



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 583
(1_135_2519-5)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 583's Bill Analysis](#)

Version: In House Families and Aging

Primary Sponsors: Reps. White and Plummer

Local Impact Statement Procedure Required: No

Jacquelyn Schroeder, Senior Budget Analyst, and other LBO staff

Highlights

- The bill may increase school district expenditures by an uncertain amount by requiring districts to complete assessments of certain foster children. The bill requires the school district to utilize all available existing assessments regarding the child to avoid duplicative assessments and minimize any negative impact on the child.
- County public children services agencies (PCSAs) might experience some costs relating to a few provisions in the bill. However, some of these costs will depend on rules adopted. Others will depend on the assessments completed by school districts and if these assessments recommend additional services beyond those currently provided.
- The Ohio Department of Children and Youth (DCY) will realize costs to conduct annual surveys of residential facility staff and to establish a study committee. Any other costs will depend on rules adopted.
- The Attorney General will incur minimal costs to promulgate rules regarding the training of peace officers in interacting with at-risk youth. The Ohio Peace Officer Training Academy will provide training based on these rules. The training costs will depend on what training, if any, is currently provided on this topic.
- Government-owned hospitals or state or local law enforcement offices may incur minimal costs related to specified notification requirements depending on how the bill's requirements differ from current practice.

Detailed Analysis

The bill makes changes to various provisions of law relating to a child who is under the care and supervision of a residential facility. The bill specifies that provisions generally apply 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. There are 88 county PCSAs. PCSAs are responsible for, among other things, assessing and investigating reports of child abuse and neglect. Services provided include protective services, foster care, and group home or residential care. Costs for foster care and residential facility placements are paid for by both federal funding through Title IV-E of the Social Security Act, as well as a nonfederal share provided by counties. The breakdown between these two sources is based on the Federal Medical Assistance Percentage (FMAP), which is about 64% federal and 36% nonfederal share. Counties are responsible for the total placement costs if a child is not eligible for Title IV-E.

Notifications – medical care and law enforcement

If a child under the care and supervision of a residential facility presents to an emergency department (ED) or is admitted to a hospital for an injury or mental health crisis, the bill requires the ED or hospital to communicate with the PCSA or PCPA with custody of the child about the visit and notify them of the discharge and/or if applicable, the Ohio Resilience Through Integrated Systems and Excellence (OhioRISE) Program, if the child is a program participant, and the Ohio Department of Children and Youth (DCY). The PCSA or PCPA must respond to the ED or hospital's communication within four hours after initial contact. Additionally, a law enforcement officer who has an investigative interaction with a child under the supervision of a residential facility is required to notify the facility operator and the appropriate PCSA or PCPA; the residential facility must report any interactions that result in a police report and provide a copy of the report to DCY. DCY is required to adopt rules to establish (1) a standardized procedure regarding the notifications required by law enforcement officers, (2) timeframes for these entities to provide reports to DCY, and (3) standards for DCY to track the reports it receives from these entities. Government-owned hospitals or state or local law enforcement offices may incur minimal costs related to these notification requirements depending on how the bill's requirements differ from current practice. PCSAs could realize costs to respond to an ED or hospital's communication regarding the discharge of a child. Total costs will depend on whether or not any subsequent actions are taken. There will be minimal rule promulgation costs for DCY. Any other impacts will depend on the rules adopted.

Delinquent children notification

Prior to a child's placement in a residential facility or no later than 96 hours after a child's placement in a residential facility as a result of an emergency placement or a change in the child's case plan, a PCSA or PCPA with custody of a child must inform the operator of the facility of any charges for which the child was adjudicated a delinquent child. There could be some minimal costs to PCSAs or PCPAs to provide this information if it is not already provided.

Monthly visits to residential facility

The bill 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. Since PCSAs already conduct monthly in-person visits to these facilities, there should not be any added costs associated with this requirement. However, the

bill requires DCY to adopt rules regarding the criteria for determining whether a PCSA must report a concern to DCY. This could add some minimal costs to PCSAs depending on the rules adopted.

Mandatory review of placement

The bill 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 certain incidents occur. Additionally, DCY is required 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. PCSAs currently review and assess a child's situation and safety in certain instances (e.g., when a child is injured). However, there could be additional costs to PCSAs depending on how the rules actually adopted differ from current practice and requirements.

