

Human Services

H.B. 4

Primary Sponsors: Reps. Plummer and Manchester

Effective date: May 30, 2022

Youth and Family Ombudsman Office

- Establishes the Youth and Family Ombudsman Office under the Department of Job and Family Services (JFS) to investigate and resolve concerns and complaints on behalf of children and families involved with entities overseeing foster care or child placement.
- Requires the Office to do all of the following:
 - Receive, investigate, and attempt to resolve complaints related to government services regarding child protective services, foster care, and adoption;
 - Establish procedures for receiving and resolving complaints;
 - Provide an annual report to the Governor, Speaker of the House, Senate President, minority leadership of the House and Senate, the JFS Director, and representatives of the Overcoming Hurdles in Ohio Youth Advisory Board (OHIO YAB).
- Allows a representative of the Office to report any suspected violation of state law to appropriate authorities, to the extent permitted by state or federal law.
- Prohibits employees of the Office from holding any office of trust or profit, engaging in any business interfering with the duties of the Office, serving on any committee of a political party, or having any conflicting interests.
- Requires JFS to be responsible for all administrative undertakings for the Office, including providing offices, equipment, and supplies.
- Defines the parameters for Office access to JFS records and entities that oversee foster care or the placement of children.
- Provides that Office records are not public records subject to inspection or copying.
- Requires OHIO YAB, no later than 60 days after the Office releases its annual report, to provide an evaluation of the report to the Governor and the Office's youth ombudsman.

Biennial memorandum of understanding (MOU) review

- Requires every official who signed an MOU to biennially: (1) review it for necessary updates, (2) update it, as necessary, (3) sign it, and (4) submit it to the board of county commissioners for approval.
- Requires the board of county commissioners, on receipt of the county's MOU, to review and evaluate if the MOU meets the act's requirements and either:

- If the board determines the MOU meets the requirements, adopt a resolution to approve the MOU;
- If the board determines the MOU does not meet those requirements, notify the responsible public children services agency (PCSA) that the MOU does not meet the requirements and must be reviewed in accordance with MOU review and update requirements.
- Requires the biennial MOU review by MOU officials and the biennial adoption of a resolution by the board of county commissioners to approve the MOU to be completed by December 31, 2024, and by December 31 every even-numbered year thereafter.

JFS duties

- Requires JFS to biennially audit each PCSA's MOU to ensure compliance with the act's requirements.
- Requires JFS to determine that a PCSA is compliant regarding the MOU if the MOU meets all requirements under the law.
- Requires the PCSA, if JFS determines that it is not compliant, to develop and submit a plan to JFS, no later than 60 days following the determination, that describes the steps the PCSA and other concerned officials will take to become compliant.
- Requires JFS to create a model MOU to provide guidance to PCSAs and other concerned officials in creating a compliant MOU.
- Requires JFS to maintain on its website a current list of counties with MOUs and whether it has determined a county's MOU to be compliant or not compliant.

MOU requirements

- Requires MOUs to include all of the following after May 30, 2022:
 - A statement that Ohio law requires a PCSA to disclose confidential information discovered during a child abuse or neglect investigation to any federal, state, or local government entity;
 - A description of the following:
 - ❖ The type of information that may be discovered during a child abuse or neglect investigation that a law enforcement agency may share with a PCSA;
 - ❖ How information is to be shared between a PCSA and a law enforcement agency;
 - ❖ Information that may be obtained from an investigation that a law enforcement agency and a PCSA is permitted to, or prohibited from, disclosing to the public.
- Requires a county's reviewed, signed, and updated MOU to take effect and supersede any previous MOU upon JFS' determination of compliance.
- Requires the county MOU that is in effect to be posted to the county's general website.

Report referral and notifications

- Requires a PCSA that receives a report of child abuse, or a report of child neglect that alleges a type of neglect identified in JFS rules adopted under the act, to notify the appropriate law enforcement agency in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency.
- Requires the JFS Director to adopt rules by August 29, 2022, to identify the types of neglect of a child that a PCSA must notify law enforcement about.
- Specifies that the requirement that a peace officer must refer a report, upon receipt, to the PCSA must be done in accordance with the county's MOU requirements on sharing information between a PCSA and law enforcement agency.

Reporters' right to information

- Requires, if a mandatory reporter provides the reporter's name and contact information on making the report, the PCSA that received the report to send both of the following written notices to the reporter, via U.S. mail or email, as the reporter prefers:
 - Not later than seven calendar days after receiving the report, a notice providing the status of the PCSA's investigation into the report made, whom the reporter may contact for further information, and a description of the reporter's rights;
 - Not later than seven calendar days after the PCSA closes the investigation into the case, a notice that the PCSA has closed the investigation.

