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S.B. 6  
133rd General Assembly

## Bill Analysis

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**Version:** As Introduced

**Primary Sponsors:** Sens. Coley and Hottinger

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### Summary

#### Host family child placement

- Permits a child to be hosted by a host family only when the following conditions are satisfied:
  - Hosting is done on a temporary basis (which is a period of time not to exceed one year, unless altered by a juvenile court that determines there are extenuating circumstances).
  - Hosting is done under a host family agreement entered into with a qualified organization's assistance.
  - Either one or both of the parents are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which hosting is appropriate.
  - The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children, if applicable.
  - The host family possesses a first aid and cardiopulmonary resuscitation certification.
- Prohibits a qualified organization from authorizing hosting with a host family if any adult residing with a prospective host family has been convicted of or pleaded guilty to specified crimes (including, for example, murder, aggravated murder, and rape), unless all the following conditions are satisfied:
  - For a misdemeanor, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.
  - For a felony, at least 10 years have elapsed since the person was fully discharged from imprisonment or probation arising from the conviction.

- The victim of the offense was not: under 18 years old, a functionally impaired person, developmental disabled, or suffering from a mental illness, or 60 years of age or older.
- Hosting in the host family's home will not jeopardize the child's health, safety, or welfare, as determined by the consideration of several factors specified in the bill, that include, for example, the person's age at the time of the offense, the nature and seriousness of the offense, the circumstances of the offense, and any other relevant factors.

## **"Host family" and "qualified organization" defined**

- Defines "host family" as any individual who provides care in the individual's private residence for a child or single-family group at the request of the custodial parent under a host family agreement, in addition to the host family's own child or children, if applicable.
- Specifies that "host family" excludes a foster home.
- Defines "qualified organization" as a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:
  - Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child;
  - Conducts a criminal background check and requests a check in Ohio's central registry of abuse and neglect on the intended host family and all adults residing in the intended host family's household;
  - Ensures the host family is trained on their rights, duties, responsibilities, and limitations;
  - Conducts in-home supervision of a child who is subject of the host family agreement while the agreement is in force as follows:
    - ❖ For shorter hostings, within 48 hours of placement and then at least once a week thereafter;
    - ❖ For longer hostings, an option for less frequent supervision, as determined in accordance with the child's best interests.
  - Plans for the return of the child to the child's parents.

## **Host family background check**

- Requires, before a qualified organization provides for hosting of a child, and every four years thereafter, the organization's administrative director to request the Bureau of Criminal Identification and Investigation (BCII) do the following for the host family and all adults residing in the host family's home:
  - Conduct a criminal records check.

- Obtain information from the FBI as part of the criminal records check, including fingerprint-based checks of the national crime information databases.
- Requires the administrative director to provide each person subject to the criminal record check with a copy of the required documents and finger print impression sheet and, to be completed by the person, and obtain and forward the completed documents and finger print impressions to the BCII.
- Requires the BCII, on receipt of an organization's request and completed documents and fingerprint impressions, to conduct a criminal records check in accordance with Ohio law.
- Prohibits an organization from authorizing hosting with a host family if a person subject to a check fails to complete the documents or provide fingerprint impressions.
- Specifies that the BCII check is not a public record and is not available to anyone except the person subject to the check or his or her representative), the qualified organization's administrative director, or any court, hearing officer, or other necessary individual involved regarding a decision not to authorize hosting with the host family.

### **Policies, procedures, and host family training**

- Requires a qualified organization to develop and implement written policies and procedures for employees, including policies and procedures specified in the bill, such as, for example, emergency and safety procedures, child care principles and practices, and the organization's administrative structure, procedures, and overall program goals.
- Requires a qualified organization to develop and implement written policies and procedures for host family training, including training specified in the bill, such as, for example, the host families' legal rights and responsibilities, the organization's policies and procedures regarding host families, and behavior management techniques.

### **Child abuse, neglect, and dependency**

- Makes an employee of a qualified organization a mandatory reporter of child abuse or neglect.
- Prohibits a public children services agency (PCSA) from filing a complaint that a hosted child is an unruly, abused, neglected, or dependent child if the child is hosted in compliance with the bill, unless the agency determines that other factors warrant filing the complaint.
- Provides that a presumption that a hosted child is abandoned maybe rebutted if the child is hosted in compliance with the bill.

