
DEPARTMENT OF JOB AND FAMILY SERVICES

TANF spending plan

- Requires the Department of Job and Family Services (JFS) to submit a TANF spending plan to the Governor describing anticipated TANF spending for the upcoming fiscal biennium.
- Requires the Governor to submit the TANF spending plan to the General Assembly as an appendix to the Governor's budget.
- Requires JFS to submit an updated TANF spending plan to the chairpersons of certain standing committees of the House and Senate and the minority leaders of the House and Senate at the conclusion of each fiscal year, and permits those chairpersons to call the JFS Director to testify about the plan.

Supplemental Nutrition Assistance Program (SNAP) debit cards

- Requires JFS to collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department of job and family services for analysis and investigation.

Elderly Simplified Application Project

- Requires the JFS Director to submit an application to the U.S. Department of Agriculture for participation in the Elderly Simplified Application Project within SNAP.

Data matching agreements

- Requires the JFS Director to enter into several data matching agreements for the purpose of determining eligibility for certain public assistance recipients.

Third-party commercial consumer reporting agency

- Permits JFS to contract with a third-party commercial consumer reporting agency to assist with improving the timeliness of benefit deliveries, maximizing operational efficiencies, increasing cost savings, and minimizing fraud within public assistance programs.
- Requires county departments of job and family services to participate in a no-cost, 90-day pilot program under which the county departments must contract with a third-party commercial consumer reporting agency.
- Following the conclusion of the pilot program, permits JFS to contract with a vendor to provide the services described above.
- Requires both JFS and county departments to undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

Public Assistance Benefits Accountability Task Force

- Establishes the Public Assistance Benefits Accountability Task Force, and requires it to study various aspects of Ohio's public assistance programs and to submit a report to the General Assembly.

JFS subgrant

- Requires JFS to enter into a subgrant agreement with the Ohio Association of Foodbanks to do the following:
 - Provide food distribution via the statewide charitable emergency food provider network;
 - Support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs;
 - Provide capacity building equipment for food pantries and soup kitchens.
- Requires the Association to do all of the following:
 - Purchase food for the Agriculture Clearance and Ohio Food Programs;
 - Provide the cost of transportation of food already purchased in FY 2021 to the Governor's Office of Faith-Based and Community Initiatives Summer and Rural Meals program sites;
 - Support the Capacity Building Grant program and purchase equipment for partner agencies that is needed to increase their capacity to serve more families eligible under the Temporary Assistance for Needy Families program;
 - Submit a quarterly report to JFS not later than 60 days from the close of the quarter to which the report pertains that includes certain performance details;
 - Submit an annual report to the JFS Agreement Manager not later than 120 days from the end of the fiscal year that includes certain performance details.

Individual development account reports

- Eliminates a requirement that a county department of job and family services prepare and file a semi-annual report with JFS regarding the Individual Development Account Program it operates.
- Eliminates a requirement that JFS prepare an annual report regarding these programs.

Ohio Family and Children First Cabinet Council

- Transfers fiscal and administrative agent duties for the Ohio Family and Children First Cabinet Council from the Department of Mental Health and Addiction Services to JFS, including transferring the Council's office location and employees.
- Permits a county family and children first council to create a flexible funding pool to assure access to services by families, children, and seniors in need of protective services.

Case plans and family service plans

- Beginning January 1, 2023, makes it mandatory for a public children services agency (PCSA) or private child placing agency (PCPA) to include in its case plan for a child in temporary custody (unless it is not in the child's best interest) a permanency plan that describes agency-provided services to achieve permanency for the child if reasonable efforts at family reunification are unsuccessful.
- Requires permanency plan services to be provided concurrently with efforts at family reunification.
- Requires the JFS Director to adopt, according to R.C. Chapter 119, case plan rules for the concurrent provision of permanency plan services for a child in temporary custody.
- Repeals the option that allowed a PCSA to maintain a family service plan for any child for whom the PCSA provides in-home services under an alternative response to a child abuse or neglect report and thus requires the PCSA to maintain a case plan for such a child.

Caseworker in-service training

- Requires the JFS Director to adopt rules to establish circumstances under which a PCSA executive director may waive portions of caseworker in-service training requirements.

Kinship caregiver placement efforts

- Requires a PCSA or PCPA with temporary custody of a child or a child placed in a planned permanent living arrangement (TC/PPLA child) to make intensive efforts to identify potential kinship caregivers using certain search technology.
- Requires a court to review a PCSA's or PCPA's efforts to locate appropriate and willing kinship caregivers for a TC/PPLA child in the agency's custody at every hearing concerning that child.
- Requires a PCSA or PCPA to include a summary of its efforts to find an appropriate and willing kinship caregiver for a TC/PPLA child as part of the semiannual administrative review of the child's case plan, unless a court has deemed such efforts unnecessary.
- Allows a court to issue, under certain circumstances, an order determining that a TC/PPLA child's current placement is in the child's best interest and that further intensive efforts at finding kinship caregivers are unnecessary.
- Provides that a TC/PPLA child's current caregivers are to be considered to be the child's kin with equal standing with relatives regarding permanency if the court determines the current placement is in the child's best interest and intensive efforts to find kinship caregivers are unnecessary.
- Excuses a PCSA or PCPA from considering a TC/PPLA child's relative as a permanent placement option if the relative has failed to show interest within six months of receiving notice of the child's placement in the temporary care of the PCSA or PCPA.

- Provides that nothing in the kinship caregiver placement efforts provisions of the act prevents a PCSA or PCPA from continuing to search for an appropriate kinship caregiver.

Kinship caregiver program

- Requires each county department of job and family services (CDJFS) to incorporate a kinship caregiver program, which includes a family stabilization service and caregiving service, into its prevention, retention, and contingency plan.
- Earmarks \$10 million in each of FYs 2022 and 2023 for the program, and requires the JFS Director to allocate funds to CDJFSs via a formula.
- Requires each PCSA to use the allocated funds to provide reasonable and necessary relief of child caring functions so kinship caregivers can provide and maintain a home for the child in place of the child's parents.
- Requires the CDJFS to enter into a memorandum of understanding with the PCSA for authorization of the expenditure up to the amount of the allocation.
- Specifies that the program will end if funding is no longer available and any CDJFS or PCSA cannot be held responsible for payment of services.

Kinship guardianship assistance (KGA) and Kinship Support Program (KSP)

- Requires the JFS Director, not later than June 30, 2022, to submit amendments to the state Title IV-E plan in order to implement Title IV-E kinship guardianship assistance (federal KGA) available (1) on behalf of an eligible child to relatives, and (2) to any relative on behalf of a kinship guardianship (KG) young adult.
- Requires implementation of the state plan amendments to begin December 30, 2022, if the Secretary of Health and Human Services approves the plan and the General Assembly has appropriated funds sufficient to operate the program required by the amended plan.
- Allows a PCSA to enter into an agreement with a child's relative to provide state kinship guardianship assistance (state KGA), if state funds are available and certain conditions are met.
- Requires implementation of state KGA no later than December 30, 2022, if the amended state plan for federal KGA (described above) is approved.
- Provides that any JFS decision terminating federal KGA for a KG young adult or kinship support program (KSP) payments is subject to a state hearing under continuing law.
- Allows kinship caregivers to participate in the kinship permanency incentive program if they are not receiving federal assistance payments for KGA or for adopted or emancipated young adults or state adoption maintenance subsidy payments.
- Allows for specified relatives receiving federal KGA, State KGA, or KSP payments to participate in Ohio Works First if other conditions are also met.

- Excludes federal KGA, state KGA, and KSP payments from the definition of gross income for child support purposes.
- Provides that benefits and services provided under the following are inalienable and therefore not subject to attachment or garnishment:
 - Kinship guardianship assistance program;
 - Extended kinship guardianship assistance program;
 - Kinship support program;
 - Kinship permanency incentive program;
 - State adoption maintenance subsidy.
- Repeals requirements governing PCSA placement of children with special needs determined impossible to adopt and the duty to periodically redetermine and report the child's status to JFS.

Online training for foster caregivers

- Repeals the law permitting up to 20% of a prospective foster caregiver's preplacement training to be provided online.
- Requires JFS to adopt rules, in accordance with R.C. Chapter 119, regarding the amount of preplacement and continuing training hours that may be completed online for prospective and existing foster caregivers.

PASSS program

- Recodifies and transfers, from PCSAs to JFS, complete administration of the post adoption special services subsidy (PASSS) program, under which payments are made on behalf of an adopted child with a physical or developmental disability or mental or emotional condition.
- Permits JFS to contract with any person to carry out PASSS duties.
- Prohibits PASSS payments to any person:
 - 18 years or older beyond the end of the school year during which the person attains that age; or
 - A mentally or physically disabled person who is 21 or older.
- Requires JFS to adopt rules necessary to implement, and to actually implement, the recodified PASSS by July 1, 2022.

