

---

## DEPARTMENT OF JOB AND FAMILY SERVICES

### Child support

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

### 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 immediate and irreparable financial harm as a basis for obtaining an emergency order for protective services that does not require 24-hour advance notice to the adult allegedly in need of protective services.
- Establishes procedures for obtaining an ex parte emergency protective services order.
- 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.



- Codifies the Step Up to Quality Program to require ODJFS and the Department of Education (ODE) to develop a tiered quality rating and improvement system for all Ohio early learning and development programs.
- 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.
- Consolidates ongoing 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.
- 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 (R.C. Chapter 119.).
- Requires ODJFS to suspend, without prior hearing, the license of a child care facility under specified circumstances.
- Permits child-care staff members to furnish evidence of qualifications to a designee of the Director.
- Raises to 300% (from 200%) of the federal poverty line, the maximum 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 CDJFS grants the parent an exemption.
- Specifies by year the percentage of children that must be served by early learning and development programs with specific quality ratings.
- Requires the Director to establish an hourly reimbursement ceiling for in-home aides who provide publicly funded child care, rather than a reimbursement ceiling that is 75% of the ceiling for type B family day-care homes.

### **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 ongoing 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 Pilot Program**

- Repeals the Healthier Buckeye Grant Program and establishes the Healthier Buckeye Grant Pilot Program to award grants to local healthier buckeye councils, individuals, and organizations in fiscal year 2016 and fiscal year 2017.
- Creates the Healthier Buckeye Fund in the state treasury during fiscal year 2016 and fiscal year 2017 from which grants can be awarded under the 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 ongoing 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.

### **Administrative Funds**

- Creates the Unemployment Compensation Administrative Support Other Sources Fund, the Human Services Projects Fund, and the Workforce Development Projects Fund in the state treasury for use by ODJFS.

### **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 (PARTIALLY VETOED)**

- 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 work-eligible individuals between ages 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 Prevention, Retention, and Contingency Program (between ages 16 and 24) to volunteer to participate in CCMEP.



- Requires low-income adults, in-school youth, or out-of-school youth (between ages 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, by 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.
- Would have created an advisory board to submit an evaluation system for CDJFSs' and WDAs' administration of CCMEP, and would have required an evaluation system approved by ODJFS to be in place by July 1, 2016 (VETOED).
- 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.

### **County TANF funding allocation review**

- Requires ODJFS, by June 30, 2016, to complete a study of funding allocations to each county for programs funded by the TANF block grant in the most recently completed federal fiscal year.
- Requires the study to include a determination of the benefits and services provided in each county through the Prevention, Retention, and Contingency Program and other programs funded by the TANF block grant.

### **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 December 30, 2015, and for the program to last no longer than 18 months after it begins.

### **Therapeutic wilderness camps**

- Exempts private, nonprofit therapeutic wilderness camps from ODJFS certification required of other child caring institutions and associations, and from ODJFS regulations governing such entities.



- Requires the ODJFS Director to license a private, nonprofit therapeutic wilderness camp that meets specified minimum standards.
- Prohibits the operation of a private, nonprofit therapeutic wilderness camp without a license.

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

- Divides the state into eight regions for the purpose of applying for, receiving, and implementing child abuse and child neglect 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.
- Requires 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 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 allocation of child abuse and child neglect prevention funds and instead requires it 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 children's advocacy centers.

### **Child support**

#### **Support processing charge**

(R.C. 3119.27)

The act 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 prior law, the amount charged was the greater of 2% of the support amount or \$1 per month.



## **Seek work orders for child support obligors**

(R.C. 3121.03)

The act requires a court or a child support enforcement agency (CSEA), 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.

## **Uniform Interstate Family Support Act**

The act repeals the Uniform Interstate Family Support Act (UIFSA), as previously enacted in Ohio, and replaces it with the 2008 version of UIFSA ("UIFSA-2008"). UIFSA-2008 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>81</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 UIFSA-2008 are provided below.

### **Determination of controlling order**

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

The act 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 UIFSA-2008.