24-hour emergency on-call procedure

The bill requires a PCSA, PCPA, and operator of a residential facility to establish a 24-hour emergency on-call procedure to respond to contact from EDs, 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. Under current law, a PCSA or PCPA must develop an individual child care agreement (ICCA) each time a child is placed in a substitute care setting. The ICCA requires that the following information be made available: the name, address, and telephone number of the PCSA or PCPA, the name of the child's caseworker, and information regarding how the caseworker may be contacted during regular hours and during emergencies. Since PCSAs are already available 24 hours in case of emergencies, there should not be any additional fiscal impact associated with this provision.

Services from community organizations

The operator of a residential facility is required to notify a PCSA or PCPA about any service that a community organization provides or seeks to provide to a child under the care and supervision of the facility. Additionally, a PCSA or PCPA is required to document those services in the child's case plan. All services that a community organization provides to a child must receive prior approval from the PCSA or PCPA with custody of the child. There could be minimal costs to document these services in a child's case plan if they are not documented already and to approve services.

Residential facility certification

The bill requires the operator of a residential facility to demonstrate that the proposed facility meets all applicable local planning and zoning requirements. The bill also establishes a procedure for a county, township, or municipal corporation to revoke a conditional use permit respecting real property used as a residential facility in specified situations. There could be minimal costs associated with these provisions. Additionally, the bill requires DCY to conduct a site visit of a residential facility at least annually to ensure certification compliance and to adopt rules to establish criteria for requiring more than one site visit per year. There could be rule promulgation costs. Any other costs would depend on if the rules adopted differ from current practice.

The bill also requires DCY, no later than 180 days after the bill's effective date, to adopt rules to do the following: (1) divide the state into regions, (2) determine an ideal number of residential facilities for each region, and (3) establish incentives to attract residential facilities to regions in the state that are below the ideal number of residential facilities needed to serve children in foster care. Additionally, DCY is required to adopt rules, within 90 days, to establish a procedure for individuals in a community in which a residential facility is located to communicate concerns, complaints, or other pertinent information to the Department regarding the facility, as well as standards for tracking and retaining communications received. DCY may realize rule promulgation costs. Other costs regarding the procedures to receive and track such communications will depend on the rules adopted.

Criminal records checks

The bill requires the hiring officer of a residential facility to request the Superintendent of the Bureau of Criminal Investigation (BCI), which is under the Attorney General's Office, to conduct a criminal records check with respect to any person under final consideration for appointment or employment in the residential facility. If any of these individuals do not currently undergo a background check, BCI could realize an increase in costs to conduct additional checks. However, the BCI base fee for criminal record checks is \$22 while the FBI criminal record check is \$25.25. Fees collected are deposited in the Attorney General Reimbursement Fund (Fund 1060) and should offset any costs.

The bill also requires DCY to seek a federal waiver for the conditional appointment or employment of a person in a residential facility while a criminal records check is pending. DCY is also required to adopt rules regarding conditional appointment or employment. DCY may experience minimal costs to seek the waiver and to adopt related rules.

Educational stability of foster children

The bill 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. The PCSA or PCPA must convey the information on the form to the student's school district verbally upon enrollment and within five days after enrollment. DCY and DEW will realize minimal costs to create the form. Additionally, the school district in which a foster child is enrolled after being placed in a residential facility is required to assess the needs of the child for appropriate services and interventions. To avoid duplicative assessments and minimize any negative impact on the child, the school district is to utilize all available existing assessments regarding the child. The results of the assessment are to be used to make recommendations regarding services and interventions to the PCSA or PCPA. The needs of youth placed in a residential facility are currently assessed using the Child and Adolescent Needs and Strengths (CANS) tool to identify a child's strengths and needs. According to the Public Childrens Services Agency Organization (PCSAO), costs could increase if schools recommended additional services beyond those currently provided. However, schools are to utilize available assessments as part of this process, so this could help schools with the assessment process.

Further, the bill requires DEW on at least an annual basis to provide all school districts with best practices to help ensure the educational stability of students in the custody of a PCSA or PCPA. DEW does not anticipate significant costs to develop and distribute the list of best practices.