Bills of rights for foster youth and resource families

- Requires JFS to adopt by rule, in accordance with R.C. Chapter 119, a Foster Youth Bill of Rights and a Resource Family Bill of Rights.

- Provides that if a right in the Foster Youth Bill of Rights conflicts with a right in the Resource Family Bill of Rights, the Foster Youth Bill of Rights prevails.
- Defines a “resource caregiver” as a foster caregiver or a kinship caregiver and a “resource family” as a foster home or the kinship caregiver family.
- Provides that the rights created for foster youth and resource families do not create grounds for a civil action against JFS, the recommending agency, or the custodial agency.

Notification for sibling of adopted person

- Provides that an adopted person’s legal parents may be notified that an adopted person’s sibling has been placed into out-of-home care after an adoption has been finalized.
- Defines “sibling,” for notification purposes only, as a former biological sibling, former legal sibling, or any person who would have been considered a sibling if not for a termination or other disruption of parental rights.

Criminal records check

- Adds, as a result of an LSC error, certain crimes to the Bureau of Criminal Identification and Investigation criminal background check for:
 - Persons whose identities are required to be disclosed for the issuance or transfer of a permit, license, certificate of registration, or certification by the Department of Commerce or applicable Division;
 - Persons employed to be responsible for the care, custody, or control of a child at a Head start agency or preschool program; and
 - Any school district, educational service center, or school employment applicant.
- Failed, due to the error, to apply the additional crimes to the background check for persons responsible for out-of-home child care and members of a household for a host family hosting a child under a host family agreement.

Background checks for institutions and associations

- Requires an institution or association to obtain certain background information before employing a person or engaging a subcontractor, intern, or volunteer if:
 - The institution or association is a residential facility; or
 - The institution or association is not a residential facility and the person, subcontractor, intern, or volunteer will have contact with children.
- Requires the institution or association, regarding the background information, to:
 - Obtain a search (instead of *conduct* a search as prior law required) of the U.S. Department of Justice’s National Sex Offender Public Website; and

- Obtain a summary report (instead of *request* a summary report as prior law required) of a search of the uniform statewide automated child welfare information system.
- Allows an institution or association to refuse to employ a person or engage a subcontractor, intern, or volunteer based solely on the search and summary report obtained.
- Requires an institution or association to obtain the search and summary report for a person, subcontractor, intern, or volunteer if that information has not been obtained by September 30, 2021.

Federal foster care assistance for emancipated young adults

- Expands the juvenile courts that may exercise jurisdiction over an emancipated young adult (EYA) receiving federal foster care payments to include the court of the county where the EYA resided when his or her custody, planned permanent living arrangement, or care and placement terminated.
- Revises the timing for JFS or its representative to petition for a judicial determination that the EYA's best interest is served by continuing care and placement with JFS or its representative after the EYA enters a voluntary participation agreement for placement and care.
- Explicitly associates seeking and obtaining the determination with maintaining the EYA's eligibility for Title IV-E assistance.
- Eliminates the remedy that an EYA loses eligibility for continued care and placement with JFS or its representative under a voluntary participation agreement (VPA) if a court, 180 days after the VPA becomes effective, determines the continued care and placement does not serve the EYA's best interest.
- Requires a court to make a permanency plan determination regarding an EYA:
 - 12 months after the VPA's effective date;
 - At least once every 12 months after the first determination; and
 - That JFS or its representative made reasonable efforts to finalize a permanency plan to prepare the EYA for independence.
- Requires federal payments for foster care to be suspended if the best interest and reasonable efforts determinations (described above) are not timely made.

Foster caregiver certification extension

- Requires JFS to extend the certification deadline to December 31, 2021, for foster caregivers and prospective foster caregivers who began continuing training or preplacement training between 2019 and 2021, unless their certification deadline is after December 31, 2021.

- Prohibits JFS from requiring foster caregivers and prospective foster caregivers from repeating training or certification requirements that have been previously completed, except JFS may require a new background check and home inspection.

Court order to interview and examine a child

- Allows a juvenile court, if it determines probable cause exists, to issue an order, without a hearing, authorizing a PCSA to interview or examine a child who may be abused, neglected, or dependent if the child's parent, guardian, custodian, or caretaker refuses the PCSA reasonable access to the child.
- Requires that a PCSA request the order and to submit a sworn affidavit detailing the facts that would support the order.
- Specifies that the order is not a final, appealable order, which means that the order may not be reviewed, affirmed, modified, or reversed, with or without trial.

Reimbursement for federal juvenile court programs

- Adds prevention services costs under the federal Family First Prevention Services Act to the list of expenses for which a juvenile court may receive reimbursement upon agreement with JFS on behalf of a child in certain circumstances.
- Adds a child who is at imminent risk of removal from the home and is a sibling of a child in the temporary or permanent custody of the court to the list of circumstances of a child on whose behalf reimbursement may be sought.

Streamlining County Level-Information Access Task Force

- Creates the Task Force on Streamlining County Level-Information Access to make recommendations on streamlining information access across information technology systems for (1) CDJFSs, (2) child support enforcement agencies, (3) PCSAs, and (4) county OhioMeansJobs centers.
- Requires the Task Force to do all of the following:
 - Identify barriers to efficient operations between information technology systems that affect both department and agency operations and client services;
 - For each identified barrier, explore the feasibility of allowing county employees access to more than one information technology system;
 - Prioritize which barriers should be addressed first;
 - Submit a report to the General Assembly by February 1, 2022.

Publicly funded child care

- Revises the law governing eligibility determinations for publicly funded child care, including by specifying that the eligibility period is to be at least 12 months.

- Revises the law governing income eligibility for publicly funded child care, specifying that the maximum amount of family income for initial eligibility cannot exceed 142% of the federal poverty line, but only until June 30, 2023.
- Repeals the law requiring JFS to ensure that specified percentages of publicly funded child care providers are rated in the Step Up to Quality Program's third highest tier or above by specified dates, including the provision requiring all of these providers to be rated in the third highest tier or above by June 30, 2025.

Type A family day-care homes

- Eliminates the requirement that JFS include in the rules governing Type A family day-care homes standards for preparing and distributing parent rosters.

Child care resource and referral services

- Eliminates the requirement that the JFS Director adopt rules for funding child care resource and referral service organizations.

Head Start program definition

- Revises the definition of "head start program" for purposes of the law governing the licensure and regulation of child care providers, including by specifying that it is a school-readiness program.

Elder Abuse Commission reporting

- Removes a requirement that the Elder Abuse Commission review current funding of adult protective services and submit a separate report on the cost of implementing its recommendations.
- Requires instead that the Commission's biennial report include estimates of the funding necessary to implement its specific recommendations.

Ohio Commission on Fatherhood

- Extends the timeline of appointing the chairperson of the Ohio Commission on Fatherhood from every year to every other year, occurring in odd-numbered years.

Unemployment compensation

Applications for unemployment benefits

- For benefit years beginning on or after July 1, 2022, eliminates from consideration in the first phase of the unemployment eligibility process whether a claimant is disqualified from unemployment benefits for reasons relating to why the claimant is unemployed (this phase examines whether the claimant worked enough and earned enough to qualify for benefits).
- Requires the JFS Director to check the Ohio New Hire Reporting Center, the National Directory of New Hires, and the Integrity Data Hub when determining whether an initial

application is valid or whether a first claim or additional claim qualifies an individual for benefits.

Other provisions

- Makes information maintained by or furnished to the Unemployment Compensation Review Commission confidential and, with one exception, inadmissible in cases unrelated to the Unemployment Compensation Law (similar to continuing law regarding information maintained by, or furnished to, JFS).
- Prohibits disclosure of information maintained by the Commission unless an exception applies.
- Reduces from 30 days to ten days the time for the JFS Director to approve or deny a shared work plan and notify the employer of the determination.
- Increases the maximum percentage an individual's workweek can be reduced for purposes of participating in the SharedWork Ohio Program from 50% to 60%.
- Requires, if permitted by federal law, any portion of compensation paid under the SharedWork Ohio Program to be charged to the mutualized account and not to a participating employer's experience during any period the compensation is being reimbursed under federal law.

TANF spending plan

(R.C. 107.03 and 5101.806)

The act requires the Department of Job and Family Services (JFS), not later than November 1 of each even-numbered year, to submit a TANF spending plan to the Governor. The plan must describe the anticipated spending of Temporary Assistance for Needy Families (TANF) block grant funds for the upcoming fiscal biennium. The plan must be prepared in such a manner as to facilitate the inclusion of the information in the Governor's budget. It must be submitted to the General Assembly as an appendix to the Governor's budget.