---

<sup>81</sup> Uniform Law Commission, "Legislative Fact Sheet – Interstate Family Support Act Amendments (2008)," [www.uniformlaws.org/LegislativeFactSheet.aspx?title=Interstate%20Family%20Support%20Act%20Amendments%20%282008%29](http://www.uniformlaws.org/LegislativeFactSheet.aspx?title=Interstate%20Family%20Support%20Act%20Amendments%20%282008%29). See also Preventing Sex Trafficking and Strengthening Families Act, Public Law No. 113-183, Sec. 301 (2014).





### **Personal jurisdiction required**

UIFSA-2008 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?**

UIFSA-2008 clarifies that a CSEA may request a DCO, in addition to an individual party. Additionally, UIFSA-2008 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 nonregistering 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 nonregistering 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**

UIFSA-2008 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**

UIFSA-2008 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**

UIFSA-2008 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, UIFSA-2008 prohibits a CSEA from registering the support order with the highest support amount if multiple orders are in effect, and requires instead that a CSEA investigate and determine which order is actually controlling.

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

(R.C. 3115.616)

UIFSA-2008 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))

UIFSA-2008 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**

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

### **Continuing, exclusive jurisdiction**

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. UIFSA-2008 clarifies that the residence of those parties is determined at the time a request for modification is filed.

UIFSA-2008 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.

UIFSA-2008 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). UIFSA-2008 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 UIFSA-2008 are met.

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

UIFSA-2008 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**

UIFSA-2008 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-2008 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 UIFSA-2008, 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. UIFSA-2008 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)

UIFSA-2008 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)

UIFSA-2008 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)

UIFSA-2008 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)

UIFSA-2008 permits a U.S. tribunal to modify an order issued by a foreign tribunal if the foreign tribunal would have authority to modify under the rules of UIFSA-2008 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 3115.105)

UIFSA-2008 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)

UIFSA-2008 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>82</sup>

---

<sup>82</sup> Enacted in Ohio as R.C. Chapter 3127.



## **Other changes**

### **Evidentiary changes**

(R.C. 3115.316)

First, UIFSA-2008 provides that a tribunal cannot compel the physical presence of any party in a UIFSA-2008 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)

UIFSA-2008 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>83</sup>

### **Choice of law provisions**

(R.C. 3115.604)

UIFSA-2008 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 act 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.

---

<sup>83</sup> The Uniform Parentage Act has not been enacted in Ohio.



## **Effective date of changes**

(R.C. 3115.902; Section 812.10)

The UIFSA-2008 applies 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 act 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 invalid provisions are severable.

## **Revised Code numbering for UIFSA**

(R.C. 3115.101)

To preserve uniformity in Ohio's enactment of UIFSA-2008, the act 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 act updates numerous cross-references throughout the Revised Code to correspond with the complete repeal and replacement of UIFSA, as enacted in Ohio.

## **Adult protective services**

### **Statewide adult protective services information system**

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

The act 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 act 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 act 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 act 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 memorandum of understanding must be signed by the director of the CDJFS; the director of any state agency with which the CDJFS has 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 act requires all CDJFSs to be available to receive reports of elder abuse, neglect, or exploitation 24 hours a day and seven days a week. It specifies that the information in the reports is confidential and repeals a provision that required the information to be made available on request to agencies authorized by a CDJFS to receive the information.

## **Referring reports of elder abuse, neglect, or exploitation**

(R.C. 5101.611)

The act 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 a resident of a nursing home and has allegedly been abused, neglected, or exploited by a nursing home employee, 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 local public children services agency. The referrals are to be made in accordance with rules ODJFS adopts.

Additionally, the act 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)

Continuing 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 alleged to be in need of protective services must be given 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 continuing 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 act 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 act adds provisions allowing for ex parte emergency protective-services orders. These are orders issued without prior notice to the adult. Under the act, 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 act 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)

The act requires (instead of permits as under prior law) ODJFS to provide a program of ongoing, comprehensive, formal training regarding the implementation of the law governing adult protective services. The act also requires 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 continuing law to adopt rules regarding CDJFSs' plans for proposed expenditures and reporting of expenditures for the program. The act 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)

Continuing 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 act 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.

## **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.

<b>Child Care Providers</b>		
<b>Type</b>	<b>Description/Number of children served</b>	<b>Regulatory system</b>
<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 act makes several changes to child day-care definitions. Under prior law, "child care" meant 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 act repeals the part of that definition that excludes care provided by relatives from child



care. The act also clarifies that care provided by an in-home aide is child care even though the care is provided in the child's own home.

