
DEPARTMENT OF JOB AND FAMILY SERVICES

Child Support

Child support changes

- Modifies the quadrennial review of the basic child support schedule by the Child Support Guideline Advisory Council, including enacting new economic factors that must be considered, requiring online publication of Council reports and information, and permitting public input.
- Prohibits a court or child support enforcement agency (CSEA) from determining voluntary unemployment or underemployment of, or imputing income to, an incarcerated parent.
- Increases the amount the Ohio Department of Job and Family Services (ODJFS) must claim from the processing charge imposed for Title IV-D child support cases to \$35 (from \$25), if it collects at least \$550 (up from \$500) of child support for an obligee who never received Title IV-A assistance.
- Makes various changes to the provisions of law on health care coverage for a child who is the subject of a child support order.
- Requires ODJFS to adopt rules to align support order establishment and modification requirements with federal law and to establish criteria for CSEAs to initiate contempt of court actions in Title IV-D cases.

Child Care

Background checks

- Revises existing child care background check requirements by requiring the ODJFS Director (rather than other persons) to request criminal records checks before licensure, certification, approval or employment and every five years thereafter for various providers.
- Requires the ODJFS Director to search the uniform statewide automated child welfare information system for reports of abuse or neglect regarding those providers.
- Requires the ODJFS Director to inspect the state and national registries of sex offenders for those providers.
- Repeals the authority of a licensed child care provider to conditionally employ an individual while awaiting the results of a criminal records check.

Provider licensing

- Separates homeless child care from protective child care.
- Authorizes the provision of special needs child care until age 18.
- Specifies that a license may be suspended without prior hearing if ODJFS determines that the owner or licensee does not meet criminal records check requirements.

- Authorizes a child day-care center or family day care home whose license was suspended without prior hearing to request an adjudicatory hearing before ODJFS, rather than appeal the suspension to a county court of common pleas as under current law.
- Eliminates the requirement that, when ODJFS initiates the revocation of a license suspended without prior hearing, the suspension must continue until the revocation process is complete.
- Adds family day-care homes, approved day camps, and employees to the law prohibiting discrimination in the enrollment of children in child care on the basis of race, color, religion, sex, or national origin and prohibits discrimination on the basis of disability.

Publicly funded child care

- Requires that a child day camp **both** meet ODJFS standards and be certified by the American Camp Association to be approved to provide publicly funded child care.
- Increases to two years (from one year) the length of time that a certificate to provide publicly funded child care as an in-home aide remains valid.
- Prohibits the following from certification as an in-home aide: (1) the owner of child day-care center or family day care home whose ODJFS-issued license was revoked within the five years prior to seeking certification and (2) an in-home aide whose certificate was revoked within the five years prior to seeking certification.
- Eliminates the requirement that the ODJFS Director establish hourly reimbursement ceilings for certified in-home aides.
- Removes the requirement that ODJFS contract with a third party to conduct a market rate survey for use in establishing child care provider reimbursement ceilings and payments.
- Eliminates from statute eligibility requirements for child care administrators and staff members and instead requires the ODJFS Director to establish those qualifications in rule.
- Exempts certain providers, including certified in-home aides and approved child day camps, from the requirement that, beginning July 1, 2020, publicly funded child care be provided only by a provider rated through the Step Up to Quality Program.
- Specifies that the percentages of early learning and development programs that must be rated at the third highest tier or above in the Step Up to Quality Program do not apply to specified licensed child care programs, including those operating only during summer breaks or evening and weekend hours.

Child Welfare

Criminal records checks, out-of-home care

- Requires that criminal records checks for entities that employ persons responsible for a child's care in out-of-home care include FBI fingerprint checks.

- Removes such an entity's authority to employ an applicant conditionally while the criminal records check is pending.

Background check expansion for child welfare employment

- Requires a search or report, or request for a search, of prospective specified officers and administrators in the following databases: the Uniform Statewide Automated Child Welfare Information System (SACWIS), the System for Award Management, the Findings for Recovery, and the U.S. Department of Justice National Sex Offender (NSO) website.
- Requires a search of prospective foster and adoptive parents, and all persons 18 years old or older residing with the prospective foster and adoptive parents, to be conducted in the NSO website.
- Requires a search of prospective staff to be conducted in the NSO website and SACWIS.
- Grants the ODJFS Director authority to adopt rules to implement and execute the background check expansion.

Foster and related caregiver trainings

- Eliminates the statutory minimum preplacement training hours for family foster homes and specialized foster homes in favor of rules adopted by ODJFS.
- Permits up to 20% of preplacement training to be provided online.
- Eliminates the statutory minimum continuing training hours for family foster homes and specialized foster homes in favor of rules adopted by ODJFS.
- Removes the statutory hour and training requirements for foster caregivers of a child under a temporary custody agreement in favor of requirements adopted by ODJFS rules.
- Requires planned permanent living arrangement caregivers to complete training as developed and implemented by ODJFS rules adopted under the bill that apply foster caregiver's written needs assessment and continuing training plan.
- Repeals statutory coursework and training requirements in favor of requirements adopted by ODJFS rules.
- Repeals statutory needs assessment and continuing training plan requirements in favor of requirements adopted by ODJFS rules.
- Requires compensation in the form of an allowance for the cost of training pursuant to the rules adopted by ODJFS.
- Prohibits ODJFS from compensating a recommending agency for a foster caregiver's foster home certification training that the private child placing agency or a private noncustodial agency requires, if it is in addition to the minimum continuing training required by ODJFS rules under the bill.

Statewide Kinship Navigator Program

- Modifies the Statewide Program of Kinship Care Navigators that ODJFS is permitted to establish, as follows:

- Changes its name to the Statewide Kinship Care Navigator Program and requires ODJFS to establish it through rules adopted no later than one year after this provision takes effect;
- Requires ODJFS to create 5 to 12 Program regions to help kinship caregivers by providing information and referral services and assistance obtaining support services;
- Expands the list of individuals who may be kinship caregivers to include any nonrelative adult having a familiar and long-standing relationship or bond with the child or family, which will ensure the child's social ties;
- Requires the Program to be funded to the extent of GRF appropriations and requires the ODJFS Director to seek Title IV-E funds for the Program;
- Requires ODJFS to pay the Program's nonfederal share and provides that county departments of job and family services and public children services agencies are not responsible for the Program's cost.

Foster caregiver as mandatory reporter

- Makes foster caregivers mandatory reporters of child abuse or neglect.

Preteen placement in children's crisis care facility

- Eliminates the 72-hour placement limit and 14-consecutive-day waiver in favor of a 14-consecutive-day limit for a public children services agency or private child placing agency to place a preteen in a children's crisis care facility.