Foster care, adoption home study assessors

- Adds, as an individual qualified to perform foster care and adoption home studies: (1) a current or former PCSA caseworker, (2) a current or former PCSA caseworker supervisor, and (3) an individual with at least a bachelor's degree in any of the specified human services fields and has at least one year of experience working with families and children.

H.B. 265

Primary Sponsors: Reps. Manning and Patton

Effective date: June 13, 2022

Family preservation centers

- Requires the Department of Job and Family Services (JFS) to certify a children's crisis care facility or residential infant care center (RICC) as a family preservation center (FPC) under requirements imposed by the act and rules adopted under it.
- Defines an FPC as a children's crisis care facility or an RICC that has as its primary purpose the preservation of families.
- Requires a certified FPC to meet accreditation and certification standards and operate family preservation programs.

Residential infant care centers

- Requires JFS to certify an RICC under requirements imposed by the act and rules adopted under it.
- Defines an RICC as a facility that as its primary purpose provides residential services for any infant (child under one year old) affected by substance use and preservation of families through infant diversion practices and programs.
- Provides that an infant is eligible for placement at an RICC if one of the following applies:
 - The infant was born substance exposed and requires additional care.
 - The infant's parent or caretaker requires additional education and support services regarding care for the infant;
 - A public children services agency (PCSA) or private child placing agency (PCPA) requires additional time to determine placement of the infant.
- Imposes requirements regarding infant medical treatment, staffing, infant safe care plan development, the provision of parenting education and family services, and dyad care and rooming-in.
- Permits an RICC that regularly maintains on its premises schedule II controlled substances to (1) maintain firearms at the facility, and (2) permit security personnel to bear firearms while on the facility's grounds.
- Specifies that an RICC need not (1) provide toilets or potty chairs, (2) comply with certain JFS rules, including, for example, those regulating use of physical restraint and isolation and disciplinary procedures, and (3) require RICC-employed nurses to comply with JFS rules on first aid and cardiopulmonary resuscitation.
- Specifies that the RICC compliance exclusions do not apply on and after the date that JFS adopts rules under the act.
- Permits an RICC to provide residential care to an infant placed by one of the following, having legal custody of the infant, for up to 90 consecutive days: (1) a parent, guardian, or legal custodian or (2) a PCSA or PCPA.

Children's crisis care facilities

- Requires a certified children's crisis care facility to meet specified staff, medical service and space, parental education, transfer, and admissions-privacy requirements.
- Permits a facility to count administrative staff, interns, and volunteers toward required staff ratios in accordance with JFS rules for up to three hours and to use contracted transportation providers to transport preteens when necessary.
- Repeals law permitting a children's crisis care facility that regularly maintains schedule II controlled substances on its premises to (1) maintain firearms at the facility, and (2) permit security personnel to bear firearms while on the facility's grounds.

- Permits a preteen to be placed in a children’s crisis care facility for up to 90 consecutive days.

SORN Law restriction

- Prohibits a person who is or has been convicted of or who pleads or pleaded guilty to a sexually oriented offense or child-victim oriented offense from living within 1,000 feet of children’s crisis care facility premises or RICC premises.
- Regarding residential premises located within 1,000 feet of children’s crisis care facility premises or RICC premises:
 - Specifies that a registered sex offender for a sexually oriented or child-victim oriented criminal offense who resides in or occupies, or any tenant who permits a registered sex offender to occupy, the residential premises, is subject to an action for forcible entry and detainer and rental agreement termination;
 - Permits a landlord to bring an action for possession of residential premises if the tenant or occupant is a registered sex offender for a sexually oriented or child-victim oriented criminal offense;
 - Prohibits a residential premises’ tenant from permitting any person to occupy the residential premises, and authorizes the landlord to evict a tenant that violates the prohibition, if the person is a registered sex offender for a sexually oriented or child-victim oriented criminal offense.

JFS

- Prohibits the JFS Director from issuing a compliance waiver for any requirements for children’s crisis care facility or FPC certification.
- Authorizes the Director to suspend or revoke children’s crisis care facility, FPC, or RICC certification if facility or center violates or fails to comply with act’s requirements or the Director’s rules.
- Requires JFS to adopt rules for (1) FPC certification, by September 12, 2022, and (2) RICC certification.
- Permits JFS to apply for a federal grant under (1) the Family First Preservation Services Act to assist certified children’s crisis care facilities and RICCs and (2) the Child Abuse Prevention and Treatment Act to assist RICCs.