Prior law defined Head Start as a comprehensive child development program that receives funds under federal law and is licensed as a child day-care center. The act maintains that definition but clarifies that Head Start serves children from birth to three years old and preschool-age children.

The act also expands the definition of "owner" of a center, type A home, and type B home. Under prior law, an owner was a person (which includes an individual, corporation, business trust, estate, trust, partnership, and association)<sup>84</sup> or a government entity. The act expands that definition to also include 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 act expands other provisions that relate to owners to apply to 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>85</sup>

Finally, the act expands the definition of part-time child care. Under prior law, only centers or type A homes that provide child care for no more than four hours per day for any child met the definition. The act 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.

### **Step Up to Quality**

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

Prior law required 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 established the Step Up to Quality Program. The act 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).

---

<sup>84</sup> R.C. 1.59, not in the act.

<sup>85</sup> R.C. 5104.013 and 5104.03.



The act 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 for early learning and development programs that provide publicly funded child care and are 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:

- 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 act 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.



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

ODJFS and ODE are required to identify ways to accelerate early learning and development programs moving to higher tiers in the Step Up to Quality Program and identify strategies for appropriate ratings of type B homes. 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 by October 31, 2016.

## **Minimum instructional time**

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

The act 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.

## **Criminal records checks and attestations**

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

The act consolidates all of the 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>86</sup> It also makes several substantive changes to these provisions.

First, the act extends 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, the act expressly prohibits the ODJFS Director from issuing a license to a type A home or type B home if a child under 18 residing in the home has been adjudicated a delinquent child for committing any of the offenses for which a criminal records check must be performed.

Finally, the act adds the following offenses to those 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

---

<sup>86</sup> R.C. 5104.013.

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.

### **Child day-care center staff training**

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

Prior law required a child day-care center staff member to complete 15 hours of in-service training annually, with certain exceptions. The act 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 act authorizes the Director to contract with a government or private nonprofit entity to conduct inspections of type A family day-care homes. Continuing 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. Prior law authorized the Director to 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**

(R.C. 5104.03)

Under the act, certain actions of the Director are not subject to the Administrative Procedure Act (R.C. Chapter 119.). Continuing law provides that, 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 until five years have elapsed from the date the license is revoked.

In addition, if the Director denies an application for licensure, continuing 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 act provides that the Director's refusal to issue a license because the application was filed within five years of either revocation or denial is not subject to the Administrative Procedure Act.





## Summary suspension of child care licenses

(R.C. 5104.042 (new))

The act 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 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 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 with fraud.

Under the act, 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 in which the licensee's business is located.

The act 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 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.



## **Child-care staff credential procedures**

(R.C. 5104.036)

The act 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**

Law unchanged by the act requires the Director to adopt rules governing financial and administrative requirements for publicly funded child care, including the maximum income a family can have to qualify. Previously, that maximum income was capped at 200% of the federal poverty line for both initial and continued eligibility. The act increases the maximum income that the Director may establish to 300%.

### **Fees paid by caretaker parents**

Law unchanged by the act also requires the Director to adopt a schedule of fees that may be charged to caretaker parents for publicly funded child care. Prior to the act, the Director was restricted from requiring a fee in excess of 10% of a family's income. The act 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 act 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 prior law, unless the county department of job and family services grants the parent an exemption from this prohibition. Under the act, 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.

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

The act requires ODJFS to ensure that the following percentages of early learning and development programs that are not type B homes and that provide publicly funded child care are rated 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%.

### **In-home aide reimbursement for publicly funded child care**

(R.C. 5104.30)

The act requires the Director to establish an hourly reimbursement ceiling for in-home aides who provide publicly funded child care. Under prior law, the reimbursement ceiling was required to be 75% of the reimbursement ceiling that applies to licensed type B family day-care homes. Instead, the act requires the Director to establish an hourly reimbursement ceiling.

### **Work requirements for SNAP and OWF participants**

(R.C. 5101.54 and 5107.05)

### **Supplemental Nutritional Assistance Program**

The Supplemental Nutritional Assistance Program (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.<sup>87</sup>

---

<sup>87</sup> 7 U.S.C. 2015(d)(2) and (o) (2014) [www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds](http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds).