By July 30 of each even-numbered year, JFS must prepare and submit an updated TANF spending plan. This updated plan, at a minimum, must include information detailing the total amount of TANF block grant funds that were distributed during the first fiscal year of the biennium and an updated estimate of total TANF block grant funds that will be distributed during the second fiscal year of the biennium. The report must be submitted to the chairperson of a standing committee of the House designated by the Speaker, the chairperson of a standing committee of the Senate designated by the Senate President, and the minority leaders of the House and Senate.

The act authorizes the chairpersons of the designated standing committees to call the JFS Director to testify before the committees regarding the TANF spending plan.

Supplemental Nutrition Assistance Program (SNAP) debit cards

(R.C. 5101.54)

The act requires JFS to collect information regarding suspicious electronic benefit transfer (EBT) card transactions and provide the information to each impacted county department of job and family services for analysis and investigation. The information collected is required to include the following: (1) transactions of even dollar amounts, (2) transactions of full monthly benefit amounts, (3) multiple same-day transactions, (4) out-of-state transactions, and (5) other suspicious trends.

Elderly Simplified Application Project

(R.C. 5101.545)

The act requires the JFS Director to submit an application to the U.S. Department of Agriculture for participation in the Elderly Simplified Application Project within SNAP. The Elderly Simplified Application Project is a demonstration project, under which participating states may waive the recertification interview requirement and extend the certification period for certain eligible elderly households to 36 months.

Data matching agreements

(R.C. 5101.041 and 5120.212)

The act requires the JFS Director to enter into three separate data matching agreements. The first, with the Department of Rehabilitation and Correction, requires the Director of Rehabilitation and Correction to provide the JFS Director with a searchable list of all individuals committed to the institutions governed by the Department.

The JFS Director also must enter into a data matching agreement with the Director of the State Lottery Commission and the Executive Director of the Ohio Casino Control Commission, requiring that the commissions provide the JFS Director with a searchable list of all individuals with substantial lottery or gambling winnings. The JFS Director is required to check this list at least monthly to determine if the information affects any public assistance recipient's eligibility.

Finally, the JFS Director must enter into a data matching agreement with the Director of Health. Under this agreement, the Director of Health must provide the JFS Director with a searchable list of vital statistics records, including death records. The JFS Director must check this list at least monthly to determine whether any of the vital statistics records affect a public assistance recipient's eligibility.

Third-party commercial consumer reporting agency

(R.C. 5104.04; Section 307.290)

The act permits JFS to contract with a third-party commercial consumer reporting agency, in accordance with federal law,⁸⁰ for the purpose of assisting the Department with determining an individual's eligibility for SNAP, benefits funded by the TANF block grant, or unemployment compensation. The purpose of the contract is to improve the timeliness of public assistance benefit deliveries, to maximize operational efficiencies, increase cost savings, and minimize fraud.

Likewise, the act requires county departments of job and family services to participate in a 90-day pilot program, at no cost to them, under which county departments are required to obtain real-time employment and income information from a third-party commercial consumer reporting agency for the purposes described above. At the conclusion of the pilot program, the act permits JFS to contract with a vendor to provide the same or similar services provided to each county department by a third-party commercial consumer reporting agency.

The act requires both JFS and county departments to undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

Public Assistance Benefits Accountability Task Force

(Section 307.300)

The act establishes the Public Assistance Benefits Accountability Task Force consisting of the following 15 members:

- The Medicaid Director, or the Director's designee, serving as an ex-officio, nonvoting member;
- The JFS Director, or the Director's designee, serving as an ex-officio, nonvoting member;
- The Director of the Office of InnovateOhio, or the Director's designee, serving as an ex-officio, nonvoting member;
- A director of a county department of job and family services, appointed by the Senate President;
- A business owner who employs fewer than 100 people, appointed by the Senate President;
- A director of a child support enforcement agency, appointed by the Senate President;
- Three members of the Senate, two from the majority party and one from the minority party, all appointed by the Senate President;

⁸⁰ 15 U.S.C. 1681 *et seq.*

- A business owner who employs fewer than 500 people, appointed by the House Speaker;
- A representative of the Ohio Job and Family Services Directors' Association, appointed by the Speaker;
- A director of a county workforce development agency, appointed by the Speaker;
- Three members of the House, two from the majority party and one from the minority party, all appointed by the Speaker.

By September 28, 2021, the Senate President and the Speaker each must appoint co-chairpersons of the task force from the members they appointed. Thereafter, the task force will meet at the call of the co-chairpersons. Members of the task force serve without compensation.

Under the act, the task force has the power to do all of the following:

- Review the [November 9, 2020, report](#) published by the Auditor of State regarding Medicaid eligibility and determine to what extent the Auditor's recommendations have been adopted. Within 90 days of conducting the review, the task force must report to the Senate President and House Speaker regarding the status of implementation of these recommendations;
- Review past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment;
- Review existing fraud prevention efforts at both the state and county levels and determine best practices for fraud prevention in SNAP, Medicaid, Ohio Works First, and the publicly funded child care program;
- Review and establish best practices regarding overpayment of benefits in SNAP, Medicaid, and the publicly funded child care program, and determine how these overpayments can be prevented at the state and county levels;
- Review and recommend best practices for processing public assistance cases to create efficiencies and reduce errors through the use of technology;
- Review and evaluate the length of time that individuals receive public assistance in the state and recommend ways to return individuals to the workforce;
- Review existing efforts to ensure compliance with child support enforcement across public assistance benefit programs and recommend additional ways compliance could be improved;
- Review the costs and benefits associated with implementing a requirement that each SNAP debit card include a color photograph of at least one adult member of the household.

Not later than 18 months after first convening, the task force is required to prepare and submit a report to the General Assembly detailing its recommendations regarding the topics

listed above. After submitting its report to the General Assembly, the task force will cease to exist.

JFS subgrant

(Section 307.43)

The act requires JFS to enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to: (1) provide food distribution to low-income families and individuals through the statewide charitable emergency food provider network, (2) support the transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children, and (3) provide capacity building equipment for food pantries and soup kitchens.

Under the agreement, the Ohio Association of Foodbanks must do all of the following:

- Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase must be reflected in a plan for statewide distribution of food products to local food distribution agencies;
- Provide the cost of transportation of food already purchased in FY 2021 to the Governor's Office of Faith-Based and Community Initiatives Summer and Rural Meals program sites;
- Support the Capacity Building Grant program and purchase equipment for partner agencies needed to increase their capacity to serve more families eligible under the Temporary Assistance for Needy Families (TANF) program with perishable foods, fruits, and vegetables. Equipment purchases must include shelving, pallet jacks, commercial refrigerators, and commercial freezers.
- Submit a quarterly report to JFS not later than 60 days after the close of the quarter to which the report pertains. The report must include:
 - A summary of the allocation and expenditure of grant funds;
 - Product type and pounds distributed by foodbank service region and county; and
 - The number of households and households with children; a breakdown of individuals served by age, including those over 60, those between 19 and 59, and those up to 18; and the number of meals served.
- Submit an annual report to the Agreement Manager at JFS not later than 120 days after the end of the fiscal year. The report must include:
 - A summary of the allocation and expenditure of grant funds;
 - The number of households and households with children; a breakdown of individuals served by age, including those over 60, those between 19 and 59, and those up to 18; and the number of meals served;
 - The quantity and type of food distributed and the total per pound cost of the food purchased;

- Information on the cost of storage, transportation, and processing; and
- An evaluation of the success in achieving expected performance outcomes.

Individual development account (IDA) reports

(R.C. 329.12 and 5101.971)

The act eliminates a requirement that a county department of job and family services prepare and file with JFS a semi-annual report regarding its IDA Program. The IDA Program allows lower income individuals to deposit funds into an account, which are then matched by the county department. The funds may be used by an individual to purchase a home, start a business, or for post-secondary education expenses.⁸¹

The act also eliminates the requirement that JFS publish an annual report regarding the counties' IDA programs.

Ohio Family and Children First Cabinet Council

Transfer of duties

(Section 307.109)

The act transfers fiscal and administrative duties for the existing Ohio Family and Children First Cabinet Council to JFS (from the Department of Mental Health and Addiction Services). The transfer does not affect the Council's purpose, powers, or duties.⁸² Related to the transfer, the act specifies the following:

- The location of the Council's office will move to JFS;
- No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer;
- Any rules, orders, or determinations pertaining to the Council continue in effect as rules, orders, and determinations of the Council until modified or rescinded;
- All employees of the Council are transferred to JFS and retain current positions and benefits;
- No judicial or administrative action or proceeding to which the Council or an authorized officer is a party that is pending on the effective date of the transfer is affected by the transfer;
- The Director of Budget and Management must make budget and accounting changes necessitated by the transfer;

⁸¹ O.A.C. 5101:1-3-18(D)(1).

