



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 438 of the 130th G.A.
(LSC 130 2012-1)

Date: October 8, 2014

Status: In House Judiciary

Sponsor: Reps. Pelanda and Grossman

Local Impact Statement Procedure Required: No

Contents: To require persons listed in the statute that governs reports of known or suspected child abuse or neglect to notify the county public children services agency when an attorney in fact under a temporary physical care power of attorney requests services from those persons, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines the placement is unsafe for the child

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill requires a local public children services agency (PCSA) to investigate a child's temporary placement with the attorney in fact upon receiving a written report of the use of a temporary physical care power of attorney from a service provider listed in statute. There would be an increase in costs to PCSAs to perform the additional investigations. The amount of the increase would depend on the number of investigations resulting from the bill. The Ohio Department of Job and Family Services estimates that each investigation would cost approximately \$845.
- If the PCSA, upon completion of its investigation, determines that the temporary placement is unsafe for the child, the bill requires the PCSA to file a dependency complaint with the juvenile court. There would be an additional cost for the PCSA to file the dependency complaints with the court and for any proceedings resulting from the filing of the complaint.

Detailed Fiscal Analysis

The bill requires a service provider to promptly report, in writing, to the local public children services agency (PCSA) when an attorney in fact under a temporary physical care power of attorney requests registration in a school, medical treatment, or other services for a child and presents the service provider with the temporary physical care power of attorney as authority for requesting the services. The bill also requires that, upon receiving such a report, that the PCSA treat the report as an allegation that the child is a dependent child and to investigate the child's temporary placement with the attorney. The investigation must include a criminal records check, a check of court records for any child-related civil proceedings, and a home safety study.

According to the Ohio Department of Job and Family Services (ODJFS), the total cost for a PCSA to complete the bill's requirements for one investigation would be approximately \$845. The estimated cost to complete the check of criminal records, court records, and any child-related civil proceedings would be approximately \$400 (\$40 per hour x 10 hours) and the estimated cost to complete the home safety study would be approximately \$400 (\$40 per hour x 10 hours). Lastly, the cost to complete the criminal records check would be \$45. The amount of any cost increase for a PCSA would depend on the number of investigations a PCSA must conduct as a result of the bill.

If a PCSA, upon completion of its investigation, determines that the temporary placement is unsafe for the child, the bill requires the PCSA to file a dependency complaint with the juvenile court. There would be an additional cost for the PCSA to file the dependency complaints with the court and for any court proceedings and potential foster care placements resulting from the filing of the complaint.