Continuing law requires the ODJFS Director to administer 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 act, 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.

### **Ohio Works First**

Ohio Works First (OWF) is the cash assistance portion of Ohio's Temporary Assistance for Needy Families (TANF) program and provides cash benefits to eligible families. To be eligible for OWF, a family (referred to as an "assistance group") must satisfy requirements concerning income, as well as work and other matters included in a self-sufficiency contract that sets forth the assistance group's plan to achieve self-sufficiency and personal responsibility.<sup>88</sup> Continuing law requires both of the following: (1) that the ODJFS Director adopt rules to implement OWF and (2) that the rules 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 act, the rules must also establish requirements for work activities, developmental activities, and alternative work activities for OWF participants.

### **Ohio Healthier Buckeye Advisory Council**

(R.C. 5101.91 and 5101.92)

The Ohio Healthier Buckeye Advisory Council (OHBAC), 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. The act repeals several permissible activities for OHBAC, including a provision that authorized OHBAC to submit recommendations by December 1, 2015, concerning means to achieve coordination, person-centered case management, and standardization in public assistance programs. Instead, the act 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;

---

<sup>88</sup> R.C. 5107.10 and 5107.14.



(3) Collect, analyze, and report performance measure information.

The act specifies that ODJFS will provide administrative support to OHBAC, and that members serve without compensation but are reimbursed for related expenses. The act 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 continuing law, it is permissive for boards of county commissioners to establish county healthier buckeye councils. The act changes the councils to local councils and specifies several requirements for those that are formed. The act 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.

The act specifies a nonexhaustive list of individuals and entities who may be invited to become a member of a local council, 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 act 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 act changes grants of authority that were previously permissive for county healthier buckeye councils to mandates for local healthier buckeye councils (if such councils are formed), and adds several requirements. The act 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 ongoing 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 September 29, 2016, submit an annual performance report to OHBAC.

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

The act requires certain information to be reported to the Joint Medicaid Oversight Committee (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 Pilot Program**

(Section 305.30; Section 551.10 of H.B. 483 of the 130th General Assembly (repealed))

The act repeals the Healthier Buckeye Grant Program and establishes the Healthier Buckeye Grant Pilot Program. The new program's purpose is to promote financial self-sufficiency and reduced reliance on public assistance through a community environment that maximizes opportunities for individuals and families to achieve optimal health in all aspects, including care coordination among providers of physical and behavioral health services and community providers of social, employment, education, and housing services.



## **Awards from the Healthier Buckeye Fund**

The program is to award grants to local healthier buckeye councils, and to other individuals and organizations that meet the program's goals and objectives. The grants are to be awarded in fiscal years 2016 and 2017.

Funds for the grants come from the Healthier Buckeye Fund, which the act creates in the state treasury for fiscal years 2016 and 2017. The Fund consists of moneys appropriated to it and any grants or donations received. Interest earned on money in the Fund must be credited to the Fund.

### **Grant eligibility, application, and amounts**

OHBAC must recommend to the ODJFS Director eligibility criteria, application processes, and maximum grant amounts. Eligibility criteria must give priority to proposals that include the following factors:

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

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

(3) Maintenance of continuous mentoring support and coordinated community-level participation for participants as they resolve barriers;

(4) Use of local matching funds;

(5) Use of volunteers and peer supports;

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

(7) Evidence of capability to effectively evaluate program outcomes, including success at assisting individuals and families in achieving and maintaining financial self-sufficiency, and to report relevant participant data;

(8) Creation through local assessment and planning processes;

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

### **Request for grant proposals**

By September 29, 2015, ODJFS, in collaboration with OHBAC, must issue a request for grant proposals that meet the program's goals and objectives or that propose



means to measure and achieve those goals and objectives. Each proposal must specify how the grant recipient plans to test and evaluate effective models of intensive case management to achieve the program's purpose. The case management may include mentoring, coordinated community level partnerships, and comprehensive assessments to identify barriers and gaps to achieving self-sufficiency.