⁸² See R.C. 121.37, not in the act.

- All records, documents, files, equipment, assets, and other property of the Council remain in the possession of the Council and are not affected by the transfer.

Flexible funding pool

(Section 307.110)

The act permits a county family and children first council to establish and operate a flexible funding pool to assure access to needed services by families, children, and older adults who need protective services. A county council that desires such a pool must abide by all of the following:

- The pool must be created and operate according to formal guidance issued by the state Family and Children First Cabinet Council;
- The county council must produce an annual report on its use of the pooled funds. The report must conform to guidance issued by the state council;
- Unless otherwise restricted, the pool may receive transfers of state general revenue funds allocated to local entities to support services to families and children;
- The pool may receive only transfers of amounts that can be redirected without hindering the objective for which the initial allocation is designated.

The director of the local agency that originally received the allocation must approve the transfer to the pool.

Case plans and family service plans

(R.C. 2151.412)

Permanency plans

Beginning January 1, 2023, the act makes it mandatory, instead of discretionary, for a public children services agency (PCSA) or a private child placing agency (PCPA) to include, within its case plan for a child in temporary custody, a permanency plan for the child, unless the permanency plan would not be in the child's best interest. The act requires that the permanency plan describe the services the PCSA or PCPA must provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the child's continued removal from home, are unsuccessful. The services must be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

Family service plans

The act changes the requirement that a case plan *or* a family service plan must be maintained for any child for whom the PCSA provides in-home services under an alternative response to a report of child abuse or neglect, by repealing the option that allows a PCSA to maintain a family service plan. In addition, the act removes the requirement that the Director adopt rules for family service plans.

Under ongoing law, an alternate response is a PCSA's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs that does not include a determination as to whether abuse or neglect occurred.⁸³

Caseworker in-service training

(R.C. 5153.122 and 5153.124)

The act requires the JFS Director, not later than June 30, 2022, to adopt rules in accordance with R.C. Chapter 119 to establish circumstances under which an executive director of a PCSA may waive portions of in-service training for PCSA caseworkers. This waiver requirement is in addition to the continuing law in-service training waiver for PCSA caseworkers in their first year.

Under continuing law, each PCSA caseworker must complete at least 102 hours of in-service training during the first year of continuous employment as a caseworker, and 36 hours annually afterward. However, a PCSA executive director may waive the first-year requirement for a school of social work graduate who participated in the University Partnership Program, an in-school training program designed to prepare social work students to enter the field of child welfare.

Kinship caregiver placement efforts

(R.C. 2151.416, 2151.4115, 2151.4116, 2151.4117, 2151.4118, 2151.4119, 2151.4120, 2151.4121, and 2151.4122)

Finding kinship caregivers

Intensive efforts

The act requires each PCSA and PCPA to make intensive efforts to identify potential kinship caregivers whenever the agency has temporary custody (TC) of, or is party to a planned permanent living arrangement (PPLA) regarding, a child (TC/PPLA child).

A "kinship caregiver" is any of the following who is 18 or older and is caring for a child in place of the child's parents:

- The following individuals related by blood or adoption to the child:
 - Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";
 - Siblings;
 - Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

⁸³ R.C. 2151.011(B)(4).

- First cousins and first cousins once removed.
- Stepparents and stepsiblings of the child;
- Spouses and former spouses of individuals named in the dot points above;
- A legal guardian of the child;
- A legal custodian of the child;
- Any nonrelative adult who has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

Summary of efforts

The act requires a PCSA or PCPA to include a summary of its intensive effort, to secure an appropriate and willing kinship caregiver for a TC/PPLA child as part of the semiannual administrative review of the child's case plan (which is required under continuing law), unless a court has deemed such efforts unnecessary. The efforts must include the use of search technology, which the act defines as any locate-and-research tool, search engine, electronic database, or social media search tool available to the PCSA or PCPA.

Exemption

The act excuses a PCSA or PCPA from considering a TC/PPLA child's relative as a permanent placement option if the relative has failed to show interest within six months of receiving a notice from the PCSA or PCPA that it has temporary custody of the child. Under continuing law, that notice is sent to all grandparents and other adult relatives of a child within 30 days of the child's removal from the custody of the child's parents.⁸⁴

The act provides, however, that nothing in its provisions prevents a PCSA or PCPA from continuing to search or consider kinship caregivers.

Court review

The act requires that at every court hearing regarding a TC/PPLA child, the court determine whether the PCSA or PCPA has continued intensive efforts to identify and engage appropriate and willing kinship caregivers. This determination requires the court's review of the following:

- Whether the child is receiving care from a kinship caregiver;
- The PCSA or PCPA efforts since the previous hearing to place the child with a kinship caregiver, including efforts to use search technology to find biological family members;
- Whether any previous court order (described under "**Court determination,**" below) should continue.

⁸⁴ R.C. 2151.33, not in the act.

Court determination

The act allows a court to issue an order that determines (1) the TC/PPLA child's current, nonkinship-caregiver placement is in the child's best interest and (2) that further intensive efforts to identify and engage an appropriate and willing kinship caregiver are unnecessary, if:

- The child has been in a stable home environment with the child's current caregivers for the past 12 consecutive months;
- The current caregivers are interested in providing permanency for the child; and
- Removal from the current caregivers would be detrimental to the child's emotional well-being.

The act provides that the current caregiver of the child will be considered to have a kin relationship with the child and will have equal standing with other kin regarding permanency if a court makes the determination described above.

Kinship caregiver program

(Section 307.81)

CDJFS program incorporation

Under the act, each county department of job and family services (CDJFS) must incorporate a kinship caregiver program into its prevention, retention, and contingency (PRC) plan. The program must include a family stabilization service and a caregiving service. The stabilization service must be designed to transition the child into and maintain the child in the home of the kinship caregiver. For the purpose of the stabilization service, each child living with a kinship caregiver must constitute a PRC assistance group of one. For the purpose of the caregiving service, each assistance group must include at least a child living with a kinship caregiver and also the kinship caregiver. JFS may adopt rules under R.C. Chapter 119 as necessary to carry out the program.

Program funding

The act earmarks \$10 million in each of FY 2022 and FY 2023 for the program. The JFS Director must allocate funds to CDJFSs by providing 12% divided equally among all counties, 48% in the ratio that the number of residents per county under age 18 bears to the total number of such persons residing in Ohio, and 40% in the ratio that the number of residents in the county with incomes under 100% of the federal poverty guideline bears to the total number of such persons in Ohio.

Each PCSA must use the funds to provide reasonable and necessary relief of child caring functions so kinship caregivers can provide and maintain a home for a child in place of the child's parents. When a county's children services board is designated as the PCSA (but not when the CDJFS or a private or government entity is designated), the CDJFS must enter into a memorandum of understanding with the PCSA authorizing the expenditure up to the amount of the allocation.

If funding is no longer available, the program will end and any CDJFS or PCSA cannot be held responsible for payment of services.

Kinship guardianship assistance (KGA) and Kinship Support Program (KSP)

(R.C. 3119.01, 5101.141, 5101.1411, 5101.1415, 5101.1416, 5101.1417, 5101.802, 5101.8812, 5107.10, and 5153.163)

Provisions affecting KGA only

Federal KGA

The act seeks to obtain federal kinship guardianship assistance (federal KGA) under Title IV-E of the Social Security Act to assist any relative who meets certain requirements (described below) with regard to the care of a kinship guardianship young adult (KGA young adult) or an eligible child.

The act defines a “**relative**,” with respect to a child, as any of the following who is age 18 or older:

- The following individuals related by blood or adoption to the child:
 - Grandparents, including grandparents with the prefix “great,” “great-great,” or “great-great-great”;
 - Siblings;
 - Aunts, uncles, nephews, and nieces, including such relatives with the prefix “great,” “great-great,” “grand,” or “great-grand”;
 - First cousins and first cousins once removed;
 - Stepparents and stepsiblings of the child.
- Spouses and former spouses of individuals described above;
- A legal guardian of the child;
- A legal custodian of the child;
- Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child’s social ties.

A “**KG young adult**” is an individual who:

- Was in the temporary or permanent custody of a PCSA or a planned permanent living arrangement prior to being committed to the legal custody or legal guardianship of a kinship caregiver at 16 or 17 years old, and attained age 16 before a federal KGA agreement became effective;
- Has attained age 18, but not 21.

