parents with children in the home that the home is also certified as a foster home.

Fiscal effect – The Department maintains a staff that works specifically on the formulation and codification of rules. Therefore, any additional administrative costs to develop the rules discussed here will be absorbed within ODJFS's existing resources.[8]

Criminal records checks. Existing law, unchanged by the bill, requires ODJFS, as part of the process of licensure of child day-care centers and type A family day-care homes, to request BCII to conduct a criminal records check with respect to any owner, licensee, or administrator of a child day-care center or type A family home, and, for a type A family home, any person 18 years of age or older who resides in the type A home. Current law also requires the director of a county department of job and family services, as part of the process of certification of type B family day-care homes, to request

[8] Am. Sub. H.B. 119 of the 127th General Assembly (main operating budget) includes funding that will support state level administrative expenses for reforms to the child welfare system included in this bill and other pending legislation.

BCII to conduct a criminal records check with respect to any authorized provider of a certified type B family day-care home and any person 18 years of age or older who resides in the home.

Currently, if a person subject to a criminal records check does not present proof that the person has been an Ohio resident for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period BCII has requested information about the person from the FBI in a criminal records check, then BCII must also request information from the FBI regarding the person. If the person does present proof of Ohio residency for the prior five years, the criminal records check may include information from the FBI.

The bill removes the provision regarding the five-year period and instead requires that an FBI check, including fingerprint-based checks in national crime information databases, be included in the criminal records check at initial licensure or certification. Additionally, the bill requires every four years thereafter at the time of license or certification renewal that a criminal records check be conducted and permits the request for the check to include an FBI check. The bill further requires that state and county directors review the results of a records check prior to approval of a license or certification.

Fiscal effect – This provision will result in increased costs for ODJFS and county agencies to conduct criminal records checks at initial licensure and certification. The current cost for a BCII check is $15 and an FBI check is $24. (The FBI does not accept all arrests and convictions and without both checks certain crimes committed in Ohio could be missed.)

No licensure or certification if the home is a foster home

The bill prohibits ODJFS from licensing a prospective type A family day-care home if that prospective home is certified to be a foster home or specialized foster home. Additionally, the bill prohibits a county department of job and family services from certifying a prospective type B family day-care home if that home is certified as a specialized foster home.

Fiscal effect – This provision may result in a decrease in administrative costs to ODJFS as it may conduct fewer licensures of type A homes due to the restrictions on being both a foster home and type A day-care provider. However, as noted earlier, a recent assessment by ODJFS revealed only 65 out of approximately 10,300 foster homes are also child care providers and all were type B homes. Therefore, any decrease in administrative costs would be minimal.

Of the 65 foster homes identified as being certified type B home providers, it is not known how many of those are specialized foster homes. There could be a decrease in administrative costs to county agencies in certifying fewer type B day-care homes. However, since it would be some number fewer than 65, unless there is a concentration in a particular county, the fiscal impact will be minimal.

Provision of proposed rules regarding child day-care centers, type A family day-care homes, type B family day-care homes, and in-home aides

In provisions that require the Director of ODJFS to provide to each day-care licensee notice of proposed rules governing the licensure of child day-care centers and type A homes and require a county director of job and family services to provide to authorized providers and in-home aides copies of

proposed rules, the bill specifies that the notice or copies may be provided or made available in either paper or electronic form.

Fiscal effect – This provision may minimally decrease printing and postage costs to ODJFS and county agencies if the proposed rules may be provided electronically.

Permanent custody of a child who has been in the temporary custody of a public children services agency for 12 or more months of a consecutive 22-month period

Under current law, if a child has been in the temporary custody of one or more public children services agencies or private child placing agencies for 12 or more months of a consecutive 22-month period ending on or after March 18, 1999, the agency with custody of the child, unless specified circumstances are present, must file a motion with the court who issued the current temporary order requesting permanent custody. If the court finds that it is in the best interests of the child and specified circumstances are present, the court may grant permanent custody of the child to the agency.

The bill specifies that time spent in temporary custody in another state must be applied to the time in temporary custody in Ohio and allows the court to consider such time when deciding custody of the child. The bill also removes the March 18, 1999 date reference. Unless specified circumstances are present, if the time spent in temporary custody equals 12 months or more of a consecutive 22-month period, the agency with custody may file a motion requesting permanent custody.