Juvenile court hearings

- Applies the law governing juvenile court hearings and reviews to a kinship caregiver with custody or with whom a child has been placed, instead of a nonparent relative with custody.
- Specifies that foster caregivers, kinship caregivers, and prospective adoptive parents have the right to be heard, instead of the right to present evidence, at juvenile court hearings and reviews.

Adoption and foster care assistance

- Makes various changes to the eligibility requirements for Title IV-E adoption assistance for a child who is adopted and then turns 18, including the following:
 - Requires the agreement to be effective/entered into after the child's 16th birthday;
 - Designates a child who meets the changed eligibility requirements as "adopted young adult" (AYA);
 - Prohibits AYAs from being eligible for Title IV-E foster care payments.
- Makes various changes to the eligibility requirements for Title IV-E foster care assistance regarding a child who reaches 18 while in custody or care, including the following:

- Permits the child to be in either a planned permanent living arrangement (PPLA) or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency providing Title IV-E reimbursable placement services;
- Provides that the PPLA or care and placement by the juvenile court terminate on or after the child's 18th birthday;
- Designates a child who meets the changed eligibility requirements and "emancipated young adult" (EYA).
- Provides that a person eligible for a dispositional order for temporary or permanent custody until age 21 is not eligible for foster care assistance as an EYA or adoption assistance as an AYA.
- Makes changes to the terminating events and juvenile court oversight of the voluntary participation agreement an EYA must sign to be eligible for Title IV-E foster care assistance.
- Establishes juvenile court jurisdiction and procedures determining an EYA's best interests regarding his or her care and placement and whether reasonable efforts are being made regarding preparation for independence.
- Applies scope of practice and training requirements under adoption and foster care assistance established by ODJFS rules under the Ohio Child Welfare Training Program to case managers and supervisors (instead of foster care workers and their supervisors as under current law).

County maintenance of effort

- Requires each county to contribute local funds, in an amount to be determined under rules adopted by the ODJFS Director, to the county's Children Services Fund.

Workforce Development

Comprehensive Case Management and Employment Program

- Prohibits an assistance group from participating in the Comprehensive Case Management and Employment Program until fraudulent assistance is repaid.

Unemployment Compensation

SharedWork Ohio covered employment

- Limits the "normal weekly hours of work" considered for purposes of the SharedWork Ohio program to those hours of work in employment covered under Ohio's Unemployment Compensation Law.

Unemployment compensation debt collection

- Exempts unemployment compensation debts resulting from benefit overpayments collected by the Attorney General from a requirement that collected overpayments first be proportionately credited to improperly charged employers' accounts and then to the mutualized account within the Unemployment Compensation Fund.

Child Support

Child support changes

(R.C. 3119.023, 3119.05, 3119.27, 3119.29, 3119.30, and 3125.25 with conforming changes in R.C. 3119.23, 3119.302, 3119.31, and 3119.32; Section 815.20)

Child Support Guideline Advisory Council

The bill makes changes to the existing quadrennial review of the basic child support schedule. Under continuing law, the Ohio Department of Job and Family Services (ODJFS), with the assistance of a Child Support Guideline Advisory Council (Council) that ODJFS establishes, must conduct a review every four years of the basic child support schedule and issue a report on any recommendations for statutory changes to the General Assembly.

The bill repeals certain factors that ODJFS and the Council may consider, and enacts new factors that each review must include.

New review factors

Under the bill, each review must include all of the following:

- Consideration of:
 - Economic data on the cost of raising children;
 - Labor market data, such as unemployment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;
 - The impact of guidelines, policies, and amounts on custodial and noncustodial parents who have family incomes below 200% of the federal poverty level;
 - Factors that influence employment rates among noncustodial parents and compliance with child support orders.
- Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on current law criteria:
 - Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;
 - Rates of default, child support orders with imputed income, and orders determined using low-income adjustments, such as a self-sufficiency reserve or another method as determined by the state;
 - A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment.
- Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.

Eliminated review factors

The following are the optional factors that the bill repeals:

- The adequacy and appropriateness of the current schedule;
- Whether there are substantial and permanent changes in household consumption and savings patterns, particularly those resulting in substantial and permanent changes in the percent of total household expenditures on children;
- Whether there have been substantial and permanent changes to the federal and state income tax code other than inflationary adjustments to such things as the exemption amount and income tax brackets;
- Other factors when conducting review.

Reports and information

Additionally, ODJFS must publish on the Internet and make accessible to the public, all of the following:

- All reports of the Council;
- The membership of the Council;
- The effective date of new or modified guidelines adopted after the review;
- The date of the next review.

Income of incarcerated parent

The bill requires that when a court or agency calculates the income of a parent, it must not determine a parent to be voluntarily unemployed or underemployed and must therefore not impute income to that parent, if the parent is incarcerated. The bill defines a parent as “incarcerated” if that parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by an authorized government entity.

The bill, in adopting the above requirement, repeals the current law requirement for calculating income of an incarcerated parent. The current law provides, unless it would be unjust or inappropriate and therefore not in the best interests of the child, an incarcerated parent with no other available assets could not be considered voluntarily unemployed or underemployed or have imputed income. But, this current law exception is not available if the incarceration is for an offense: (1) related to the abuse or neglect of the child who is the subject of the order, or (2) under Ohio’s Criminal Code against the obligee or the child that is the subject of the order.

Processing charge for child support orders

The bill increases the amount that ODJFS must claim annually from the processing charge imposed for Title IV-D child support cases to \$35 for federal reporting purposes, if it collects at least \$550 of child support for an obligee who never received Title IV-A assistance. Under current law, the amounts are \$25 and \$500, respectively.

Under continuing law, a court or a child support enforcement agency (CSEA) that issues or modifies an order must impose on the obligor a processing charge that is 2% of the support payment to be collected under the order.

Health care changes

Definition changes

“Family coverage”

The bill makes definitional changes with regard to the provisions of law on health care coverage for a child who is the subject of an order. First, it repeals the definition of “family coverage.”

“Health care coverage”

Second, it replaces the term, “health care,” with “health care coverage.” Under current law “health care” is defined as medical support that includes coverage under a health insurance plan, payment of costs of premiums, copayments, and deductibles, or payment for medical expenses incurred on behalf of a child. The bill changes the term to “health care coverage,” changes “coverage under a health insurance plan” to “health insurance coverage” (which is currently a defined term in the law), and adds that a public health care plan may also be considered medical support coverage under the newly altered definition. Under continuing law, “health insurance coverage” means accessible private health insurance that provides primary care services within 30 miles of the child’s residence.

“Reasonable cost”

Third, it removes the following elements from being a part of the definition of “reasonable cost”:

- That for purposes of reasonable cost, the cost of health insurance is an amount equal to the difference in cost between self-only and family coverage;
- Requires U.S. Department of Health and Human Services (HHS) term for “reasonable cost” to prevail if HHS issues a regulation redefining that term or clarifies the elements of cost, and if those changes are substantively different from the definitions and terms under the definition section that applies to the health care.