### **Selection of grant recipients**

The ODJFS Director, in collaboration with OHBAC, must review all grant proposals and select recipients to receive grants in the remainder of fiscal year 2016 and in fiscal year 2017. Grant recipients may contract with public and private entities, community-based organizations, and individuals to provide the services outlined in the grant proposals.

### **Disability Financial Assistance eligibility determinations**

(R.C. 5115.04)

The act 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. Law unchanged by the act requires ODJFS to supervise and administer the Program, subject to several exceptions. The act 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 act 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>89</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 act expands the scope of service members who are eligible to receive a grant under the Military Injury Relief Fund Grant Program. Under continuing law, any service member injured while serving under Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom is eligible. The act 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.

---

<sup>89</sup> R.C. 117.01, not in the act.





The act 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 act specifies that the rules already governing the Grant Program, which were adopted by the ODJFS Director, must be administered by the Director of DVS and that they remain effective until the Director of DVS adopts rules as required. All references made in the rules to ODJFS must be read as if they refer to DVS. And, 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 act removes 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 prior law, the ODJFS General Services Administration and Operating Fund was 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 act 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 act also permits the Fund to hold earned federal revenue the final disposition of which is unknown.

### **Administrative Funds**

(R.C. 4141.432, 5101.072, and 6301.17; Section 512.33)

The act creates the Unemployment Compensation Administrative Support Other Sources Fund in the state treasury to be used by the ODJFS Director to release employment and wage information as required by continuing law<sup>90</sup> and to support

---

<sup>90</sup> R.C. 4141.43, not in the act.



programs and administrative expenses related to the implementation of unemployment insurance initiatives within ODJFS. The Fund may consist of intrastate agency transfers, nonfederal grants, and other similar revenue sources.

The act also creates the Human Services Projects Fund and the Workforce Development Projects Fund in the state treasury to be used by ODJFS to support program and administrative expenses related to the implementation of human services and workforce development initiatives within ODJFS, respectively. These Funds may consist of interagency transfers, nonfederal grants, and other similar revenue sources.

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

(Section 305.190(B))

The act 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>91</sup>

## **Comprehensive Case Management and Employment Program (PARTIALLY VETOED)**

(Sections 305.190(C) to (J) and 305.193)

### **CCMEP created**

The act 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. 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.

### **Participants**

Beginning July 1, 2016, and subject to rules that the act permits the ODJFS Director to adopt, individuals who are at least 16 but not older than 24 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

---

<sup>91</sup> 29 U.S.C. 3101.



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>92</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 (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>93</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>94</sup>

### **Assessment and services**

The act 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

---

<sup>92</sup> 29 U.S.C. 3102(36).

<sup>93</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 act.

<sup>94</sup> 29 U.S.C. 3164(a)(1)(B).



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.

The act 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 act 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>95</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.

---

<sup>95</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.



## **Advisory board; evaluation system (VETOED)**

The Governor vetoed provisions that would have created the CCMEP Advisory Board and required it to establish an evaluation system for CDJFSs' and WDAs' administration of CCMEP. ODJFS was required to evaluate CDJFSs' and WDAs' administration of CCMEP in accordance with the evaluation system.

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

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

## **Application of state laws**

The act 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 that apply to family services duties. This subjects CCMEP to statutes that address such issues 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 act 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 act 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 ODJFS Director must 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.

## **County TANF funding allocation review**

(Section 305.195)

The act requires ODJFS, by June 30, 2016, to complete a study of funding allocations to each county for programs funded in whole or in part by the TANF block grant for the most recently completed federal fiscal year. As part of its study, ODJFS must determine the benefits and services provided in each county through the Prevention, Retention, and Contingency (PRC) Program and the benefits and services provided through other programs funded in whole or in part by the TANF block grant. The PRC Program provides short-term benefits and services (such as clothing and shelter, transportation, and employment and training) during a crisis or time of need. PRC benefits and services vary by county.



## **Child placement level of care tool pilot program**

(Section 305.120)

### **Pilot program**

The act 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 by December 27, 2015, and end no later than 18 months after it begins. The length of the pilot program must not include any time spent in preparation to implement the program or for any post-pilot-program evaluation activity.

### **Child Placement Level of Care Tool**

Under the act, 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>96</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.

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.

