
DEPARTMENT OF JOB AND FAMILY 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 Director of Job and Family Services (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 family service plan option from the requirement that a PCSA maintain a case plan or 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.

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 bill prevents a PCSA or PCPA from search for an appropriate kinship caregiver.

Kinship guardianship assistance (KGA)

- Requires the JFS Director, not later than nine months after the bill's effective date, 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 15 months after the bill's effective date 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 15 months after the bill's effective date if the amended state plan for federal KGA (described above) is approved.
- Excludes federal KGA and state KGA from the definition of gross income for child support purposes.
- Allows for specified relatives receiving federal KGA or state KGA to participate in Ohio works first if other conditions are also met.
- Allows kinship caregivers to participate in the kinship permanency incentive program if they are not receiving state KGA or federal KGA on behalf of a KG young adult.
- 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 the Department of Job and Family Services (JFS).

PASSS payment program

- Codifies 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 as needed and under certain conditions.
- 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.

Foster care and adoption home assessors

- Adds certain individuals to the list of individuals qualified to perform the duties of an assessor for purposes of foster care and adoption.

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 for individuals overseeing a child

- Adds certain crimes to the Bureau of Criminal Identification and Investigation criminal 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 current law requires) of the U.S. Department of Justice National Sex Offender Public Website; and
 - Obtain a summary report (instead of *request* a summary report as current law requires) 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 the effective date of this provision.

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 the 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 (instead of 12 months after the date it is signed, as current law requires);
 - At least once every 12 months after the first determination (instead of simply “annually” as current law requires); and
 - That JFS or its representative made reasonable efforts (instead of just that reasonable efforts were made, as current law requires) 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.

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 the 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.

Removes gender for who may adopt

- Changes, regarding who may adopt, to “legally married couple” from “husband and wife.”

Publicly funded child care

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

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.

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.

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.

Fatherhood programs

- Codifies the authorization of the Ohio Commission on Fatherhood to recommend the JFS Director provide funding to fatherhood programs in Ohio that meet at least one of the four purposes of the Temporary Assistance for Needy Families block grant.

Unemployment compensation

- Eliminates from consideration, during the first phase of application for unemployment compensation, whether the claimant is disqualified for nonmonetary reasons, and delays this change until July 1, 2022.
- 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 current 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 period 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.

Case plans and family service plans

(R.C. 2151.412)

Permanency plans

Beginning January 1, 2023, the bill 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 bill 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.

Current law requires each PCSA and PCPA to prepare and maintain a case plan for a child to whom the PCSA or PCPA is providing services if (1) it filed a complaint alleging that the child is an abused, neglected, or dependent child, (2) it has temporary or permanent custody of the child, (3) the child is living at home subject to an order for protective supervision by the Department of Job and Family Services (JFS), or (4) the child is in a planned permanent living arrangement. The PCSA or PCPA has discretion to add, as a supplement to the plan, a plan for permanent family placement for the child.

Under the bill, the JFS Director must adopt rules, according to the Administrative Procedure Act (R.C. Chapter 119), necessary to carry out the purposes described above regarding supplement plans and concurrent permanency plans.

Family service plans

The bill 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 bill 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.⁴⁰

Kinship caregiver placement efforts

(R.C. 2151.4115, 2151.4116, 3151.4117, 2151.4118, 2151.4119, 2151.4120, 2151.4121, 2151.4122, and 2151.416)

Finding kinship caregivers

Intensive efforts

The bill requires each PCSA and PCPA to make intensive efforts to identify potential kinship caregivers whenever the agency has temporary custody 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”;
 - 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 bill 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 bill defines as any locate-and-research tool, search engine, electronic database, or social media search tool available to the PCSA or PCPA.

⁴⁰ R.C. 2151.011(B)(4).

Exemption

The bill 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.⁴¹

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

Court review

The bill 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.

Court determination

The bill allows a court to issue an order that determines (1) the TC/PPLA child's current, non-kinship-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 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 bill 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.

⁴¹ R.C. 2151.33, not in the bill.