The bill makes changes to various other sections of the Child Support Enforcement Law addressing health care by replacing existing terms of “private health insurance,” “private health care insurance,” “health care,” and “health insurance” with the new terms “health care coverage” and “health insurance coverage.”

Health care coverage by both parents

The bill also states that both parents may be ordered to provide health care coverage and pay cash medical support if the obligee is a nonparent individual or agency that has no duty to provide medical support.

Rule-making authority

The bill requires ODJFS to adopt rules requiring the investigation and documentation of the factual basis for establishment and modification of support obligations in accordance with Title IV-D law. ODJFS must also adopt rules establishing criteria for CSEAs to initiate contempt of court proceedings in any Title IV-D child support case.

Child care

Regulation of child care: background

(R.C. 3301.51 to 3301.59; R.C. Chapter 5104)

ODJFS and county departments of child and family services (CDJFSs) are responsible for the regulation of child care providers, other than preschool programs and school child programs, which are regulated by the Ohio Department of Education (ODE). Child care can be provided in a facility, the home of the provider, or the child's home. Not all child care providers are subject to regulation, but a provider must be licensed or certified to be eligible to provide publicly funded child care. The distinctions among the types of providers are described in the table below.

| Child Care Providers | | |
|------------------------------|--|---|
| Type | Description/Number of children served | Regulatory system |
| Child day-care center | Any place that is not the permanent residence of the provider in which child care is provided for 7 or more children at one time. | A child day-care center must be licensed by ODJFS, regardless of whether it provides publicly funded child care. |
| Family day-care home | <p>Type A home – a permanent residence of an administrator in which child care is provided as follows:</p> <p>--For 7-12 children at one time; or</p> <p>--For 4-12 children at one time if 4 or more are under age 2.</p> <p>Type B home – a permanent residence of the provider in which child care is provided as follows:</p> <p>--For 1-6 children at one time; and</p> <p>--No more than 3 children at one time under age 2.</p> | <p>A type A home must be licensed by ODJFS, regardless of whether it provides publicly funded child care.</p> <p>To be eligible to provide publicly funded child care, a type B home must be licensed by ODJFS.</p> |
| In-home aide | A person who provides child care in a child's home but does not reside with the child. | To be eligible to provide publicly funded child care, an in-home aide must be certified by a CDJFS. |

Background checks

Criminal records checks

(R.C. 5104.013, primary; R.C. 2950.08, 5104.01, 5104.211, and 5104.99; R.C. 2151.861, repealed; Section 815.10)

Under current law, the ODJFS Director must request the Superintendent of BCII to conduct a criminal records check for each of the following individuals: an owner, licensee, and administrator of a child day-care center, type A family day-care home, and licensed type B family day-care home and any person 18 or older residing in a type A or licensed type B home. In the case of an applicant for employment with a center or home, the center's or home's administrator must request BCII to conduct the check. With respect to an in-home aide, a CDJFS must request BCII to conduct the check. And in the case of a child day camp, the appointing or hiring entity of the camp must request the check.

The bill makes numerous changes to existing criminal records checks to conform Ohio law to federal requirements (see "**Federal law background**," below). The following table compares who is required to request criminal records checks under current law and the bill.

| Person subject to criminal records check | Current law | The bill |
|--|--|---------------------------|
| Owner or licensee of a child day-care center, type A home, or licensed type B home, or an adult residing in a type A or licensed type B home | ODJFS Director | Same |
| In-home aide | CDJFS director | ODJFS Director |
| Applicant or employee of a child day-care center, type A home, or licensed type B home | Administrator | ODJFS Director |
| Director, applicant, or employee of a licensed preschool or licensed school child program that provides publicly funded child care | N/A ⁴⁷ | ODJFS Director |
| Owner, applicant, or employee of an approved child day camp (one that provides publicly funded child care) | Appointing or hiring officer of the camp | ODJFS Director |
| Applicant or employee (including an administrator) of a child day camp | Appointing or hiring officer of the camp | Administrator of the camp |

The ODJFS Director is required to request the criminal records checks at the time of initial application for licensure, certification, approval, or employment and every five years

⁴⁷ These persons are not currently subject to background checks under the Child Care Law, but are subject to a different background check under R.C. 3319.39.

thereafter. As a part of a check, BCII must obtain information from the FBI for the person, including fingerprint-based checks of certain national crime information databases.

Technically, the bill restructures the background check section for child care and, since child day camps are now subject to background checks as child care providers rather than as persons responsible for a child's care in out-of-home care, relocates to the Child Care Law a section regarding the ODJFS Director's authority to conduct a random sampling of day camps to determine compliance with criminal records check requirements.

Checks of child welfare and sex offender registries

With respect to licensed type B family day-care homes, current law requires that the ODJFS Director search, as part of the licensure process, the uniform statewide automated child welfare information system (SACWIS) for reports of abuse or neglect pertaining to the applicant, any other adult residing in the home, and any adult designated by the applicant as an emergency or substitute caregiver. Additionally, when a PCSA has determined that child abuse or neglect occurred and that abuse or neglect involves a person who has applied for licensure as a type A family day-care home or type B family day-care home, the agency must give ODJFS any information it determines to be relevant for the purpose of evaluating the fitness of the person. If the JFS Director determines that the information received from SACWIS or a PCSA, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may endanger the health, safety, or welfare of children, the ODJFS Director must deny the application for licensure. The bill repeals those provisions and instead requires the ODJFS Director to search SACWIS for reports of abuse or neglect pertaining to all of the following individuals before licensure, certification, approval, or employment and every five years thereafter: child day-care center owners or licensees, family day-care home owners or licensees, approved child day camp owners, directors of licensed preschool programs and school child programs providing publicly funded child care, in-home aides, and applicants for employment with and employees of those entities.

The bill also requires the ODJFS Director to inspect the state registry of sex offenders (SORN) and the national sex offender registry for the same individuals described above before licensure, certification, approval, or employment and every five years thereafter. It does not, however, require that SACWIS and SORN be searched with respect to employees of day camps that do not provide publicly funded child care.

Out-of-state searches

Under the bill, whenever the ODJFS Director, as part of a criminal records check, SACWIS search, or SORN inspection, determines that a person has resided in another state during the previous five years, the ODJFS Director must request the following about the person from the other state: a criminal records check and information from its SACWIS and sex offender registry. The bill also requires the ODJFS Director to provide that information when requested by another state for the purposes of child care regulation and the provision of publicly funded child care.