A child is an “**eligible child**” for federal KGA if the child meets the following requirements:

- The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;
- The child has been eligible for foster care maintenance payments under continuing law while residing for at least six consecutive months in the home of a relative;
- Returning the child home or adoption of the child are not appropriate permanency options;
- The child demonstrates a strong attachment to the child's relative who has legal custody or guardianship of the child and the relative has a strong commitment to caring permanently for the child;
- With respect to a child who is 14 years old, the child has been consulted regarding the federal KGA agreement.

On behalf of a KG young adult

State plan amendment requirement

The act requires the JFS Director, not later than June 30, 2022, to submit an amendment to the state plan required by federal law to the U.S. Secretary of Health and Human Services to provide federal KGA to any relative meeting the following criteria:

- A juvenile court issued an order granting legal custody of a KG young adult to the relative, or a probate court issued a nontemporary order granting the relative legal guardianship of a KG young adult;
- The relative entered into a federal KGA agreement while the KG young adult was 16 or 17;
- The relative maintains parental responsibility for the KG young adult;
- The KG young adult meets at least one of the following requirements:
 - Is completing secondary education or a program leading to an equivalent credential;
 - Is enrolled in an institution that provides post-secondary or vocational education;
 - Is participating in a program or activity designed to promote, or remove barriers to, employment;
 - Is employed for at least 80 hours a month;
 - Is incapable of doing the activities described above due to a physical or mental condition.

Implementation and performance

The act requires implementation of the state plan amendments to begin December 30, 2022, if (1) the plan as amended is approved by the Secretary of Health and Human Services, and (2) the General Assembly has appropriated sufficient funds to operate the KGA Program. It

further requires JFS to perform all new duties required by the amended plan, but JFS may contract with others to carry out those duties to the extent permitted under Title IV-E.

Extension or refusal of federal KGA

The act allows relatives meeting the federal KGA criteria (above) to request an extension of federal KGA at any time before the KG young adult reaches 21 years old.

It allows any relative receiving federal KGA for a KG young adult to refuse payments at any time.

Eligibility for foster care-related programs

A KG young adult eligible to receive federal KGA is not considered an emancipated young adult and is not eligible for foster care payments under Title IV-E. Any relative receiving federal KGA and the KG young adult are eligible for the federal “Fostering Connections to Success and Increasing Adoption Act of 2008.”

On behalf of an eligible child

State plan amendment requirement

The act requires JFS, not later than June 30, 2022, to submit an amendment to the state plan to the U.S. Secretary of Health and Human Services to provide federal KGA on behalf of a child to a relative meeting the following requirements:

- The relative has cared for the eligible child as a foster caregiver, as defined by Ohio law, for at least six consecutive months;
- The juvenile court issued an order granting the relative legal custody of the child, or a probate court issued a nontemporary court order granting the relative legal guardianship;
- The relative has committed to care for the child on a permanent basis;
- The relative has signed a federal KGA agreement.

Implementation and performance

The act requires implementation of the amendments to the plan to begin December 30, 2022, if the plan, as amended, is approved by the Secretary of Health and Human Services.

County expenditure reports

The act requires a board of county commissioners, to the extent federal KGA payments for maintenance costs require county funds to be spent, to report the nature and amount of each expenditure to JFS.

Distribution to PCSA

The act requires JFS to distribute to PCSAs that incur and report expenditures described immediately above federal financial participation (FFP) received for administrative and training costs incurred in the operation of federal KGA. JFS may withhold up to 3% of the FFP for certain administrative and training costs.

Interstate compacts

The act authorizes JFS to develop or join interstate compacts, on behalf of the state, for providing social services to children regarding whom all of the following apply: (1) they have special needs, (2) Ohio or another party state is providing KGA on their behalf, and (3) they move into or out of Ohio, coming from or going to another state.

JFS rules for federal KGA

The act requires JFS, not later than June 30, 2022, to adopt rules that are necessary to carry out the purposes of the federal KGA for both KG young adults and eligible children. The rules must include the following:

- Allowing a KG young adult, on whose behalf federal KGA is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;
- Requiring a 30-day notice of termination to be sent by JFS to a person receiving federal KGA for a KG young adult who is determined ineligible for federal KGA.

State KGA

The act allows a PCSA that had custody of a child immediately prior to a court granting legal custody or legal guardianship to a relative to enter into an agreement with a child's relative under which the PCSA may provide, as needed, and to the extent state funds are available, state kinship guardianship assistance (State KGA), when all of the following apply:

- The relative has cared for the eligible child as a foster caregiver, as defined under Ohio law, for at least six consecutive months;
- A juvenile court issued an order granting the relative legal custody of the child, or a probate court issued a nontemporary court order granting the relative legal guardianship, and the relative has committed to care for the child on a permanent basis;
- The relative signed a State KGA agreement prior to assuming legal custody or guardianship of the child;
- The child had been removed from home pursuant to a voluntary placement agreement, or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child;
- Returning the child home or adoption are not appropriate permanency options for the child;
- The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child;
- With respect to a child who is 14, the child has been consulted regarding the State KGA arrangement;
- The child is not eligible for federal KGA payments.

State KGA provided under a State KGA agreement is subject to an annual need determination.

The State KGA provisions must be implemented not later than December 30, 2022, if the state plan is amended as described above to provide federal KGA to eligible children.

Provisions affecting both KGA and KSP

State hearing

The act provides that any determination that JFS makes denying or terminating federal KGA for a KG young adult or kinship support program (KSP) payments is subject to a state hearing for an administrative appeal under continuing law. Under continuing law, KSP provides for time limited payments to a kinship caregiver (a relative, as defined in the act, who is caring for a child in place of the child's parents) who takes care and placement of a child and who does not have foster home certification.⁸⁵

Kinship Permanency Incentive Program

The act prohibits a kinship caregiver from participating in the kinship permanency incentive program under continuing law if the kinship caregiver is a relative receiving payments under Title IV-E for KGA or for adopted or emancipated young adults or state adoption maintenance subsidy payments. But, if the kinship caregiver is not receiving such assistance or is receiving federal KGA on behalf of an eligible child, the kinship caregiver may participate.

Ohio Works First

The act further provides that an assistance group that meets certain requirements, including that the group contain a specified relative residing with and caring for a related minor child and receiving any federal or State KGA or KSP payments, may participate in the Ohio Works First Program.

Gross income and KGA for child support

The act excludes any federal KGA, State KGA, and KSP payments from the definition of gross income for child support calculation purposes. Under continuing law, federal adoption assistance and foster care maintenance payments are already excluded.

Inalienability of benefits

The act provides that the following benefits and services are inalienable, whether by way of assignment, charge, or otherwise and exempt from execution, attachment, guardianship and other like processes:

- KGA;
- Extended KGA;
- KSP;

⁸⁵ See R.C. 5101.88 to 5101.8811, not in the act.

- Kinship permanency incentive program;
- State adoption maintenance subsidy.

PCSA duties regarding impossibility of adoption

The act repeals the prohibition against a PCSA placing or maintaining a child with special needs in a setting other than with a person seeking to adopt the child, unless the PCSA has determined, and periodically redetermined, the impossibility of the child's adoption. It also repeals the requirement for a PCSA to report to JFS its reasons for determining the impossibility.

Online training for foster caregivers

(R.C. 5103.031 and 5103.0316)

The act requires JFS to adopt rules in accordance with R.C. Chapter 119 providing for the amount of preplacement and continuing training hours for prospective and existing foster caregivers that may be completed online. It repeals the law permitting up to 20% of required preplacement training for a prospective foster caregiver to be provided online.

PASSS program

(R.C. 5101.1418 and 5153.163)

The act recodifies, and then transfers the operation of, the post adoption special services subsidy (PASSS) program to JFS from PCSAs. Under PASSS, a child in need of public care or protective services may be provided assistance through agreement with the adoptive parent, to the extent state funds are available. Such a child is one (1) who has a physical or developmental disability or emotional condition that existed before the adoption, or developed after the adoption because of the child's preadoption condition, and (2) whose adoptive parent does not have the economic resources to pay the costs resulting from the disability or condition. The agreement allows PASSS payments to be made on the child's behalf for medical, surgical, psychiatric, psychological, and counselling services, including residential treatment.

In addition to the transfer of administration of PASSS completely to JFS, the act makes the following changes:

- Permits JFS to contract with another person to carry out the PASSS duties;
- Uses the terms "disabled" and "disability" instead of "handicapped" or "handicap" for the PASSS program;
- Prohibits PASSS payments from being made on behalf of (1) any person, 18 or older, beyond the end of the school year during which the person turned 18, or (2) a mentally or physically disabled person who is 21 or older;
- Requires the Director to adopt rules by July 1, 2022, under R.C. Chapter 119, to implement the recodified PASSS. The rules must establish:
 - The application process for the PASSS payments;
 - Standards for determining the children who qualify to receive PASSS payments;

- The method of determining the amount, duration, and scope of services provided to a child;
- The method of transitioning the PASSS program from PCSAs to JFS; and
- Any other rule, requirement, or procedure JFS considers appropriate for the implementation of this section.