DCY review and reporting requirements

Under the bill, DCY is required to annually survey the staff of all residential facilities working with children under the care and supervision of residential facilities regarding the status of these children. The bill also requires DCY to review the staff survey and any reports it receives, and determine whether training requirements are responsive to the needs of residential facilities and adopt or modify rules if the DCY Director determines it necessary. DCY will realize costs to conduct annual surveys and to review any reports it receives.

Peace officer training

The Attorney General is required to adopt rules governing the training of peace officers in identifying and interacting with at-risk youth. The Ohio Peace Officer Training Academy will provide this training. There could be minimal costs to promulgate rules. However, training costs would depend on the rules adopted and if any of this training is currently provided.

Study Committee to Evaluate the Placement of Delinquent Children in Residential Facilities

The bill establishes the Study Committee to Evaluate the Placement of Delinquent Children in Residential Facilities to evaluate, make recommendations, and issue a report regarding the placement in residential facilities of children who are alleged to be or have been adjudicated delinquent children. There could be minimal costs to establish and provide support to such a committee. Any other impacts will depend on recommendations made and enacted.

Synopsis of Fiscal Effect Changes

Substitute bill I_135_2519-4 required the Attorney General to adopt rules governing the training of peace officers and first responders in identifying and interacting with at-risk youth. The Ohio Peace Officer Training Academy is required to provide this training. Substitute bill I_135_2519-5 removes the requirement that rules and training include first responders. It is possible that this removal could reduce training costs since fewer individuals would take part.

In substitute bill I_135_2519-4, if a child under the care and supervision of a residential facility has an interaction with law enforcement that results in a police report, the public children services agency (PCSA) or private child placing agency (PCPA) must report the interaction and provide a copy of the report to the Department of Children and Youth (DCY). Substitute bill I_135_2519-5 instead requires the residential facility to report the interaction and provide a copy to DCY. Any notification costs would transfer from the PCSA or PCPA to the residential facility.

Substitute bill I_135_2519-4 required that prior to a child's placement in a residential facility, a PCSA or PCPA with custody of a child must inform the operator of the facility of any charges for which the child was adjudicated a delinquent child. Substitute bill I_135_2519-5 requires that this be done prior to a child's placement in a residential facility or no later than 96 hours after a child's emergency placement. This will allow this information to be provided after an emergency placement is made.

Substitute bill I_135_2519-4 required the operator of a residential facility to notify a PCSA or PCPA about any service that a community organization provides to a child under the care and supervision of the facility. Substitute bill I_135_2519-5 requires all community services provided

to receive prior approval from the appropriate PCSA or PCPA. There could be minimal costs to approve these services.

Substitute bill I_135_2519-4 allowed DCY to suspend the certificate of an institution or association without a prior hearing for various reasons primarily related to the actual or risk of harm to a child under the entity's care and supervision. Additionally, the bill authorizes the Ohio Department of Mental Health and Addiction Services to suspend the license of a class one residential facility serving children without a prior hearing for specified reasons primarily related to actual harm or the risk of harm to a child under the entity's care and supervision. These provisions could have resulted in a reduction in hearing costs. However, substitute bill I_135_2519-5 removes these provisions.

Substitute bill I_135_2519-5 requires DCY to adopt rules, within 90 days, to establish a procedure for individuals in a community in which a residential facility is located to communicate concerns, complaints, or other pertinent information to DCY regarding the facility and standards for tracking and retaining communications. There would be rule promulgation costs. Any other costs will depend on rules adopted and the procedure selected for communicating and retaining this information.

Substitute bill I_135_2519-5 requires DCY to conduct a site visit of a residential facility at least once a year to ensure certification compliance. DCY may conduct a site visit more than once a year if the facility surpasses a threshold specified in rules. There would be rule promulgation costs. Any other costs will depend on how current practice differs from the rules adopted.

Substitute bill I_135_2519-5 requires the DCY Director to seek a federal waiver for the conditional appointment or employment of a person in a residential facility while a criminal records check is pending. The bill establishes provisions regarding the conditional appointment or employment and requires DCY to adopt related rules. Thus, there will be administrative costs to seek a waiver and to adopt rules.