Eligibility determinations and notice

If the results of a records check, SACWIS search, and SORN inspection demonstrate that a person has been convicted of or pleaded guilty to a specified criminal offense; endangers the

health, safety, or welfare of a child; or is registered or required to be registered as a sex offender, then the bill requires the ODJFS Director to determine the person ineligible for licensure, certification, approval, or employment. In the case of a child day camp other than an approved camp, the camp's administrator must determine a person ineligible for employment if the person has been convicted of or pleaded guilty to a specified criminal offense. Any person who refuses to submit to a criminal records check also must be determined ineligible.

In the case of an applicant or employee, the bill requires the ODJFS Director to notify the employer as soon as practicable of that determination. With the exception of child day camps other than approved child day camps, licensees and administrators will no longer review the results of criminal records checks.

Conditional employment

The bill eliminates the law authorizing a licensed child care provider to conditionally employ an individual while awaiting the results of a criminal records check. A child day camp that does not provide publicly funded child care, however, remains authorized to conditionally employ applicants until the check is completed.

Attestations

Current law requires owners, licensees, and administrators of child day-care centers, type A homes, and licensed type B homes; an adult residing in a type A home or licensed type B home; or an individual seeking certification as an in-home aide or employment with a child care licensee to sign a statement that the person has not been convicted of or pleaded guilty to a disqualifying offense and that no child has been removed from the person's home pursuant to a child welfare adjudication. Type A home and type B home licensees also had to attest that no child in the home has been adjudicated a delinquent child for committing one of those offenses. The bill repeals these requirements.

Federal law background

Enacted under the federal Omnibus Budget Reconciliation Act of 1990, the Child Care and Development Block Grant Act (CCDBG Act) authorized the Child Care and Development Fund (CCDF), which serves as a significant source of Ohio's child care funding.⁴⁸ The CCDBG Act of 2014 reauthorized the CCDF for the first time since 1996, and made several changes to the law governing the fund, including changes regarding background checks. Ohio must comply with these federal requirements to continue to receive federal funds.

Background checks must now include Federal Bureau of Investigation (FBI) fingerprint checks and searches of state criminal registries, state and national sex offender registries, and state-based child abuse and neglect registries or databases. Checks must be performed on most staff members, including those who do not directly care for children.

⁴⁸ 42 U.S.C. § 9857 *et seq.*

Provider licensing

Child care definitions

(R.C. 3301.52, 3301.53, 5104.01, 5104.34, 5104.38, and 5104.41)

The bill modifies existing definitions and creates new definitions related to child care. It removes from the law governing the regulation of child care definitions that are no longer used (school-age child care center, school-age type A home, and state median income).

New definitions

“Authorized representative” is an individual authorized by the owner of a child day-care center, type A family day-care home, or approved child day camp to do all of the following on the owner’s behalf: communicate, submit applications for licensure or approval, and enter into provider agreements for publicly funded child care.

“Homeless child care” is defined as child care provided to a child who is homeless under federal law, resides temporarily in a facility providing emergency shelter for homeless families, or is determined by a CDJFS to be homeless. Current law includes child care provided to families determined to be homeless within the category referred to as protective child care. The bill separates homeless child care from protective child care.

“Special needs child care” is child care provided to a child who is less than 18 years of age and either has a chronic health condition or does not meet age appropriate expectations in certain areas of development and that may include on a regular basis services and adaptations needed to assist in the child’s development (see **“Eligibility period,”** below).

Modified definitions

Under current law, an **“administrator”** is the person responsible for the daily operation of a child day-care center, type A home, or type B home. The bill removes the reference to a type B home and instead refers to an approved child day camp. The bill clarifies that a **“child day camp”** operates for no more than 12 hours a day and no more than 15 weeks during the summer. Under current law, a child day camp operates for no more than seven hours a day during regular school vacation periods or for no more than 15 weeks in the summer and provides for outdoor activities.

The bill removes from the definition of **“child day-care center”** a requirement that children under age six who are related a licensee, administrator, or employee and who are on the premises of the center be counted.

The bill includes staff members, employees, and employers of licensed type B homes and approved child day camps in the definitions of **“child-care staff member,” “employee,”** and **“employer.”** It also clarifies that an owner or authorized representative may be a child-care staff member when not involved in other duties. The bill adds a reference to licensed type B homes to the definition of **“license capacity.”**

The bill removes from the definition of **“protective child care”** references to a child or child’s caretaker parent residing in a homeless shelter or being determined homeless.

The bill adds children ages 15 to 18 receiving special needs child care to the definition of a **“school-age child.”**

Child care and exempt providers

(R.C. 5104.01 and 5104.02)

The bill clarifies that “child care” refers to care by a provider required to be licensed or approved by ODJFS or under contract to provide publicly funded child care. It makes conforming changes to references to exempt providers by referring to “care” rather than “child care.”

The bill also makes numerous changes to existing descriptions and requirements for programs that provide care for children but are exempt from child care licensure, including the following:

- Exempts a program that operates for two consecutive weeks or less and not more than six weeks total each year rather than two or less consecutive weeks;
- Exempts supervised training, instruction, or activities of children in specified areas (such as the arts or sports) that a child does not attend for more than eight hours per week rather than that a child attends no more than one day a week for no more than six hours;
- Clarifies that a program in which a parent is on the premises is exempt only if the parent is not an employee engaged in employment duties while care is provided;
- Removes requirements that programs that provide care and are regulated by a department other than ODJFS or ODE submit to the ODJFS Director a copy of the rules governing the program and an annual report;
- Removes an exemption for child care programs conducted by boards of education or chartered nonpublic schools for school-age children;
- Removes certain restrictions for programs operated by youth development programs outside of school hours, including that the program be operated by a community-based center and be eligible for participation in the Child and Adult Care Food Program (a federally funded program administered by ODE).

Child care licenses and inspections

(R.C. 5104.015, 5104.03, and 5104.04)

Under current law, the initial license issued to a child day-care center or family day-care home is designated as provisional. Following an investigation and inspection, if the JFS Director determines that a provisional license holder meets statutory requirements, the Director will issue to the center or home a new license. The bill refers to this new license as a continuous license. It also specifies that a provisional license is valid for at least 12 months and until the continuous license is issued or the provisional license is revoked or suspended. It removes the requirement that the ODJFS Director adopt rules requiring the ODJFS toll free telephone number to be included on each provisional license issued to a child day-care center.

Existing law requires a child day-care center or type A or licensed type B family day-care home that holds a license to notify the ODJFS Director when the center’s or home’s administrator changes. Under the bill, the center or home also must notify the ODJFS Director

of any changes to the center's or home's address or license capacity. The bill further requires all of these notifications to be made in writing.

Under current law, when the ODJFS Director revokes a child care license, the Director is prohibited from issuing another license to the center's or home's owner until five years have elapsed from the date of revocation. The bill removes from law provisions specifying that if, during the application process, the Director determines that the owner's license had been earlier revoked, then the Director's investigation must cease and that action is not subject to appeal under the Administrative Procedure Act.

