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Substitute Bill Comparative Synopsis

Sub. H.B. 583

135th General Assembly

House Families and Aging

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Overview

The substitute bill, I_135_2519-1, replaces provisions of the As Introduced version of H.B. 583 stating the General Assembly's intent to increase the requirements, compliance, and accountability of group homes for children and the services that the homes provide to children in this state with the following provisions.

Foster children in residential facilities

(R.C. 2151.46(F), 5103.05(D) and (G), and 5103.052)

- Specifies that the bill generally applies to residential facilities (which includes group homes under current law) that are operated by a public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children.

Notifications re: medical care and law enforcement interactions

(R.C. 2151.461, 2151.462, 2151.463, 2151.464, and 2151.465)

- Requires all of the following, if a child under the care and supervision of a residential facility presents to an emergency department or is admitted to a hospital for an injury or mental health crisis:
 - For the emergency department or hospital to communicate with the PCSA or PCPA with custody of the child about the visit and to notify the PCSA or PCPA of discharge.
 - For the PCSA or PCPA to respond to the emergency department or hospital's communication regarding the child within four hours after initial contact and to retrieve the child within four hours after notification of discharge.
 - For the emergency department or hospital to report the visit to the Ohio Resilience Through Integrated Systems and Excellence (OhioRISE) Program, if the child is participating in the program, and the Department of Children and Youth (DCY).

- Requires a law enforcement officer who has an investigative interaction with a child who is under the care and supervision of a residential facility to notify the facility operator and the PCSA or PCPA with custody of the child of the interaction, regardless of whether a police report is generated.
- Requires a PCSA or PCPA with custody of a child who is under the care and supervision of a residential facility and has an interaction with a law enforcement officer that results in the generation of a police report to report the interaction and provide a copy of the police report to DCY.
- Requires DCY to adopt rules in accordance with Chapter 119 to establish all of the following:
 - A standardized procedure under which an emergency department or hospital or law enforcement officer provides notifications as specified above to a PCSA or PCPA;
 - Timeframes for an emergency department, hospital, PCSA, or PCPA to provide reports to DCY as specified above;
 - Standards for DCY to track the reports it receives from an emergency department, hospital, PCSA, or PCPA.

Placement of delinquent children in PCSA or PCPA custody

(R.C. 2151.466 and 5103.055)

- Requires a PCSA or PCPA with custody of a child to inform the operator of a residential facility of any charges for which a child was adjudicated a delinquent child before the child's placement in the facility.
- Prohibits a child who has been adjudicated a delinquent child from being placed in a residential facility with a child who has not been adjudicated a delinquent child and requires such a child to be placed in a specialized residential facility.
- Requires DCY to adopt rules in accordance with Chapter 119 to establish additional standards, including additional training requirements, for a specialized residential facility for children who have been adjudicated delinquent children.

Monthly PCSA and PCPA visits to residential facility

(R.C. 2151.467)

- Requires a PCSA or PCPA with custody of a child who is under the care and supervision of a residential facility to conduct a monthly in-person visit to the facility to determine the child's well-being, and to report concerns about the child to DCY in accordance with rules that DCY must adopt.

Mandatory review of child's placement

(R.C. 2151.468)

- Requires a PCSA or PCPA to conduct a mandatory review of a child's placement, which must include a determination of whether the residential facility is an appropriate setting and is providing a satisfactory level of care for the child, if any of the following occur:
 - The child presents to an emergency department or is admitted to a hospital for an injury or mental health crisis;
 - A police report is generated with regard to the child;
 - During a monthly visit, the agency has determined that a review is necessary pursuant to DCY rules.
- Requires DCY to adopt rules to establish guidelines for reviewing a child's placement, including review criteria, circumstances that would require a change in the child's placement, and a timeline for conducting the review and taking appropriate action.

24-hour emergency on-call procedure

(R.C. 2151.469 and 5103.0510)

- Requires a PCSA, PCPA, and operator of a residential facility to establish a 24-hour emergency on-call procedure to respond to contact from emergency departments, hospitals, law enforcement officers, and first responders regarding emergencies involving a child in the agency's custody or under the care and supervision of the facility.

Services from community organizations

(R.C. 2151.4610)

- Requires the operator of a residential facility to notify a PCSA or PCPA any service that a community organization provides to a child under the care and supervision of the facility.
- Requires a PCSA or PCPA to document those services in the child's case plan and to ensure that the community organization is compensated for the services provided.

Residential facility certification requirements

(R.C. 5103.05(B) to (D) and (G), 5103.051(B), 5103.054, 5103.056, 5103.057, and 5103.058)

- Requires the operator of a residential facility to demonstrate in its application for a certificate that the proposed facility meets all applicable local planning and zoning requirements, and for the residential facility to maintain compliance for the facility's certificate to remain in good standing.
- Requires the operator of a residential facility, before the facility begins operations, to notify the board of township trustees or the legislative authority of the municipal corporation where the facility will be located that the facility will be in operation.

