



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 63 of the 131st G.A. (LSC 131 0695-1) **Date:** April 19, 2016
Status: In House Community and Family Advancement **Sponsor:** Reps. Grossman and Pelanda

Local Impact Statement Procedure Required: No

Contents: To require persons listed in the statute that governs reports of known or suspected child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from those persons, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines the placement is unsafe for the child

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill requires a local public children services agency (PCSA) to investigate a child's temporary placement with the attorney in fact upon receiving a written report of the use of a document that purports to grant to a person with whom a child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical control, and custody of the child from a service provider listed in statute. The bill also provides exemptions to this requirement. There would be an increase in costs to PCSAs to perform the additional investigations. The amount of the increase would depend on the number of investigations resulting from the bill. The Ohio Department of Job and Family Services estimates that each investigation could cost approximately \$845 if a home study is included.
- If the PCSA, upon completion of its investigation, determines that the temporary placement is unsafe for the child, the bill requires the PCSA to file a dependency complaint with the juvenile court. There would be an additional cost for the PCSA to file the dependency complaints with the court and for any proceedings resulting from the filing of the complaint.

Detailed Fiscal Analysis

The bill requires a service provider to promptly report, in writing, to the local public children services agency (PCSA) when an attorney in fact under a document that purports to grant to a person with whom a child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical control, and custody of the child requests registration in a school, medical treatment, or other services for a child and presents the service provider with the document as authority for requesting the services. The bill exempts a service provider from this requirement if the document presented appears to be a valid court order, power of attorney given to a grandparent, or caretaker authorization affidavit. The bill also requires that, upon receiving such a report, the PCSA investigate the child's temporary placement with the attorney. The investigation must include a criminal records check, a check of court records for any child-related civil proceedings, and if the PCSA determines that the records check warrants it, a home safety study. The bill specifies that a PCSA is not required to investigate the temporary placement of a child for a designated short-term period due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity.

According to the Ohio Department of Job and Family Services (ODJFS), the total cost for a PCSA to complete the bill's requirements for one investigation could be approximately \$845 if a PCSA determines that a home study is warranted or \$445 if a home study is not included. The estimated cost to complete the check of criminal records, court records, and any child-related civil proceedings would be approximately \$400 (\$40 per hour x 10 hours) and the estimated cost to complete the home safety study would be approximately \$400 (\$40 per hour x 10 hours). Lastly, the cost to complete the criminal records check would be \$45. The amount of any cost increase for a PCSA would depend on the number of investigations a PCSA must conduct as a result of the bill.

If a PCSA, upon completion of its investigation, determines that the temporary placement is unsafe for the child, the bill requires the PCSA to file a dependency complaint with the juvenile court. There would be an additional cost for the PCSA to file the dependency complaints with the court and for any court proceedings and potential foster care placements resulting from the filing of the complaint.

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill required a PCSA to treat a service provider's report as an allegation that the child is a dependent child and to investigate the child's temporary placement with the attorney in fact in accordance with statutory law and ODJFS's rules. It also specified that the investigation is to include a criminal records check, a check of court records for any child-related civil proceedings, and a home safety study. The substitute bill (LSC 131 0695-1) instead requires a PCSA to investigate a child's temporary placement and specifies that the investigation is to include a criminal records check, a check of court records for any child-related civil proceedings, and if the PCSA determines that the records check warrants it, a home safety study. As a result, there may be less home safety study costs under the substitute bill compared to the As Introduced version, depending on how many studies are deemed necessary due to the records check. The substitute bill also specifies that a PCSA is not required to investigate the temporary placement of a child for certain designated short-term periods. As a result, there could be a reduced number of investigations conducted under the substitute bill compared to the As Introduced version.

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