Existing law provides that, in general, when the ODJFS Director takes action with respect to a child care license, the Director must do so in accordance with the Administrative Procedure Act. Certain actions, however, are exempt from the Administrative Procedure Act. The bill adds to this list of exemptions, by specifying that the Director's closing of a child care license when the licensee is no longer operating is not subject to the Administrative Procedure Act.

The bill eliminates the law requiring ODJFS to inspect a part-time center or part-time type A home at least once during every 12-month period of operation. It also removes the requirement that a licensee display its most recent inspection report in a conspicuous place.

Summary suspensions

(R.C. 5104.042)

The bill makes several changes to the law authorizing the ODJFS Director to suspend without prior hearing a child care license under certain conditions (referred to as a summary suspension). These changes include the following:

- Specifying that a license issued to a child day-care center or family day care home may be suspended without prior hearing if ODJFS determines that the owner or licensee does not meet criminal records check requirements, rather than if the owner, licensee, or administrator is charged with fraud as under current law;
- Requiring ODJFS to issue a written order of summary suspension by certified mail or in person;
- Permitting a child day-care center or family day care home whose license was suspended without prior hearing to request an adjudicatory hearing before ODJFS, rather than appeal the suspension to a county court of common pleas as under current law;
- Eliminating the requirement that, when ODJFS initiates the revocation of a license suspended without prior hearing, the suspension must continue until the revocation process is complete;
- Clarifying that ODJFS's authority to suspend a license without prior hearing does not limit its authority to revoke a license generally.

Minimum qualifications for administrators and staff

(R.C. 5104.015 and 5104.016; R.C. 5104.35 and 5104.36, repealed)

Current statutory law establishes eligibility requirements for child care administrators and staff members, including age, experience, and educational requirements. The bill eliminates these requirements from statute and instead requires the ODJFS Director to establish in rule the minimum qualifications for these individuals.

Discrimination prohibition

(R.C. 5104.09)

The bill adds family day-care homes, approved child day camps, and employees to current law that prohibits child care licensees, administrators, and staff members from discriminating in the enrollment of children in a child day-care center on the basis of race, color, religion, sex, or national origin. It also prohibits all of these individuals and entities from discriminating on the basis of disability.

Publicly funded child care

(R.C. 5104.04, 5104.29, 5104.30, 5104.31, 5104.32, and 5104.34 with conforming changes in 3119.05 and 3119.23)

By providing publicly funded child care, ODJFS assists parents who are working or in school in paying for child care. ODJFS also administers the Step Up to Quality Program, a five-star quality rating and improvement system for early learning and development programs.

Approval of child day camps

(R.C. 5104.22)

Under current law, in order to provide publicly funded child care, a child day camp must be approved by the ODJFS Director. To be eligible for approval, a child day camp must either be approved by ODJFS or accredited by the American Camp Association (ACA) or a nationally accredited organization that uses standards substantially similar to the ACA. A camp can be approved for up to two years. Under the bill, before an approval will be granted, (1) ODJFS must inspect the day camp and determine if it meets standards for day camps established in ODJFS rules and (2) the camp must be accredited by the ACA or a nationally recognized organization with comparable standards. The approval period is shortened to a one-year period.

In-home aides

(R.C. 5104.12 and 5104.30)

As described above, in-home aides provide publicly funded child care in a child's own home. Under existing law, an in-home aide must be certified by a CDJFS, and the certificate is valid for 12 months. The bill increases that period to two years.

The bill prohibits the following from certification as an in-home aide: (1) the owner of child day-care center or family day care home whose ODJFS-issued license was revoked within the previous five years and (2) an in-home aide whose certificate was revoked within the previous five years. The bill also eliminates the requirement that the JFS Director establish in rule hourly reimbursement ceilings for certified in-home aides.

Step Up to Quality

Under current law, beginning July 1, 2020, publicly funded child care may be provided only by a child care provider that is rated through Step Up to Quality. Existing law also requires ODJFS to ensure that the following percentages of early learning and development programs that are not type B family day-care homes and that provide publicly funded child care are rated in the third highest tier or above in the Step Up to Quality Program:

- By June 30, 2019, 40%;
- By June 30, 2021, 60%;
- By June 30, 2023, 80%;
- By June 30, 2025, 100%.

The bill makes several changes to the foregoing provisions. First, it exempts certain providers from the requirement to be rated through Step Up to Quality by July 1, 2020. These include the following: programs operating only during the summer and for not more than 15 consecutive weeks, only during school breaks, or only on weekday evenings, weekends, or both; programs holding provisional licenses; programs whose Step Up to Quality ratings were removed by ODJFS within the previous 12 months; and programs that are the subjects of revocation actions but whose licenses have not yet been revoked by ODJFS. Second, the bill also provides that these programs are exempt from the percentages of early learning and development programs that must be rated in the third-highest tier or above for Step Up to Quality.

Certificates to purchase publicly funded child care

The bill eliminates the law requiring CDJFSs to offer individuals eligible for publicly funded child care the option of obtaining certificates that may be used to purchase child care services from eligible child care providers.

Automated child care payment and tracking system

Current law requires ODJFS to establish the Ohio electronic child care system to track attendance and calculate payments for publicly funded child care. The bill renames the system the automated child care system. It also removes a reference to an electronic child care card and instead refers to a personal identification number or password. The bill prohibits a child care provider from knowingly seeking or accepting payment for child care provided to a child who resides in the provider's own home.

Eligibility period

At present, publicly funded child care may be provided only to children under age 13. The bill permits a child to receive special needs child care until age 18. Additionally, if a child turns 13 or a child receiving special needs child care turns 18 during the child's 12-month eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that 12-month period.

Market rate surveys

The bill removes from statute a requirement that ODJFS contract with a third party every October 1 of even-numbered years to conduct a child care market rate survey for use in establishing child care provider reimbursement ceilings and payments.⁴⁹ The third party is required to compile the information and report it to ODJFS by December 1 of each even-numbered year. Although this requirement is repealed, ODJFS remains required under federal law to develop and conduct either a statistically valid and reliable survey of market rates for child care services or an alternative methodology (such as a cost estimation model).⁵⁰

Child Welfare

Criminal records checks, out-of-home care

(R.C. 2151.86 with conforming changes in R.C. 3107.14 and 5103.0328)

With respect to existing criminal records checks that apply to an entity that employs a person responsible for a child's care in out-of-home care (such as foster caregivers, child care providers, residential facilities, overnight and day camps, and schools), when the entity's appointing or hiring officer requests BCI to conduct a criminal records check, the request **must** (rather than **may**) include an FBI fingerprint check. The bill requires that the request be made at the time of initial application for appointment or employment and every four years thereafter. It also removes an entity's authority to conditionally employ a person while awaiting the results of a criminal records check.