Finally, the act requires JFS to implement the recodified PASSS program no later than July 1, 2022.

Bills of rights for foster youth and resource families

(R.C. 2151.011, 2151.316, 5103.02, and 5103.163)

The act requires JFS to adopt rules, in accordance with R.C. Chapter 119, to establish and enforce a Foster Youth Bill of Rights and a Resource Family Bill of Rights.

The Foster Youth Bill of Rights is for individuals who are: (1) in the temporary or permanent custody of a PCSA or planned permanent living arrangement or (2) in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency and who are subject to out-of-home care or placed with a kinship caregiver.

The Resource Family Bill of Rights serves resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services under continuing law.

The act defines a “resource caregiver” as a foster caregiver or kinship caregiver. A “resource family” is defined as a foster home or the kinship caregiver family. A kinship caregiver is defined as it is in continuing law, which is any of the following who is 18 or older and is caring for a child in place of the child’s parents:

1. The following individuals related by blood or adoption to the child:
 - a. Grandparents, including grandparents with the prefix “great,” “great-great,” or “great-great-great”;
 - b. Siblings;
 - c. Aunts, uncles, nephews, and nieces, including such relatives with the prefix “great,” “great-great,” “grand,” or “great-grand”;
 - d. First cousins and first cousins once removed.
2. Stepparents and stepsiblings of the child;
3. Spouses and former spouses of individuals named in (1) and (2) above;
4. A legal guardian of the child;
5. A legal custodian of the child;
6. Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child’s social ties.

Preemption

The act specifies that if the rights of an individual under the Foster Youth Bill of Rights conflict with the rights of a resource family or resource caregiver, the rights of the individual under the Foster Youth Bill of Rights preempt the rights of the resource family or resource caregiver under the Resource Family Bill of Rights.

Immunity

The act also provides that the rights established in the Foster Youth Bill of Rights and Resource Family Bill of Rights do not create grounds for a civil action against JFS, the recommending agency, or custodial agency.

Notification for sibling of adopted person

(R.C. 3107.11 and 3107.15)

The act provides that the legal parents of an adopted person may be notified that a sibling of the adopted person has been placed into out-of-home care. This notification is an exception to the requirement that when an adoption is finalized, the biological or other legal parents of the adopted person are relieved of all parental rights and responsibilities and all legal relationships between the adopted person and the adopted person's relatives are terminated so that the adopted person becomes a stranger to the adopted person's former relatives.

The act defines "sibling" as a former biological sibling, former legal sibling, or any person who would have been considered a sibling if not for a termination or other disruption of parental rights.

Criminal records checks

(R.C. 109.572)

The act adds several crimes to those for which the Bureau of Criminal Identification and Investigation must check when conducting certain background checks. The Superintendent of the Bureau must conduct a criminal records check to determine whether any information exists that indicates a previous conviction or guilty plea to any of the following additional crimes:

- Reckless homicide;
- Aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
- Aggravated vehicular assault and vehicular assault;
- Extortion;
- Trafficking in persons;
- Commercial sexual exploitation of a minor;
- Unlawful possession of a dangerous ordnance and illegally manufacturing or processing explosives;
- Improperly furnishing firearms to a minor;

- Participating in a criminal gang;
- Illegal assembly or possession of chemicals for the manufacture of drugs;
- Permitting drug abuse;
- Deception to obtain a dangerous drug;
- Illegal processing of drug documents;
- Tampering with drugs;
- Abusing harmful intoxicants;
- Trafficking in harmful intoxicants and improperly dispensing or distributing nitrous oxide;
- Illegal dispensing of drug samples;
- Possession of counterfeit controlled substances, trafficking in counterfeit controlled substances, aggravated trafficking in counterfeit controlled substances, promoting and encouraging drug abuse, and fraudulent drug advertising.

Due to an LSC processing error, the persons subject to the expanded-offense criminal background check under the act are not those in the As Introduced version of H.B. 110. As Introduced, the background check applied to persons responsible for out-of-home child care and members of a household for a family hosting a child under a host family agreement. Because of the processing error, the background check instead applies to the following:

- Persons whose identities are required to be disclosed for the issuance or transfer of a permit, license, certificate of registration, or certification by the Department of Commerce or applicable Division thereof (R.C. 121.08(K));
- Persons employed to be responsible for the care, custody, or control of a child at a Headstart agency or preschool program (R.C. 3310.32 and 3301.541); and
- Any applicant who has applied to a school district, educational service center, or school for employment in any position (R.C. 3319.39).

Background checks for institutions and associations

(R.C. 5103.0310)

Requirement to obtain information

The act requires an “institution or association,” which is a public or private organization, society, association, or agency that receives or cares for children for two or more consecutive weeks, to comply with the following:

- If it is a residential facility, obtain certain background information before employing a person or engaging a subcontractor, intern, or volunteer;

- If it is *not* a residential facility, obtain the same background information before hiring a person or engaging a subcontractor, intern, or volunteer, but only if the individual will have access to children.

For this purpose, a “residential facility,” is a group home for children, children’s crisis care facility, children’s residential center, residential parenting facility that provides 24-hour child care, county children’s home, or district children’s home. A foster home is not a residential facility.

Background information obtained

The act requires an institution or association described above, regarding the background information, to (1) *obtain* a search (instead of *conduct* a search as prior law required) of the U.S. Department of Justice’s National Sex Offender Public Website and (2) *obtain* a summary report (instead of *request* a summary report as prior law required) of a search of the uniform statewide automated child welfare information system (SACWIS).

Further action

The act allows an institution or association described above to refuse to employ (instead of “hire” as prior law required) the person or to engage the subcontractor, intern, or volunteer based solely on the search and summary report or findings of the summary report if it contains an abuse or neglect determination.

The act also requires an institution or association described above to obtain the search and summary report for a person, subcontractor, intern, or volunteer if that information has not yet been obtained by September 30, 2021.

Federal foster care assistance for emancipated young adults

(R.C. 2151.451, 2151.452, 2151.453, 5101.141, and 5101.1412)

Under continuing law, an “emancipated young adult” (EYA) is a person:

- Who was in the temporary or permanent custody of a PCSA, a planned permanent living arrangement, or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;
- Whose custody, arrangement, or care and placement was terminated on or after the person’s 18th birthday; and
- Is not yet 21.

Jurisdiction

The act expands the juvenile courts that may exercise jurisdiction over an EYA receiving federal foster care payments pursuant to Ohio’s Title IV-E state plan to include the court of the county where the EYA resided when the EYA’s custody, planned permanent living arrangement, or care and placement terminated. Under continuing law, the juvenile court of the county where an EYA resides may still exercise jurisdiction.

Voluntary participation agreements

An EYA who receives Title IV-E payments may enter into a “voluntary participation agreement” (VPA) with JFS or its representative (JFS/Rep) regarding the EYA’s care and placement. As part of the process, JFS/Rep must seek periodic determinations from the court concerning the young adult’s best interests. The act makes two revisions to the statutory terms of the judicial interactions, as follows:

1. It rewords the mandate to require JFS/Rep to petition for and obtain a judicial determination – rather than to “seek approval from the court” as under former law – that the EYA’s best interest is served by continuing his or her care and placement; and
2. It makes explicit that the requirement to seek the judicial determination is tied to maintaining the EYA’s Title IV-E eligibility.

Best interest determination

The act eliminates the remedy that an emancipated young adult (EYA) loses eligibility for continued care and placement with JFS or its representative (JFS/Rep) if a court finds, not later than 180 days after a VPA effective date, it is not in the EYA’s best interest. Under continuing law, the court must still make a best-interest determination not later than those 180 days regarding an EYA’s continued care and placement with JFS/Rep, but there is no remedy if the court determines it is not in the EYA’s best interest.

Reasonable efforts determination

The act revises the timing of the court’s determination whether JFS/Rep has made reasonable efforts to prepare the EYA for independence, as follows:

1. It requires the court to make the determination not later than 12 months after the VPA’s effective date, rather than 12 months after the VPA was signed as under prior law; and
2. It requires determinations “at least once every 12 months” thereafter, rather than merely “annually” as under prior law.