---

<sup>96</sup> R.C. 125.01 to 125.12, many of the sections in that range are in the act.





## **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>97</sup> ODJFS may adopt rules under the Administrative Procedure Act (R.C. Chapter 119.) as necessary to carry out the purposes of the pilot program, its evaluation, and the securing of federal and state funding.

## **Therapeutic wilderness camps**

(R.C. 2151.011, 2151.421, 5103.02, and 5103.50 to 5103.55)

The act revises the regulation of private, nonprofit therapeutic wilderness camps. It defines "private, nonprofit therapeutic wilderness camp" (camp) as a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which (1) the children are placed by their parents or another relative with custody, (2) the children spend the majority of their time either outdoors or in a primitive structure, and (3) the camp accepts no public funds for use in its operations.

Under continuing law, with limited exceptions, any institution or association that receives or desires to receive and care for children for two or more consecutive weeks must be certified by ODJFS. It is likely that a private, nonprofit therapeutic wilderness camp could be classified as a children's residential center under rules adopted by ODJFS. Extensive ODJFS regulations establish the certification process for children's residential centers and the specific criteria that those centers must meet.<sup>98</sup> The act exempts private, nonprofit therapeutic wilderness camps from this ODJFS certification by excluding them from the definitions of "association" and "institution" in the certification law.<sup>99</sup>

## **Prohibition against operating without a license**

(R.C. 5103.53)

In place of certification, the act prohibits a camp from operating without a license. If the ODJFS Director determines that a camp is operating without a license, the Director may petition the court of common pleas of the county in which the camp is

---

<sup>97</sup> R.C. 5101.141(E), not in the act.

<sup>98</sup> O.A.C. 5101:2-1-01(B)(47) and 5101:2-9-02 through 5101:2-9-36.

<sup>99</sup> R.C. 5103.02.



located for an order enjoining its operation. The act requires the court to grant the injunction upon a showing that the camp is operating without a license.

### **License issuance**

(R.C. 5103.50(C) and 5103.51)

The ODJFS Director must issue a license to a camp that submits an application, on a form prescribed by the Director, that indicates to the Director's satisfaction that the camp meets the minimum standards adopted by the Director in rules (see "**Minimum standards for camp operations**," below).

A license is valid for two years (unless earlier revoked) and may be renewed. To renew a license, a camp must submit an application for license renewal on a form prescribed by the Director.

### **ODJFS rulemaking**

(R.C. 5103.50(B) and 5103.54)

The ODJFS Director must adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119.) to implement standards for the operation of camps (see "**Minimum standards for camp operations**," below). The rules must be substantially similar, as determined by the Director, to other similarly situated providers of residential care to children.

The Director also must adopt rules that are substantially similar, as determined by the Director, to rules that apply to other residential care providers to children, and in accordance with the Administrative Procedure Act, to establish the following:

(1) Policies and procedures for enforcing minimum standards of operation for camps;

(2) Procedures the Director must follow if the Director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

The act also permits the Director to issue, deny, or revoke a license according to procedures set forth in the rules.



## Minimum standards for camp operations

(R.C. 5103.50(D) to (I))

Under the minimum standards rules the Director is required to adopt, a camp must develop and implement written policies that establish the following:

- (1) Standards for hiring, training, and supervising staff;
- (2) Standards for behavioral intervention, including standards prohibiting the use of prone restraint and governing the use of other restraints or isolation;
- (3) Standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records;
- (4) A procedure for handling complaints about the camp from the children attending the camp, their families, staff, and the public;
- (5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times;
- (6) Standards that ensure the protection of children's civil rights;
- (7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge;
- (8) Standards for the supervision of children, including minimum staff to child ratios;
- (9) Standards for ensuring proper medical care, including administration of medications;
- (10) Standards for proper notification of critical incidents;
- (11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses;
- (12) Standards for ensuring the reporting requirements under the law governing the mandatory reporting of child abuse and neglect are met.

In addition to developing written policies described above, a camp must do all of the following:



(1) Ensure that no child resides at the camp for more than 12 consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian (such an evaluation must include any outside professional determined necessary by the Director and be conducted in accordance with rules adopted by the Director);

(2) Cooperate with any request from the Director for an inspection or access to the camp's records or written policies;

(3) Ensure that no child is left without supervision of camp staff at any time;

(4) Ensure that if a weather emergency or warning is issued by the National Weather Service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event;

(5) Ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision.