Fiscal effect – If, due to consideration of time spent in temporary custody in another state, an agency were to move forward more quickly on filing a motion requesting permanent custody, there may be an increase in costs to the courts to entertain such motions and rule on the case. The magnitude of this impact is difficult to estimate since LSC was not able to obtain information on the number of children who were in temporary custody in another state and for how long.

Review hearings that pertain to permanency plans

The bill provides that, in any review hearing that pertains to a permanency plan for a child who will not be returned to the parent, the court must consider in-state and out-of-state placement options and must determine whether the in-state or the out-of-state placement continues to be appropriate and in the best interests of the child and that in any review hearing that pertains to a permanency plan, the court or a citizens board appointed by the court must consult with the child, in an age-appropriate manner, regarding the proposed permanency plan for the child.

Fiscal effect – To the extent that a court is not already doing this, there may be some additional administrative costs to meet with the child and consider all placement options when deciding on a permanency plan for the child.

Putative father's consent to the adoption of a child born prior to January 1, 1997

The bill removes reference to the Department of Human Services (the predecessor department to ODJFS) in former versions of certain sections of law regarding a putative father's consent to the adoption of a child born prior to January 1, 1997 that still apply.

Fiscal effect **–** It is LSC's understanding that in any adoption case in which the identity of the father is unknown, ODJFS must go to court and state that there has been no filing of an objection to the adoption by a putative father. Apparently, to date, the Department has never received such an objection filing. By removing reference to the Department from this provision of law, ODJFS may experience a decrease in costs for not having to appear in court.

ODJFS work group

Not later than 30 days after the effective date of the bill, the bill requires the Director of ODJFS to convene a work group to study and make recommendations to the Director regarding both of the following:

(1) Support for positive child and family outcomes offered to public children services agencies, private child placing agencies, and private noncustodial agencies by ODJFS;

(2) The establishment of fines and sanctions for public children services agencies, private child placing agencies, and private noncustodial agencies that do not comply with foster care related laws or rules.

The work group must include representatives of public children services agencies, private child placing agencies, private noncustodial agencies, the Ohio Family Care Association, the Ohio Association of Child Caring Agencies, the Public Children Services Association of Ohio, the Ohio Job and Family Services Directors' Association, the County Commissioners' Association of Ohio, foster caregivers, and current and former foster children. By June 30, 2008, the work group must prepare a report that contains recommendations regarding ODJFS's support for local agencies and the establishment of fines and sanctions either in law, rule, or both. The Director of ODJFS must review the recommendations and create an executive summary of the recommendations for submission to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The work group ceases to exist upon submission of the executive summary.

Fiscal effect **–** To the extent that those who are involved in the work group do so in their official capacity as employees of the state or a local government entity, those employers will incur an increase in administrative costs (time and travel reimbursement) for those employees to participate in the work group. Presumably those who attend from private entities will do so voluntarily at their own expense.

ODJFS will also incur some administrative costs in preparing the executive summary of the work group's recommendation and distribution to the Governor and legislative leaders of the majority party.

References to former Ohio laws and the laws of other states

The bill includes references to existing or former laws of Ohio, any other state, or the United States that are substantially equivalent to specified sections of the Revised Code in provisions that:

(1) Require a court to enter a finding that a child for whom a public children services agency or a private child placing agency is requesting permanent custody cannot be placed with either parent within a reasonable period of time or should not be placed with either parent because the parent has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to R.C. 2151.214, 2151.353, or 2151.415 *or under an existing or former law of this state, another state, or the United States that is substantially equivalent to those sections*.

(2) Require a court to make a determination that a public children services agency or a private child placing agency is not required to make reasonable efforts to prevent the removal of the child from the child's home, eliminate the continued removal of the child from the child's home, and return the child to the child's home because the parent from whom the child was removed has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to R.C. 2151.353, 2151.414, or 2151.415 *or under an existing or former law of this state, another state, or the United States that is substantially equivalent to those sections*.

Fiscal effect – This provision will not have a fiscal impact on the court besides the costs to consider additional factors in the cases described above. However, there may be an indirect increase in costs to the child welfare system in so far as more children may come in to the state's custody when legal actions in another state are considered.

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