Kinship guardianship assistance (KGA)

(R.C. 3119.10, 5101.141, 5101.1411, 5101.1415, 5101.1416, 5101.1417, 5101.802, 5107.10, and 5153.163)

Federal KGA

The bill 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 bill 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 existing 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 bill requires the JFS Director, not later than nine months after the bill’s effective date, 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 bill requires implementation of the state plan amendments to begin 15 months after the bill’s effective date 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 bill 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.”

State hearing

Any JFS decision that terminates federal KGA for a KG young adult is subject to a state hearing under continuing law.

On behalf of an eligible child

State plan amendment requirement

The bill requires JFS, not later than nine months after the bill’s effective date, 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 bill requires implementation of the amendments to the plan to begin 15 months after the bill’s effective date if the plan, as amended, is approved by the Secretary of Health and Human Services.

County expenditure reports

The bill 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 bill 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 bill 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 bill requires JFS, not later than nine months after the bill's effective date, 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; and
- 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 bill 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 15 months after the bill's effective date, if the state plan is amended as described above to provide federal KGA to eligible children.

Kinship permanency incentive and Ohio Works First

The bill prohibits a kinship caregiver (a relative, as defined in the bill, who is caring for a child in place of the child's parents) from participating in the kinship permanency incentive program under continuing law if the kinship caregiver is a relative receiving federal KGA for a KGA young adult or State KGA. 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.

The bill 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, may participate in the Ohio Works First Program.

Gross income and KGA for child support

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

PCSA duties regarding impossibility of adoption

The bill 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.

PASSS payments

(R.C. 5101.1418 and 5153.163)

The bill codifies, 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 bill 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;
 - Any other rule, requirement, or procedure JFS considers appropriate for the implementation of this section.

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

Foster care and adoption home assessors

(R.C. 3107.014)

The bill adds the following individuals to the individuals qualified to perform the duties of an assessor for foster care and adoption purposes: (1) current and former PCSA caseworkers, (2) current PCSA caseworker supervisors, and (3) individuals with a master’s degree in social work or a related field and who are currently employed, and have been employed for at least two years in a human-services-related occupation. Under continuing law, a home study is required before a foster home certification may be issued or a person may adopt a child. Assessors perform a number of functions related to foster care and adoption, one of which is the home study to ascertain suitability of a person to provide foster care or to adopt.⁴²

Bills of Rights for foster youth and resource families

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

The bill requires the 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 existing law.

The bill 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

⁴² R.C. 3107.031 and 5103.0324, not in the bill.

is defined as it is in existing 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;

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 bill 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 bill 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 bill 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 bill 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 check for individuals overseeing a child

(R.C. 109.572)

The bill adds several crimes to those for which the Bureau of Criminal Identification and Investigation must check when conducting background checks required for persons responsible for out-of-home child care and members of a household for a family hosting a child under a host family agreement. The Superintendent of the Bureau must conduct a criminal records check to determine whether any information exists that indicates that the person has previously been convicted or pleaded guilty 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.

Background checks for institutions and associations

(R.C. 5103.0310)

Requirement to obtain information

The bill 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 bill requires an institution or association described above, regarding the background information, to (1) *obtain* a search (instead of *conduct* a search as current law requires) 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 current law requires) of a search of the uniform statewide automated child welfare information system (SACWIS).

Further action

The bill allows an institution or association described above to refuse to employ (instead of “hire” as current law requires) 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 bill 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 the effective date of this provision.

Background – current law

Current law requires any institution or association that is a public or private organization, society, association, or agency that receives or cares for children for two or more consecutive weeks to *conduct* a search of the National Sex Offender website and *request* a summary report of a search of SACWIS for a person that an institution or association plans to employ – it does not apply to a subcontractor, intern, or volunteer. The law also does not distinguish between residential facilities and those that are not, and does not limit the requirement to obtain the search and summary report to individuals who will have access to children if the institution or association is not a residential facility.

Federal foster care assistance for emancipated young adults

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 21.⁴³

Jurisdiction

(R.C. 2151.451)

The bill 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 current law, only the juvenile court of the county where an EYA currently resides may exercise jurisdiction.