### **Inspections**

(R.C. 5103.52)

The act authorizes the Director to inspect a camp at any time. The Director may request access to the camp's records or its policies adopted under the act.

### **Criminal records check requirements**

(R.C. 2151.011(B)(29))

The act adds employees of and other persons who care for children at a camp to the list of persons who are required to undergo criminal records checks.<sup>100</sup>

### **Mandatory child abuse reporting**

(R.C. 2151.421)

The act adds administrators and employees of a camp to the list of persons who are required to report suspected child abuse to a public children services agency or law enforcement official.

---

<sup>100</sup> R.C. 2151.86, not in the act.



## **Compulsory school attendance**

(R.C. 5103.55)

The act specifies that a parent of a child attending a camp is not relieved of the parent's legal obligations regarding compulsory school attendance.<sup>101</sup>

## **Temporary agreement with Ohio Wilderness Boys Camp**

(Section 751.61)

As an exception to the certification requirement for a camp described above, the act requires ODJFS to enter into an agreement with the Ohio Wilderness Boys Camp in Summerfield, Ohio, to allow the camp to operate. The agreement is to be in effect from the date of its execution and must terminate 90 days after the effective date of the rules adopted under the act related to the regulation of camps. The agreement must be prepared by ODJFS and signed by both parties upon mutual agreement to terms.

As part of the agreement, the camp must provide a copy of the agreement to a placing parent or legal guardian, and record receipt of the agreement by the parent or guardian in the child's file. If the camp fails to comply with any terms or condition of the agreement, ODJFS may immediately terminate the agreement.

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

The act 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 child abuse and child neglect prevention advisory boards, and (3) the creation of child abuse and child neglect regional prevention councils across eight regions of the state.

### **Regional prevention councils**

(R.C. 3109.171 and 3109.172)

The act divides the entire state into eight child abuse and child neglect prevention regions, each consisting of several counties. It creates a child abuse and child neglect regional prevention council for each region. The act eliminates the child abuse and child neglect prevention advisory boards that existed under prior 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

---

<sup>101</sup> R.C. 3321.04, not in the act.



may appoint additional specialists to each region's council at the CTF Board's discretion. Each council must also include a representative of the council's regional prevention coordinator, who will serve as a nonvoting member and chairperson. 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 act 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 act 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)(a) 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(B)(2), 3109.174, and 3109.175; R.C. 3109.171 (repealed))

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

Prior law required 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 act generally eliminates these provisions.

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

(R.C. 3109.176; R.C. 3109.171 (repealed))

Under the act, 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 plan 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 pro-rated daily basis for the following fiscal year if the council fails to submit to the CTF Board a progress report or annual report by the due dates specified by the Board for those reports. The act's provisions regarding denial or reduction of funding are largely similar to prior 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 act 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 act abolishes all child abuse and child neglect prevention advisory boards. It 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. Any business commenced but not completed by September 29, 2015, by an advisory board must 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 those duties.

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

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

The act 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 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 prior law, child abuse and child neglect prevention advisory boards (eliminated by the act) were permitted to make a similar request.

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



A children's advocacy center receiving this funding must follow all laws that generally apply to such centers.<sup>102</sup> Additionally, any children's advocacy center that receives start-up costs 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>103</sup>

The act 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 act requires each children's advocacy center that receives the funds 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 must forward a copy to the CTF Board.

### **ODJFS rulemaking**

(R.C. 3109.179)

The act sets forth rules that ODJFS is required to adopt and rules it is permitted to adopt to implement the act'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.

ODJFS is permitted to adopt rules regarding the following:

- (1) Duties of council members;
- (2) Duties of regional prevention coordinators;

---

<sup>102</sup> R.C. 2151.425 through 2151.428, not in the act.

<sup>103</sup> R.C. 3109.13, not in the act.



(3) Any other rules necessary to implement the act's provisions.

**Children's advocacy center funding**

(R.C. 3109.177)

The act permits each children's advocacy center annually to request funds from the CTF Board to conduct primary preventions strategies (described above).