The bill also provides that, in addition to prospective adoptive parents and foster caregivers and adults who reside in the same household, current adoptive parents and foster caregivers and adults who reside in the same household are persons subject to a criminal records check under this provision. It does not, however, specify who is to request criminal records checks for these persons.

Background check for child welfare employment

(R.C. 3107.035, 5103.037, 5103.0310, 5103.02, and 5103.181)

Officers and administrators

The bill requires an institution or association, prior to employing or appointing a person as board president, or as an administrator or officer, to do the following regarding the person:

- Request a summary report of a search of the Uniform Statewide Automated Child Welfare Information System (SACWIS);
- Request a certified search of the Findings for Recovery database;
- Conduct a database review at the federal website known as the System for Award Management;

⁴⁹ The information is also used in establishing the child support guidelines.

⁵⁰ 45 C.F.R. 98.45.

- Conduct a search of the U.S. Department of Justice National Sex Offender (NSO) public website.

The bill permits an institution or association to refuse to hire or appoint the person based solely on the results of the findings of the SACWIS summary report or the results of the NSO website search. Additionally, an institution or association may refuse to hire or appoint the person based on the results of the certified search of Findings for Recovery or database review of the System for Award Management.

Prospective foster and adoptive parents

The bill requires, prior to certification or recertification of a foster home, a recommending agency to conduct a search of the NSO website regarding the prospective or current foster caregiver and all persons 18 years of age or older who reside with the caregiver. Certification or recertification may be denied based solely on the results of the search.

Under the bill, the agency or attorney that arranges an adoption for a prospective adoptive parent must conduct a search of the NSO website regarding the prospective adoptive parent, and all persons 18 years old or older who reside with the prospective adoptive parent, as follows: (1) at the time of the initial home study, and (2) every two years after the initial home study, if the home study is updated, and until it becomes part of the final decree of adoption or an interlocutory order of adoption.

The bill permits a petition for adoption to be denied based solely on the results of the search of the NSO website.

Prospective staff of institutions or associations

Under the bill, prior to employing a person, an institution or association must do the following regarding the person:

- Request a summary report of a search of SACWIS;
- Conduct a search of the NSO website.

The bill permits an institution or association to refuse to hire or appoint the person based solely on the results of the findings of the SACWIS summary report or the results of the NSO website search.

For the purpose of this requirement, the bill limits an “institution” or “association” to any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks.

ODJFS rules

The bill requires the ODJFS Director to adopt rules, in accordance with the Administrative Procedure Act, necessary for the implementation and execution of the background check expansion requirements for child welfare employment described above.

Foster and related caregiver training changes

The bill makes several changes to the foster and planned permanent living arrangement (PPLA) caregiver training requirements. The bill generally removes the training requirements from statute and requires ODJFS to adopt rules to establish those requirements. The bill also

makes other changes regarding the training reimbursement to a private child placing agency (PCPA) or a private noncustodial agency (PNA).

Under current law, a “foster home” is a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. A “family foster home” is simply a foster home that is not a specialized foster home (a specialized foster home is either a treatment foster home or a medically fragile foster home). “Treatment foster home” means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, developmentally disabled, or otherwise have exceptional needs. “Medically fragile foster home,” is a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs.⁵¹ A “planned permanent living arrangement” is an order of a juvenile court pursuant to which both of the following apply:

- The court gives legal custody of a child to a public children services agency (PCSA) or a PCPA without the termination of parental rights;
- The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.⁵²

Preplacement training

(R.C. 5103.031 and 5103.0316(D))

The bill eliminates the statutory hourly requirement for preplacement training that prospective foster caregivers must complete in order to receive a certificate for either a family foster home or a specialized foster home. Instead, the bill requires ODJFS to establish the amount of training hours by rule. The bill also adds that 20% of the required preplacement training may be provided online. Under current law, the requirement for both a family foster home and a specialized foster home is 36 hours.

Preplacement training, under current ODJFS rules, consists of specified courses that focus on the foster caregiver’s role as part of the care and treatment of a foster child. Specialized foster home preplacement training includes additional training specific to the types of children to be placed in the home.⁵³

Continuing training

(R.C. 5103.032 and 5103.0316(D))

The bill eliminates the statutory hourly requirements for continuing training that foster caregivers must complete in the preceding two-year period in order to renew a certificate for

⁵¹ R.C. 5103.02.

⁵² R.C. 2151.011(A)(38), not in the bill.

⁵³ O.A.C. 5101:2-5-33(C)(2) and (3), not in the bill.

both a family foster home and a specialized foster home. Instead, the bill requires ODJFS to establish the amount of training hours by rule. Under current law, for a family foster home, the requirement is 40 hours. For a specialized foster home, the requirement is 60 hours. Additionally, the bill eliminates all of the following:

1. Ability to fulfill 20% of the continuing training requirement by teaching one or more training classes;
2. Ability of a PCSA, PCPA, or PNA to waive up to 8 hours of continuing training if certain requirements are met;
3. Good cause policies for a caregiver's failure to complete continuing training.

Continuing training required under ODJFS rules for family foster home or specialized foster home certification generally must be in accordance with the foster caregiver's written needs assessment and continuing training plan.⁵⁴

Foster training regarding temporary custody agreement children

(R.C. 5103.033 and 5103.0316)

The bill eliminates the statutory hourly requirement for preplacement training that certain prospective foster caregivers (those who care for children in the temporary custody of a PCSA or PCPA under an agreement entered into when the child was under six months old) must complete in order to receive a certificate. Instead, the bill requires ODJFS to establish the amount of training hours by rule. Additionally, the bill requires continuing training to be in accordance with the foster caregiver's needs assessment and continuing training plan which is developed and implemented by ODJFS rules adopted under the bill.

PPLA caregiver training

(R.C. 2151.353, 5103.035, and 5103.0316)

The bill requires PPLA caregivers to complete training as developed and implemented by ODJFS rules adopted under the bill that apply to the foster caregiver's written needs assessment and continuing training plan.

Preplacement and continuing training and course content

(R.C. 5103.038, 5103.039, 5103.0311, and 5103.0316(E))

The bill repeals the statutory coursework requirements for preplacement and continuing training in favor of requirements adopted by ODJFS rules.

Needs assessment and continuing training plans

(R.C. 5103.035 and 5103.0316(F))

The bill repeals the needs assessment and continuing training plan requirements for foster and PPLA caregivers. In its place, the bill requires a PCSA, PCPA, or PNA to develop and implement a written needs assessment and continuing training plan for each caregiver in accordance with the rules adopted by ODJFS.

⁵⁴O.A.C. 5101:2-5-33(C)(2) and (3), not in the bill.