Voluntary participation agreements

(R.C. 5101.1412)

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

1. The bill rewords the mandate to require JFS or its representative to “petition for and obtain a judicial determination” – rather than merely than “seek approval from the court” as under current law – that the EYA’s best interest is served by continuing his or her care and placement.
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

(R.C. 2151.452)

The bill 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

⁴³ R.C. 5101.141, not in the bill.

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

(R.C. 2151.452)

The bill 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 current law; and
2. It requires determinations "at least once every 12 months" thereafter, rather than merely "annually" as under current law.

Payment suspension

(R.C. 2151.453)

The bill 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 current law, only if the reasonable efforts determination regarding preparing the EYA for independence is not timely made, will 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 bill, a subsequent best interest determination will not result in the resumption of payments.

Reimbursement for federal juvenile court programs

(R.C. 2151.152)

The bill 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 bill 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.

Removes gender for who may adopt

(R.C. 3107.03)

The bill changes Ohio's adoption law, regarding who may adopt, from "husband and wife" to "legally married couple."

Publicly funded child care

(R.C. 5104.34)

The bill makes three changes to the law governing eligibility for publicly funded child care.

1. Specifies that the eligibility period is to be at least 12 months. Existing law contains 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 months, rather than for 13 weeks as under current law;

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

Type A family day-care homes

(R.C. 5104.017)

The bill 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.

Individual Development Account (IDA) reports

(R.C. 329.12 and 5101.971)

The bill eliminates a requirement that a county department of job and family services prepare and file with JFS a semi-annual report regarding the IDA Program operated by each county department. 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.⁴⁴

The bill also eliminates a requirement that JFS publish an annual report regarding the IDA programs established and operated by county departments.

Child care resource and referral services

(R.C. 5104.07)

The bill 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 bill instead requires them to be made a part of the statewide plan for child care resource and referral services that JFS must develop under current law. The topics currently specified in statute include or address the following:

⁴⁴ O.A.C. 5101:1-3-18(D)(1).

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 definitions

(R.C. 5104.01)

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

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 current law;
2. Updating citations to the federal statutes.

Fatherhood programs

(R.C. 5101.342, 5101.805, and 5015.801, with conforming changes in R.C. 3125.18, 5101.35, and 5153.16)

The bill specifies in the Revised Code that the Ohio Commission on Fatherhood may make recommendations to the JFS Director regarding funding, approval, and implementation of fatherhood programs in Ohio that meet one of the four purposes of the Temporary Assistance for Needy Families (TANF) block grant. It includes such programs as Title IV-A programs that are funded in part by the TANF block grant. The bill permits JFS to (1) enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Commission and (2) to adopt rules relating to these provisions.

Application for determination of unemployment benefit rights

(R.C. 4141.01)

The bill revises the first phase of 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.

Currently, though, 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.⁴⁵

Thus, it appears that currently 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.

Under the bill, 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 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 current law.

However, this change 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 re-employment and files a claim for benefits before the benefit years ends, JFS again looks at the reason for the separation from employment to determine whether the claimant qualifies.⁴⁶ If the

⁴⁵ R.C. 4141.29 and 4141.291, not in the bill.

⁴⁶ R.C. 4141.28, not in the bill.

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.

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 bill expands a current 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.

Prohibitions

The bill prohibits 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. Existing law applies this prohibition to information maintained by, or furnished to, the JFS Director. The bill also prohibits 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. Currently, this 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 bill.

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 bill increases the maximum percentage a participating employer may reduce an affected employee's hours. Currently, the proposed reduction percentage permitted in a shared

work plan must be between 10% and 50%. Under the bill, the reduction must be between 10% and 60%.

The bill also reduces the time period for the JFS Director to approve or deny a shared work plan. Under the bill, 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. Currently, the Director has 30 days.

Under the bill, 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. Currently, shared work benefits can be charged to the mutualized account only 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.⁴⁷

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.⁴⁸

⁴⁷ Section 2162 of the "Layoff Prevention Act of 2012," Pub. L. No. 112-96.

⁴⁸ See R.C. 4141.25, not in the bill.