Payment suspension

The act requires the suspension of federal payments for foster care for the EYA if the best interest and reasonable efforts determinations described above are not timely made. Under prior law, only if the reasonable efforts determination regarding preparing the EYA for independence was not timely made, would the federal foster care payments be suspended. Under continuing law, the payments will resume upon a subsequent determination that reasonable efforts have been made to prepare the EYA for independence. Under the act, a subsequent best interest determination will not result in the resumption of payments.

Foster caregiver certification extension

(Section 751.20)

The act requires JFS, if a foster caregiver or prospective foster caregiver began continuing training or preplacement training between 2019 and 2021, to extend the certification deadlines for the foster caregivers and prospective foster caregivers to December

31, 2021. The extension does not apply to foster caregivers or potential foster caregivers whose certification deadline is after December 31, 2021.

Additionally, JFS cannot require such extension-eligible foster caregivers or prospective foster caregivers to repeat training or requirements for certification that the caregiver has previously completed. But JFS may require the foster caregiver or prospective foster caregiver to undergo a new background check and home inspection.

Court order to interview and examine a child

(R.C. 2151.23 and 2151.25)

PCSA request to juvenile court

The act permits a PCSA, if it receives a report of child abuse or neglect or a report that a child may be a dependent child, and is denied reasonable access to the child by a parent, guardian, custodian, or caregiver of the child, or to any other information necessary to determine if the child is, or at risk of becoming, an abused, neglected, or dependent child, to request a juvenile court to issue an order granting the PCSA access to examine and interview the child, or to conduct other activities necessary to determine the risk to the child. The PCSA must make the request by submitting a sworn affidavit explaining the need for the order in the juvenile court of the county in which:

- The child has a residence or legal settlement; or
- The reported abuse or neglect of the child occurred or the reported conditions exist regarding the child's dependency.

Under the act, the juvenile court has exclusive original jurisdiction to hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child.

Affidavit requirements

Under the act, the affidavit must include the following:

- The particular facts of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child;
- The PCSA's efforts to gather additional information to determine whether or not the child may be, or at risk of becoming, an abused, neglected, or dependent child;
- The PCSA's efforts to obtain consent from a parent, guardian, custodian, or caregiver to examine and interview the child, or to conduct other activities necessary to determine the risk to the child;
- The activities the PCSA deems necessary to determine the current risk to the child.

The act prohibits the affidavit from identifying the source of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child.

Court determination and order

The act permits the court, on receipt of a request and a sworn affidavit submitted in accordance with the act's requirements, if it determines that probable cause exists, to, without a hearing, issue an order requiring the parent, guardian, custodian, or caregiver of the child to comply with the PCSA's investigation, including an interview and examination of the child and other activity the court deems necessary to determine the current risk posed to the child.

Under the act, the court may include within the order specific instructions on the manner and location of the interview and examination of the child, as well as detail any other necessary activities.

The act specifies that such an interview and examination order is not a final, appealable order, which means that the order may not be reviewed, affirmed, modified, or reversed, with or without trial.

Reimbursement for federal juvenile court programs

(R.C. 2151.152)

The act adds prevention services costs under the federal Family First Prevention Services Act to the list of costs for which a juvenile judge may enter into an agreement with JFS to receive reimbursement on behalf of a child in certain circumstances. Under continuing law, JFS may seek federal financial participation for costs incurred by any public entity with authority to implement a program that JFS administers. This includes programs operated under Title IV-E, such as the Family First Prevention Services Act. The funds that JFS collects must be distributed to the entity that incurred the costs.

The act also adds to the list of approved circumstances of a child on whose behalf the judge seeks reimbursement a child who: (1) is at the imminent risk of removal from the home and (2) is a sibling of a child in the temporary or permanent custody of the court.

Streamlining County Level-Information Access Task Force

(Section 751.10)

Task Force creation

The act creates the Task Force on Streamlining County Level-Information Access to make recommendations on how CDJFSs, child support enforcement agencies, PCSAs, and county OhioMeansJobs centers can streamline access to information across information technology systems.

Membership

The Task Force must consist of 21 members:

1. Two members of the House, appointed by the Speaker, one from each party;
2. Two members of the Senate, appointed by the President, one from each party;
3. The JFS Director, or the Director's designee;
4. The Medicaid Director, or the Director's designee;

5. The Director of Administrative Services, or the Director's designee;
6. Three representatives of the Ohio Job and Family Services Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively;
7. Three representatives of the Public Children Services Association of Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively;
8. Three representatives of the Ohio Child Support Enforcement Agency Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively;
9. Three representatives of the County Commissioners Association of Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively; and
10. Two representatives from the Ohio Workforce Association, appointed by the Association, with one representative from a rural workforce area and one representative from a metro workshop area.

Meetings

The Task Force must hold its first meeting by October 8, 2021. Members must elect a chairperson at the first meeting. For each meeting, each Director or Director's designee must select an appropriate subject matter expert from their departments, as necessary, to attend the meetings and inform the discussions. A majority of the members constitutes a quorum for the conduct of meetings. The Task Force must comply with the public records and open meetings laws.

Duties

The Task Force must:

1. Identify barriers to efficient operations between information technology systems that affect both department and agency operations and services to clients;
2. For each identified barrier, explore the feasibility of allowing county employees access to more than one information technology system to provide better service to clients, including by analyzing the flexibility provided and prohibitions under federal law, regulation, guidance, and waivers;
3. Prioritize which barriers should be addressed first based on the outcomes and efficiencies to be gained by improved streamlining processes and information sharing; and
4. Submit a report detailing its findings and recommendations to the General Assembly by February 1, 2022.

The Task Force ceases to exist when it submits the report.

Publicly funded child care

Determination of eligibility

(R.C. 5104.34)

The act makes the following three changes to the law governing eligibility determinations for publicly funded child care:

1. Specifies that the eligibility period is to be at least 12 months. Prior law contained several references to a 12-month period;

2. Provides that the child of a caretaker parent who is no longer eligible for publicly funded child care may continue to receive publicly funded child care for at least three but not more than four months, rather than for 13 weeks as under prior law; and

3. Removes an obsolete reference to part-time child care programs participating in the Step Up to Quality Program.

Income eligibility

(Section 307.280)

The act revises the law governing income eligibility for publicly funded child care, but only until June 30, 2023. Until then, the maximum amount of income that a family may have for initial eligibility must not exceed 142% of the federal poverty line (or 150% in the case of a family with a special needs child). It also specifies that the maximum amount of income for continued eligibility must not exceed 300% of the federal poverty line. Under continuing law unchanged by the act, JFS must adopt rules specifying the maximum amount of income a family may have for initial and continued eligibility, with the maximum amount not exceeding 300% of the federal poverty line.⁸⁶

Step Up to Quality

(R.C. 5104.29)

The act repeals the law requiring ODJFS to ensure that specified percentages of early learning and development programs providing publicly funded child care are rated in the Step Up to Quality Program's third highest tier or above, including that all such providers be so rated by June 30, 2025.

Federal coronavirus relief funds

(Section 307.270)

Under the act, ODJFS may use specified federal coronavirus relief funds only for the following purposes – to assist with stabilizing and sustaining the child care program, improve

⁸⁶ R.C. 5104.38.

workforce recruitment and retention, and increase access for families. The funds subject to those limits are the following:

- Any funds remaining from the “Consolidated Appropriations Act, 2021”;
- Any federal Child Care Development Fund supplemental discretionary funds Ohio receives from the “American Rescue Plan Act of 2021.”

Type A family day-care homes

(R.C. 5104.017)

The act eliminates the requirement that JFS, when adopting rules governing the operation of type A family day-care homes, include standards for preparing and distributing a roster of parents, guardians, and custodians. It also removes an obsolete reference to school-age child type A family day-care homes. Type A providers can generally care for 7-12 children at one time and must be licensed by JFS.

Child care resource and referral services

(R.C. 5104.07)

The act eliminates the requirement that the JFS Director adopt rules for funding child care resource and referral service organizations. Rather than address the eliminated topics in rule, the act instead requires them to be made a part of the statewide plan for child care resource and referral services that JFS must develop under continuing law. The topics currently specified in statute include or address the following:

1. A description of the services that a child care resource and referral service organization is required to provide to families who need child care;
2. The qualifications for a child care resource and referral service organization;
3. A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;
4. A timetable for providing child care resource and referral services to all communities in the state;
5. Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;
6. Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;
7. Requirements governing contracts, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.