Cost reimbursement for training foster caregivers

(R.C. 5103.0313, 5103.0314, and 5103.0316(B))

The bill provides that compensation paid to a PCPA or a PNA must be paid in the form of an allowance to reimburse the cost of preplacement and continuing training pursuant to ODJFS rules adopted under the bill. The bill, however, prohibits ODJFS from compensating a recommending agency for a foster caregiver's foster home certification training that the PCPA or PNA requires if it is in addition to the minimum continuing training required under the rules adopted by ODJFS under the bill.

Mandatory Kinship Navigator Program

(R.C. 5101.851 and 5101.85)

The bill requires ODJFS to establish a Statewide Kinship Care Navigator Program. Currently, ODJFS may establish a Statewide Program of Kinship Care Navigators but is not required to do so. Under continuing law, the purpose is to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county.

A "kinship caregiver" is defined under continuing law as any of the following adults caring for a child in place of the parents: grandparents (up to "great-great-great"), siblings, aunts, uncles, nephews, and nieces (up to "great-grand"), first cousins and first cousins once removed, stepparents and stepsiblings, spouses and former spouses of the above individuals, or a legal guardian or legal custodian of the child. The bill expands the definition to include any nonrelative adult having 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.

Regions

(R.C. 5101.853)

The bill requires the ODJFS Director to divide the state into regions for the Program. There may be as few as five, but not more than 12, regions. In establishing the regions, the Director must take the following into consideration:

- The population size;
- The estimated number of kinship caregivers;
- The expertise of kinship navigators;
- Any other factor the Director considers relevant.

Services provided

(R.C. 5101.851)

The bill requires each region to provide information and referral services and assistance in obtaining support services for kinship caregivers within its region. Under continuing law, the information and referral services and assistance obtaining support services includes:

- Publicly funded child care;

- Respite care;
- Training related to caring for special needs children;
- A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;
- Legal services.

Kinship navigator payment to PCSAs eliminated

(R.C. 5101.852, repealed)

The bill repeals ODJFS's responsibility to make payments to PCSAs to permit the agencies to provide kinship navigator information and referral services and assistance obtaining support services to kinship caregivers the existing program of kinship care navigators.

Funding

(R.C. 5101.856(A))

The bill requires the ODJFS Director to take any action necessary to obtain federal funds available for the Program under Title IV-E of the Social Security Act. Title IV-E funds provide for payments to states for kinship guardian assistance, among other things.⁵⁵ The bill also specifies that the program is to be funded by the General Assembly through GRF appropriations.

No local share

(R.C. 5101.856(B))

The bill requires ODJFS to pay the full nonfederal share for the Program. No county department of job and family services or PCSA is responsible for the Program's cost.

Appropriation

The bill earmarks \$3.5 million for FY 2020 and FY 2021 for the Program.

Rules

(R.C. 5101.855)

The bill requires ODJFS to adopt rules to implement the Program not later than one year after the effective date of the Program provisions.

Foster caregiver as mandatory reporter

(R.C. 2151.421)

The bill adds foster caregivers to the list of persons who, acting in a professional or official capacity, must report known or suspected child abuse or neglect. Under continuing law, a mandatory reporter must make the report to the PCSA or a peace officer in the county where the child resides or where the abuse or neglect is occurring or has occurred. Individuals who are not listed as mandatory reporters may, but are not required to, make a report. The PCSA must investigate each report of child abuse or neglect that it receives within 24 hours.

⁵⁵ 42 U.S.C. 670, not in the bill.

Preteen placement in children's crisis care facility

(R.C. 5103.13)

The bill eliminates the 72-hour placement limit and 14-consecutive-day waiver in favor of a 14-consecutive-day limit for a PCSA or PCPA to place a preteen in a children's crisis care facility. Under current law, the ODJFS Director or the Director's designee can grant the waiver from the 72-hour limit.

Juvenile court hearings

(R.C. 2151.424)

The bill modifies the law governing juvenile court hearings and reviews by doing both of the following:

- Applying the law to a kinship caregiver with custody or with whom a child has been placed, instead of a nonparent relative with custody;
- Specifying that foster caregivers, kinship caregivers, and prospective adoptive parents have the right to be heard, instead of the right to present evidence.

Under continuing law, a kinship caregiver is any of the following who is at least 18 years old and is caring for a child in place of the child's parents:⁵⁶

- If related by blood or adoption: grandparents, siblings, aunts, uncles, nephews, nieces, first cousins, and first cousins once removed;
- Stepparents and stepsiblings;
- Spouses and former spouses of the above individuals;
- Legal guardians and legal custodians.

These changes apply to a variety of juvenile court hearings and reviews governing child placement, case plans, treatment, and care.

Adoption and foster care assistance

(R.C. 2151.23, 2151.353, 2151.45, 2151.451, 2151.452, 2151.453, 2151.454, 2151.455, 5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.1415, and 5103.30)

Adoption assistance eligibility

Adopted young adult (AYA)

Under the bill, Title IV-E adoption assistance is available to a parent who adopted a person who is an "adopted young adult" (AYA) and (1) the parent entered into an adoption assistance agreement while the AYA was 16 or 17, and (2) the AYA meets other eligibility requirements (see "**Other eligibility requirements for AYAs and EYAs,**" below). The bill defines an AYA as a person:

- Who was in the temporary or permanent custody of a PCSA;

⁵⁶ R.C. 5101.85.

- Who was adopted at the age of 16 or 17 and attained the age of 16 before a Title IV-E adoption assistance agreement became effective;
- Who has attained the age of 18; and
- Who has not yet attained the age of 21.

Under continuing law, adoption assistance eligibility also requires that the parent maintain parental responsibility for the AYA.

Under current law, an adopted person had to meet the same requirements as listed above, except that the adoption assistance agreement did not have to be effective/entered into while the person was 16 or 17.

AYA not eligible for foster care assistance

The bill states that an AYA who is eligible to receive adoption assistance payments is not considered an emancipated young adult (EYA) and is therefore not eligible to receive Title IV-E foster care payments.

Foster care assistance eligibility

Emancipated young adult (EYA)

Under the bill, Title IV-E foster care payments are available to, or on behalf of, any EYA who signs a voluntary participation agreement and who meets other eligibility requirements (see “**Other eligibility requirements for AYAs and EYAs,**” below). The bill defines an EYA as a person:

- Who was in the temporary or permanent custody of a PCSA, a PPLA, 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 (instead of just in the temporary or permanent custody of a PCSA, as under current law);
- Whose custody, arrangement, or care and placement was terminated on or after the person’s 18th birthday; and
- Who has not yet attained the age of 21.

Under current law, a person who signed a voluntary participation agreement and met the other eligibility requirements would be eligible for foster care assistance if the person (1) had reached age 18 but not 21, and (2) was in PCSA custody on reaching age 18.

Persons ineligible

The bill provides that a person eligible for a dispositional order for temporary or permanent custody until age 21 is not eligible for foster care assistance as an EYA or adoption assistance as an AYA.