### **ODJFS regulation of qualified organizations**

- Amends the definitions of "association" and "institution" to include "qualified organizations," which has the effect of subjecting the organizations to Ohio Department of Job and Family Services (ODJFS) requirements imposed on associations and institutions.

## Certification exemption

- Exempts host families from ODJFS certification requirements or supervision.

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## Detailed Analysis

### Host family child placement

#### When a child may be placed

The bill permits a child to be hosted by a host family only when the all the following conditions are satisfied:<sup>1</sup>

- Hosting is done on a temporary basis (which is a period of time not to exceed one year, unless the time period is altered by a juvenile court if the court determines there are extenuating circumstances).
- Hosting is done under a host family agreement entered into with a qualified organization's assistance.
- Either one or both of the parents are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which hosting is appropriate.
- The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children, if applicable.
- The host family possesses a current American Red Cross, American Heart Association, or equivalent first aid and cardiopulmonary resuscitation certification.

#### When child placement prohibited

A qualified organization is prohibited from authorizing hosting with a host family if any person 18 years of age or older who resides with the prospective host family previously has been convicted of or pleaded guilty to specified crimes (including, for example, murder, aggravated murder, and rape), unless all the following conditions are satisfied:<sup>2</sup>

- If the offense was a misdemeanor, or would be a misdemeanor if the conviction occurred at the time that hosting is being considered, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.
- If the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation arising from the conviction.
- The victim of the offense was not: under 18 years old, a functionally impaired person, developmentally disabled, suffering from a mental illness, or 60 years of age or older.

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<sup>1</sup> R.C. 2151.90(B) and 2151.901.

<sup>2</sup> R.C. 2151.906.

- Hosting in the host family's home will not jeopardize in any way the child's health, safety, or welfare, as determined by the consideration of the following factors:
  - The person's age at the time of the offense;
  - The nature and seriousness of the offense;
  - The circumstances under which the offense was committed;
  - The degree of participation of the person involved in the offense;
  - The time elapsed since the person was fully discharged from imprisonment or probation;
  - The likelihood that the circumstances leading to the offense will recur;
  - Whether the person is a repeat offender;
  - The person's employment record;
  - The person's efforts at rehabilitation and the results of those efforts;
  - Whether any criminal proceedings are pending against the person;
  - Any other factors the qualified agency<sup>3</sup> considers relevant.

## **"Host family" and "qualified organization" defined**

### **Host family**

The bill defines "host family" as any individual who provides care in the individual's private residence for a child or single-family group, at the request of the custodial parent, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.<sup>4</sup>

### **Qualified organization**

Under the bill, a "qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:<sup>5</sup>

- Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;
- Conducts a criminal background check on the intended host family and all adults residing in the host family's household;

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<sup>3</sup> The bill needs a technical amendment to change this reference from qualified "agency" to qualified "organization."

<sup>4</sup> R.C. 2151.90(A)(1).

<sup>5</sup> R.C. 2151.90(A)(2).

- Requires a background check in Ohio's central registry of abuse and neglect from ODJFS for the intended host family and all adults residing in the intended host family's household;
- Ensures that the host family is trained on their rights, duties, responsibilities, and limitations as outlined in the host family agreement;
- Conducts in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows:
  - For shorter hostings, within 48 hours of placement and then at least once a week thereafter;
  - For longer hostings, an option for less frequent supervision, as determined in accordance with the child's best interests.
- Plans for the return of the child who is the subject of the host family agreement to the child's parents.

### **Host family background check**

The bill requires, before a qualified organization provides for hosting of a child, and every four years thereafter, the organization's administrative director to request the Bureau of Criminal Identification and Investigation (BCII) do the following for the host family and all other persons 18 years of age or older residing in the home:

- Conduct a criminal records check; and
- Obtain information from the FBI as part of the criminal records check, including fingerprint-based checks of the national crime information databases.

In all other cases in which the administrative director requests a criminal records check, the administrative director is permitted to request that the BCII superintendent include information from the FBI in the criminal records check, including fingerprint-based checks of national crime information databases.<sup>6</sup>

The administrative director must provide each person subject to the criminal records check with a copy of the required form and fingerprint impression sheet prescribed under Ohio law. On obtaining the completed form and impression sheet, the administrative director must forward the completed form and sheet to the BCII superintendent at the time the criminal records check is requested.