Head Start program definition

(R.C. 5104.01)

The act revises the “head start program” definition used in the law governing the licensure and regulation of child care providers, including by:

1. Specifying that Head Start is a school-readiness program serving children from low-income families, rather than a comprehensive child development program as under prior law; and

2. Updating citations to the federal statutes.

Elder Abuse Commission reporting

(R.C. 5101.741)

The Elder Abuse Commission is responsible for examining elder abuse and identifying ways to reduce its prevalence. It had been required to submit two reports, one addressing the cost to state and county departments of job and family services of implementing its recommendations, and one with a plan of action that may be used by local communities to reduce elder abuse. The act removes the requirement that the Commission submit a separate report estimating the cost of implementing its recommendations, and instead requires that cost estimates be included in the biennial report detailing a plan of action to reduce elder abuse.

Ohio Commission on Fatherhood

(R.C. 5101.341)

The act extends the timeline for appointing the chairperson of the Ohio Commission on Fatherhood to every other year, occurring in odd-numbered years. Prior law required the chairperson to be appointed every year.

Applications for unemployment benefits

(R.C. 4141.01 and 4141.286)

Determination of benefit rights

The act revises the process for determining whether a claimant is eligible for unemployment benefits. Determining eligibility is a two-phase process. In the first phase, a claimant files an application for determination of benefit rights, which, except as discussed below, generally examines whether the individual worked and earned enough to be eligible for benefits (“monetary eligibility”). This application is used to establish the claimant’s benefit rights and benefit year, which is the 52-week period during which the claimant may file claims for benefits based on satisfying the monetary eligibility requirements. A claimant does not have to satisfy these monetary eligibility requirements again during a benefit year.

Under the act, beginning July 1, 2022, a claimant establishes a benefit year based on the monetary factors alone, and whether the claimant is disqualified from receiving benefits based on the reason for separating from work, as discussed below, will not be a factor in completing

this first part of the process. This may allow a claimant to start the claimant's benefit year sooner than under former law.

Until July 1, 2022, to complete phase one and establish a benefit year, JFS also examines the reason why the claimant is unemployed. If that reason disqualifies the claimant from receiving benefits, the claimant's application is not valid and the claimant does not establish benefit rights or a benefit year until the disqualification is "removed" – that is, the claimant separates from other work for a reason that does not disqualify the claimant for benefits, an exception applies that negates the disqualification, or the disqualification is overturned. Reasons that disqualify a claimant include unemployment due to a labor dispute, quitting work without just cause or being discharged with just cause, or quitting to marry or because of other domestic obligations.⁸⁷

Thus, it appears that until July 1, 2022, if a claimant does not establish a valid application because the claimant was disqualified based on the reason for unemployment, if the claimant subsequently applies in the near future, the claimant has to re-establish monetary eligibility as well as not be unemployed for a disqualifying reason.

However, the act does not eliminate the requirement that, to qualify for benefits, a claimant must not have separated from work for a disqualifying reason. After filing a valid initial application and establishing a benefit year, a claimant enters the second phase of the process. In the second phase, the individual must file a claim for benefits each week the individual seeks benefits during the individual's benefit year. On filing the first claim in the benefit year, JFS examines whether the reason the claimant separated from work qualifies the claimant for benefits. For each claim, JFS examines other factors including whether the claimant is available, able, and searching for work. If a claimant is re-employed but then separates from reemployment and files a claim for benefits before the benefit years ends (referred to as an "additional claim"), JFS again looks at the reason for the separation from employment to determine whether the claimant qualifies.⁸⁸ If the claimant is disqualified in this phase, the claimant's benefit year continues and the claimant does not have to re-establish meeting the monetary eligibility requirements when filing a future claim in that year.

Employment checks

The act adds a requirement that the JFS Director must check all of the following sources, in addition to checking other sources under continuing law, when determining whether an initial application is valid or whether a first claim or additional claim for benefits qualifies a claimant for benefits:

- The Ohio New Hire Reporting Center maintained by JFS;

⁸⁷ R.C. 4141.29 and 4141.291, not in the act.

⁸⁸ R.C. 4141.28, not in the act.

- The National Directory of New Hires maintained by the federal Office of Child Support Enforcement;
- The Integrity Data Hub maintained by the National Association of State Workforce Agencies (NASWA) or a similar database maintained by a successor organization.

The Ohio New Hire Reporting Center and the National Directory of New Hires are part of a reporting system created by the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” and state law implementing that Act.⁸⁹ Under the system, Ohio employers report their new hires and rehires to the state directory within 20 days after an individual is hired or the employer engages or re-engages a contractor.⁹⁰ The Ohio Child Support office matches the reports against open child support cases to locate parents, establish medical, paternity and child support orders, and enforce existing orders. Once the state matches are complete, the new hire information is sent to the National Directory of New Hires and is utilized by child support agencies nationwide.⁹¹

NASWA is a national organization representing workforce agencies from all 50 states, Washington D.C., and several U.S. territories. The NASWA Integrity Data Hub provides information on the prevention, detection, and recovery of improper unemployment benefit payments, fraud, and delinquent employer contribution.⁹²

Under former law, the JFS Director could use all of these sources for information when making eligibility determinations but was not required to do so.⁹³

Unemployment compensation review commission

(R.C. 4141.21 and 4141.22)

Confidentiality

The Unemployment Compensation Review Commission (UCRC) hears appeals from the JFS Director’s determinations involving unemployment benefit claims and other issues under the Unemployment Compensation Law. The act expands a continuing confidentiality requirement by making information maintained by, or furnished to, the UCRC by an employer or employee pursuant to the law confidential and, with one exception relating to a nonrefundable tax credit for eligible employee training costs, inadmissible in cases unrelated to the law. Under existing law, information maintained by, or furnished to, the JFS Director is confidential, with the same exception noted above.

⁸⁹ Pub. L. No. 104-193, 42 U.S.C. 653, and R.C. 3121.89 through 3121.89111, not in the act.

⁹⁰ R.C. 3121.893, not in the act.

⁹¹ Ohio Department of Job and Family Services, *New Hire Reporting: State and Federal Requirements & FAQs*, available [here](#).

⁹² NASWA, *Integrity Home*, available [here](#).

⁹³ R.C. 3121.898, not in the act; see also 42 U.S.C. 653 and Unemployment insurance Program Letter 03-20, available [here](#).

Prohibitions

The act expands a continuing law provision to prohibit a person from disclosing, unless permitted under continuing law, any information maintained by, or furnished to, the UCRC by an employer or employee pursuant to the law. Under continuing law, the prohibition applies to information maintained by, or furnished to, the JFS Director. The act also expands a continuing law provision to prohibit a current or former UCRC employee from divulging, except to specific entities during the course of employment, employer business operation information maintained by, or furnished to, the UCRC. Under continuing law, the prohibition applies to employees of the JFS Director, a county family services agency, or a workforce development agency with respect to information maintained by, or furnished to, the JFS Director or those agencies.

A person who violates these disclosure prohibitions is disqualified under continuing law from holding any appointment or employment with the JFS Director, a county family services agency, or a workforce development agency, and from an appointment or employment with the UCRC, as added by the act.

SharedWork

(R.C. 4141.51, 4141.53, and 4141.55)

“SharedWork Ohio” is a voluntary program in which a participating employer reduces the number of hours worked by the employer’s employees in lieu of layoffs. To participate in the program, an employer must submit a shared work plan to the JFS Director. The plan, among other requirements, must identify affected employees and describe the proposed percentage that their hours will be reduced. If the Director approves the plan, an affected employee works the reduced hours, and the Director provides the employee with a shared work benefit. The benefit is equal to the employee’s regular weekly benefit amount for a period of total unemployment as described in continuing law multiplied by the reduction percentage specified in the shared work plan.

The act increases the maximum percentage a participating employer may reduce an affected employee’s hours. Under former law, the proposed reduction percentage permitted in a shared work plan was required to be between 10% and 50%. Under the act, the reduction must be between 10% and 60%.

The act also reduces the time period for the JFS Director to approve or deny a shared work plan. Under the act, the Director must approve or deny the plan and send written notice of the determination to the employer no later than ten days after receiving the plan. Under former law, the Director had 30 days.

Under the act, if Ohio receives reimbursement for shared work benefits from the federal government under any federal law, the portion of benefits being reimbursed is charged to the mutualized account and not to a participating employer’s experience during the period of reimbursement. Shared work benefits can also be charged to the mutualized account under

continuing law if they are being reimbursed under the federal “Layoff Prevention Act of 2012.” That federal law no longer appears to be reimbursing shared work benefits.⁹⁴

The mutualized account is a separate account within the state Unemployment Compensation Fund. It is primarily used to pay benefits when an employer’s account cannot be charged for those benefits for a variety of reasons. Charging benefits that would otherwise be charged to an employer’s account to the mutualized account may result in the employer paying lower unemployment contributions.⁹⁵

⁹⁴ Section 2162 of the “Layoff Prevention Act of 2012,” Pub. L. No. 112-96.

⁹⁵ See R.C. 4141.25, not in the act.