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H.B. 8*
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Health, Human Services & Medicaid

Primary Sponsors: Reps. Manchester and Galonski

Amy L. Archer, Research Associate

SUMMARY

- Eliminates the statutory minimum preplacement training hours for family foster homes and specialized foster homes in favor of rules adopted by the Department of Job and Family Services (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 (PPLA) 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.

* This analysis was prepared before the report of the Senate Health, Human Services and Medicaid Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Requires ODJFS to adopt rules for compensating a recommending agency for a foster caregiver’s foster home certification and recertification 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.
- Eliminates the statutory maximum number of children, and exceptions to the maximum number of children, a foster home may receive in favor of rules adopted by the ODJFS Director governing the maximum number of children that may be received by a foster home and exceptions to that maximum number.
- Requires, at a frequency established by ODJFS rules, instead of every two years as in current law, that an association or institution that receives, or desires to receive and care for children, or places children in private homes:
 - Be inspected and certified or recertified; and
 - Submit a report to ODJFS containing certain things, including information on its condition, management, and competency, if it desires certification or recertification.
- Provides that ODJFS certification of an association or institution that receives, or desires to receive and care for children, or places children in private homes, be valid for a length of time determined by ODJFS rules instead of every two years as in current law.

DETAILED ANALYSIS

Foster and related caregiver training changes

The bill makes several changes to the foster and planned permanent living arrangement caregiver training requirements. The bill generally removes the training requirements from statute and requires the Department of Job and Family Services (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.¹ 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.²

Preplacement training

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.³

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.⁴

Continuing training

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 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.⁵

¹ R.C. 5103.02, not in the bill.

² R.C. 2151.011(A)(38), not in the bill.

³ R.C. 5103.031 and 5103.316(D).

⁴ Ohio Administrative Code (O.A.C.) 5101:2-5-33(C)(2) and (3), not in the bill.

⁵ R.C. 5103.032 and 5103.0316(D).

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.⁶

Foster training regarding temporary custody agreement children

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.⁷

Planned permanent living arrangement (PPLA) caregiver

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.⁸

Preplacement and continuing training requirements and course content

The bill repeals the statutory coursework requirements for preplacement and continuing training in favor of requirements adopted by ODJFS rules.⁹

Needs assessment and continuing training plans

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.¹⁰

Cost reimbursement for training foster caregivers

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.¹¹ The bill requires ODJFS to adopt rules for the compensation of a recommending agency for a foster caregiver's foster home certification and recertification

⁶ O.A.C. 5101:2-5-33(C)(2) and (3), not in the bill.

⁷ R.C. 5103.033 and 5103.0316.

⁸ R.C. 2151.353 and 5103.0316.

⁹ R.C. 5103.038, 5103.039, 5103.0311, and 5103.0316(E).

¹⁰ R.C. 5103.035 and 5103.0316(F).

¹¹ R.C. 5103.0313 and 5103.0316(B).

training that the PCPA or PNA requires if it is in addition to the minimum training required under the rules adopted by ODJFS under the bill.¹²

Limitations on number of children in foster home

The bill eliminates the limitation under current law that a foster home not receive more than five children apart from their parents, guardian, or custodian, except in any of the following circumstances:

- To accommodate a sibling group or the remaining members of a sibling group;
- When the additional child or children are related to the foster caregiver by blood or marriage;
- When the additional child or children are foster children who previously resided in the foster home;
- When the additional child or children are the child of a foster child who resides in the foster home.

Instead, the bill requires the ODJFS Director to adopt rules concerning the maximum number of children a foster home may receive and any exceptions to the maximum number.¹³

ODJFS inspection and recertification frequency

The bill requires ODJFS, at a frequency it must establish in its rules governing adequate and competent management and certification of institutions or associations, to pass upon the fitness of every institution and association that receives, desires to receive and care for children, or places children in private homes (except facilities under control of the Department of Youth Services, places of detention for children, and child day-care centers). ODJFS must issue to a compliant institution or association a certificate to that effect that is valid for a length of time determined in those rules. Further, each institution or association desiring certification or recertification must submit to ODJFS a report providing certain information, including information about its condition, management, and competency, required under continuing law on a frequency specified in those rules.

Current law requires the following every two years:

- ODJFS to pass upon the fitness of institutions and associations and issue certification for compliance if ODJFS is satisfied;
- Institutions and associations desiring certification or recertification to submit a report to ODJFS.¹⁴

¹² R.C. 5103.0314.

¹³ R.C. 5103.0317.

¹⁴ R.C. 5013.03(A), (B), and (D).

HISTORY

Action	Date
Introduced	05-13-19
Reported, H. Health	06-05-19
Passed House (89-0)	06-06-19
Reported, S. Health, Human Services & Medicaid	---