Other eligibility requirements for AYAs and EYAs

Under continuing law, an AYA or EYA must meet certain other eligibility requirements to receive adoption assistance or foster care assistance, respectively. Those requirements consist of educational or work related criteria. Under the bill, an AYA or EYA is not required to meet those requirements if he or she is incapable due to a physical or mental incapacity supported by

regularly update information in his or her case record or plan. Under current law, this exception is limited only to medical conditions.

Definition of child for foster care and adoption assistance

The bill defines “child” for purposes of Ohio’s law governing foster care and adoption assistance to mean any of the following:

- Any person under eighteen years of age or a mentally or physically handicapped person, as defined by ODJFS rule, under twenty-one years of age;
- An AYA;
- An EYA.

Current law defines a child to include the persons who were between 18 and 21 who met the requirements under current law to receive foster care and adoption assistance.

Voluntary participation agreement

The bill permits an EYA who receives foster care assistance payments, or on whose behalf such payments are received, to enter into a voluntary participation agreement, without court approval, with ODJFS, or its representative, for the EYA’s care and placement. The agreement must stay in effect until one of the following occurs:

- The EYA enrolled in the program notifies ODJFS, or its representative, that they want to terminate the agreement;
- The EYA becomes ineligible for the program.

The bill requires that, during the 180-day period after the agreement becomes effective (rather than prior to the agreement’s expiration, which was 180 days after the agreement was entered into, as under current law), ODJFS or its representative must seek approval from the juvenile court that the EYA’s best interest is served by continuing care and placement with ODJFS or its representative.

Under the bill, in order to maintain Title IV-E eligibility for the EYA, ODJFS or its representative must petition the court for, and obtain, a judicial determination that ODJFS or its representative has made reasonable efforts to finalize a permanency plan that addresses ODJFS’ or its representative’s efforts to prepare the EYA for independence. The petition and determination must occur not later than 12 months after the effective date of the voluntary participation agreement and at least every 12 months thereafter.

Under the bill, a “representative,” (which replaces the term “designee” under current law) means a person with whom ODJFS has entered into a contract to carry out the duties required under a state plan to administer federal payments of foster care and adoption assistance.

Juvenile court jurisdiction

Exclusive, original jurisdiction

The bill requires the juvenile court of the county in which an EYA resides to have exclusive original jurisdiction over the EYA for the purpose of determining the following regarding the EYA:

- Not later than 180 days after the voluntary participation agreement becomes effective, make a determination as to whether the EYA's best interest is served by continuing the care and placement with ODJFS or its representative. The bill prohibits an EYA from being eligible for continued care and placement if it is not in the EYA's best interest;
- Not later than 12 months after the date that the voluntary participation agreement is signed, and annually thereafter, make a determination as to whether reasonable efforts have been made to prepare the EYA for independence.

The bill permits the juvenile court, on its own motion, or the motion of any party, to transfer a proceeding described above to another juvenile court because the EYA resides in the county served by the other juvenile court.

Suspension of foster care payments

If the initial and subsequent 12-month determinations are not timely made, the bill requires the EYA's federal foster care payments to be suspended. The payments resume on a subsequent determination that reasonable efforts have been made to prepare the EYA for independence, but only if both of the following apply:

- The EYA continues to meet requirements described in the bill for eligibility for federal foster care payments;
- There has been a timely determination of best interest of the child under the voluntary participation agreement.

ODJFS and representative court appearance

The bill permits, for purposes of making the 180-day and the 12-month determinations regarding an EYA, ODJFS or its representative to file any documents and appear before the court in relation to such filings.

Legal representation of EYA

Under the bill, an EYA is entitled to representation by legal counsel at all stages of proceedings regarding the 180-day and 12-month determinations, and nothing in the bill governing those determinations prohibits an EYA from obtaining legal representation for such purposes. If, as an indigent person, the EYA is unable to employ counsel, the EYA is entitled to have a public defender provided under Ohio's Public Defender Law. If an EYA appears without counsel, the court must determine whether the EYA knows of the right to counsel, and to be provided with counsel, if indigent. The court may continue the case to enable an EYA to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel on request. On written request, prior to any hearing involving the EYA, any report concerning an EYA that is used in, or is pertinent to, a hearing, must for good

cause shown be made available to any attorney representing the EYA and to any attorney representing any other party to the case.

Scope of practice and training for case managers

The bill requires ODJFS rules governing adoption and foster care assistance to establish the scope of practice and training necessary for case managers and supervisors caring for EYAs for purposes of the Ohio Child Welfare Training Program. Under current law those practice and training requirements applied to foster care workers and their supervisors.

County maintenance of effort

(R.C. 5101.14)

The bill requires each county to contribute local funds to the county's Children Services Fund. The ODJFS Director must adopt rules, in accordance with R.C. 111.15, determining the amount of local funds to be contributed by each county.

Workforce Development

Comprehensive Case Management and Employment Program

(R.C. 5101.83)

The Comprehensive Case Management and Employment Program (CCMEP) is an existing program administered by ODJFS through which employment and training services are made available to certain individuals in accordance with an assessment of their needs.⁵⁷ The bill provides that if a CDJFS director determines that an assistance group has received fraudulent assistance, the group is ineligible to participate in CCMEP until that assistance is repaid. Existing law contains a similar provision regarding fraudulent assistance provided under Ohio Works First (cash assistance) and the Prevention, Retention, and Contingency Program (short-term help with employment barriers or crises).

Unemployment Compensation

SharedWork Ohio covered employment

(R.C. 4141.50)

The bill limits the "normal weekly hours of work" considered for purposes of the SharedWork Ohio program to those hours of work in employment covered under Ohio's Unemployment Compensation Law. SharedWork Ohio is a voluntary layoff aversion program that provides prorated unemployment benefits to eligible employees who have their normal weekly hours of work reduced under an approved shared work plan.

Unemployment compensation debt collection

(R.C. 4141.35)

Under continuing law, if an individual receives unemployment benefits to which the individual was not entitled, the ODJFS Director must issue an order demanding repayment and take additional actions to recover the overpayment. If an overpayment is not repaid within

⁵⁷ R.C. 5116.01 *et seq.*, not in the bill.

45 days after repayment is due, the ODJFS Director must certify the amount owed to the Attorney General and notify the Director of Budget and Management of the amount. The Attorney General must collect the amount or sue the individual for the amount and issue an execution for its collection.⁵⁸ The bill exempts any overpayment collected by the Attorney General from a continuing law requirement that the amount first be proportionately credited to improperly charged employers' accounts and then to the mutualized account created within the Unemployment Compensation Fund.

Under continuing law, the following sources of recovered overpayments are not subject to that requirement:

- Federal and state tax refund offsets;
- Lottery award offsets;
- Recoveries from unclaimed funds.

⁵⁸ R.C. 131.02, not in the bill.