- Makes various changes to rules that DCY must adopt regarding a residential facility's community engagement plan, including the following regarding communications from the community in which a facility is located:
 - Adds that a plan must include protocols for the community to communicate complaints (in addition to concerns and other pertinent information as required under current law);
 - Requires a timeline for a facility to respond to communications;
 - Establishes a process for the agency or entity to report all concerns and complaints it receives to DCY;
 - Establishes standards under which DCY may revoke a facility's certificate based on the nature and number of concerns and complaints against the facility.
- Requires DCY to adopt rules in accordance with Chapter 119 to divide the state into regions and restrict the number of residential facilities in each region so that the percentage of facilities in that region to the total number of facilities in the state does not exceed the percentage of foster children in the region to the total number of foster children in the state.
- Prohibits DCY from approving the certification of a residential facility in a region if the maximum threshold of residential facilities within that region would be exceeded as a result of the approval.
- Requires that, if DCY determines that a residential facility has violated a requirement for certification and issues a corrective action plan for the facility to remedy the violation, the operator of the facility must provide documentary evidence of the correction.
- Establishes a procedure for a county, township, or municipal corporation to revoke a conditional use permit respecting real property used as a residential facility, if the operator of the facility fails to comply with the permit's requirements or has failed to complete a corrective action plan issued by DCY for a finding of noncompliance.
- Requires DCY to conduct a site visit of a residential facility at least annually to ensure certification compliance.
- Requires DCY to adopt rules under Chapter 119 to establish criteria for requiring more than one site visit per year, after surpassing a threshold, to be determined by the Director, of the following reports that DCY receives regarding a residential facility:
 - When a child under the care and supervision of a facility presents to the emergency department or is admitted to a hospital for an injury or mental health crisis;
 - When a child under the care and supervision of a facility has an interaction with a law enforcement officer that results in the generation of a police report;
 - When concerns about a child arise out of the required monthly visit by a PCSA or PCPA to determine the well-being of the child;

- When the community in which the residential facility is located communicates concerns and complaints relating to the facility.

Criminal records check of facility employees

(R.C. 5103.053, 109.57, and 109.572)

- Requires the appointing or hiring officer of a residential facility to request the superintendent of the Bureau of Criminal Identification and Investigation to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment in the residential facility.

Educational stability of foster children

(R.C. 3301.95, 3313.6414, and 5103.0513)

- Requires DCY and the Department of Education and Workforce (DEW) to create a standard form to be used by PCSAs and PCPAs to convey information necessary to support the education of children in their custody.
- Requires a PCSA or PCPA to convey the information on the form to the foster care liaison in the student's new school district verbally upon the student's enrollment and submit the completed form to the liaison not later than five days after the student's enrollment.
- Requires DEW to provide all school districts with best practices to help ensure the educational stability of students who are in the custody of a PCSA or PCPA.
- Requires the school district in which a foster child is enrolled after being placed in a residential facility to assess the needs of the child for appropriate services and interventions, and use the results of that assessment to make recommendations for services and interventions to the residential facility in which the child is placed and the PCSA or PCPA with custody of the child.

DCY review and reporting requirements

(R.C. 5103.0512, 5103.0514, and 5103.0515)

- Requires DCY to annually survey the staff of all residential facilities and of PCSAs and PCPAs working with children under the care and supervision of residential facilities regarding the status of these children.
- Requires DCY to do the following annually:
 - Review the results of the above staff survey;
 - Review all reports that DCY receives regarding emergency department and hospital admissions, interactions with law enforcement resulting in the generation of a police report, concerns arising out of a monthly visit by a PCSA or PCPA, and complaints and concerns communicated by the community in which a residential facility is located.

- Review Chapter 5101:2-9 of the Ohio Administrative Code (O.A.C.) to determine whether the training requirements are adequately responsive to the needs of residential facilities in the state, based on the above review.
- Adopt or modify rules in accordance with Chapter 119 if the Director determines that O.A.C. Chapter 5101:2-9 should be updated.
- Requires DCY to conduct a study and submit a one-time report to the General Assembly on the status of foster care in Ohio, including the following:
 - Identification of gaps in service;
 - A determination of whether the foster care system in the state should be tiered;
 - Recommendations on how to establish residential facilities that are appropriate to meet the needs of high acuity foster children;
 - Recommendations on how update criteria for revoking the certificate of a residential facility in order to increase accountability and meet a satisfactory level of care for children residing in these facilities.
- Requires DCY to submit an annual report to the General Assembly that includes the following:
 - The number of residential facilities in each county of the state;
 - The total number of children under the care and supervision of residential facilities in each county;
 - From the above, the number of children who resided within the county and the number of children who resided in a different county before being placed in a residential facility within a county;
 - The results from the annual staff survey of residential facilities, PCSAs, and PCPAs.

Suspension of the certificate of an institution or association

(R.C. 5103.039)

- Allows DCY to suspend the certificate of an institution or association (defined generally under existing law as an entity or individual, such as a foster caregiver, receiving or caring for children for two or more consecutive weeks, including a residential facility) without a prior hearing for various reasons primarily related to the actual or risk of harm to a child under the care and supervision of the institution or association.

Peace officer and first responder training

(R.C. 109.71 and 109.7411)

- Requires the Attorney General, in consultation with the Ohio Peace Officer Training Commission, to adopt rules governing the training of peace officers and first responders in identifying and interacting with at-risk youth.

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