Any person subject to the criminal records check who receives a copy of the form and impression sheet and who is requested to complete the form and provide a set of fingerprint impressions must complete, or provide the information to complete, the form and provide the impression sheet with the fingerprint impressions. If the person fails to provide the information

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<sup>6</sup> R.C. 109.572 and 2151.904.

necessary to complete the form or fails to provide fingerprint impressions, the organization is prohibited from authorizing hosting with the host family.<sup>7</sup>

The bill specifies that the report of any criminal records check conducted by the BCII in accordance with the bill is not a public record and cannot be made available to anyone except the following:<sup>8</sup>

- The person subject to the criminal records check or the person's representative;
- The qualified organization's administrative director who requested the criminal records check or the administrative director's representative;
- Any court, hearing officer, or other necessary individual involved in a case regarding an organization's decision not to authorize hosting with the host family if the host family either (1) was subject to the criminal records check, or (2) resided with the person subject to the criminal records check.

## **Policies, procedures, and host family training**

### **Employee policy and procedures**

The bill requires a qualified organization to develop and implement written policies and procedures for employees, including policies and procedures on all of the following topics:<sup>9</sup>

- Familiarization of the employee with emergency and safety procedures;
- The principles and practices of child care;
- Administrative structure, procedures, and overall program goals of the organization;
- Appropriate techniques of behavior management;
- Techniques and methodologies for crisis management;
- Familiarization of the employee with the disciplinary procedures and the discipline behavior intervention policies required by ODJFS rules and any other similar requirements;<sup>10</sup>
- Procedures for reporting suspected child abuse or neglect;
- An emergency medical plan;
- Universal precautions;
- Knowledge and skills to understand and address the issues confronting adolescents.

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<sup>7</sup> R.C. 2151.905.

<sup>8</sup> R.C. 2151.907.

<sup>9</sup> R.C. 2151.908.

<sup>10</sup> Ohio Administrative Code 5101:2-5-13 and 5101:2-9-21, not in the bill.

## **Host family training**

The bill also requires a qualified organization to develop and implement written policies and procedures for host family training, including training on all the following topics:<sup>11</sup>

- The host family's legal rights and responsibilities;
- The organization's policies and procedures regarding host families;
- The effects that separation and attachment issues have on children and their families;
- The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development, as well as information on reporting child abuse and neglect;
- Behavior management techniques;
- Cultural competence;
- Prevention, recognition, and management of communicable diseases;
- Community health and social services available to children and their families;
- Training on appropriate and positive behavioral intervention techniques;
- Education advocacy training.

## **Child abuse, neglect, and dependency**

The bill makes an employee of a qualified organization a mandatory reporter of child abuse or neglect.<sup>12</sup>

The bill prohibits a public children services agency (PCSA) from filing a complaint that a hosted child is an abused, neglected, or dependent child because the child is hosted by a host family in compliance with the bill, unless the PCSA determines that factors other than hosting warrant filing the complaint. This prohibition also covers children who may be unruly, juvenile traffic offenders, or habitually truant, or who violated the prohibition against a child possessing, using, purchasing, or receiving cigarettes or other tobacco products.<sup>13</sup>

The bill also provides that a presumption that a hosted child is abandoned may be rebutted if the hosting complies with the bill.<sup>14</sup>

## **ODJFS regulation of qualified organizations**

The bill amends the definitions of "association" and "institution" to include "qualified organizations" for the purpose of Ohio's laws governing the placement of children.<sup>15</sup> This has

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<sup>11</sup> R.C. 2151.909.

<sup>12</sup> R.C. 2151.421(A)(1)(b).

<sup>13</sup> R.C. 2151.902; R.C. 2151.27 and 2151.87, not in the bill.

<sup>14</sup> R.C. 2151.903.

<sup>15</sup> R.C. 5103.02(A)(1)(d).



the effect of subjecting qualified organizations to ODJFS rules for the adequate and competent management of institutions or associations. Further, ODJFS must biennially pass upon the fitness of an organization and revoke certification if an organization is in violation of a rule or law.<sup>16</sup>

### **Certification exemption**

Under the bill, host families are exempt from certification or supervision requirements under ODJFS rules for management of institutions or associations.<sup>17</sup>

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## **History**

Action	Date
Introduced	02-12-19

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<sup>16</sup> R.C. 5103.03(A), (B)(1), and (C), not in the bill.

<sup>17</sup> R.C. 2151.9010.