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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 4  
(1\_134\_0277-2)  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 4's Bill Analysis](#)

**Version:** In House Families, Aging, and Human Services Committee

**Primary Sponsors:** Reps. Plummer and Manchester

**Local Impact Statement Procedure Required:** Yes

Ryan Sherrock, Economist, and other LBO staff

### Highlights

- Public children services agencies (PCSAs) will experience additional costs in order to meet the bill's requirements for memoranda of understanding (MOUs) established between PCSAs and other local agencies.
- The Ohio Department of Job and Family Services (ODJFS) will experience additional costs to audit the MOUs and to promulgate certain rules regarding child neglect.
- ODJFS will realize costs to establish and support the Children Service Ombudsman Office.

### Detailed Analysis

#### Memoranda of understanding

The bill makes numerous changes to the law affecting memoranda of understanding (MOUs) established between public children services agencies (PCSAs) and public officials and entities. Specifically, the bill establishes a review process for each county's MOU. As part of this process the bill requires biennially that each MOU be resigned and submitted to the respective county board of commissioners for approval and meet certain requirements. This will increase administrative work for many PCSAs and some of the public entities that enter into the MOUs.

The bill creates requirements for the MOUs and also requires ODJFS to create a model memorandum that provides guidance to meet the bill's requirements. Additionally, ODJFS will be required to audit each MOU biennially for compliance and maintain a list of counties meeting the requirements on its website. Currently, ODJFS has little involvement with these memoranda; both the Department and PCSAs will experience additional costs related to updating MOUs and going through the biennial audit.

## **Cross reporting**

Additionally, the bill requires PCSAs to notify law enforcement if it receives a report of child abuse or a report of neglect that alleges a type of neglect identified in rules that the ODJFS Director must adopt no later than 90 days after the effective date of the bill. This could increase costs for PCSAs in order to provide the information; local law enforcement could experience costs depending on if they investigate additional reports. In addition, ODJFS will have costs to promulgate rules.

## **Children Service Ombudsman Office**

The bill creates the Children Service Ombudsman Office under ODJFS, consisting of an ombudsman, not fewer than two regional ombudsman, and necessary support staff. The duties of the Office are to investigate and resolve concerns made by or on behalf of children and families involved with PCSAs, Title IV-E agencies, or private provider agencies that administer or oversee foster care or placement services for the children services system, as well as establishing procedures for receiving and resolving complaints consistent with state and federal law and providing an annual report. ODJFS will be responsible for all administrative undertakings for the Office, including the provision of offices, equipment, and supplies, as necessary. This will increase administrative costs for ODJFS. ODJFS is currently planning to establish a similar ombudsman and plans to spend about \$513,000 in FY 2022 and \$531,000 in FY 2023.<sup>1</sup>

## **PCSA request to examine and interview children**

Under the bill, if a PCSA receives a report of child abuse or neglect or a report that a child may be a dependent child and the PCSA is denied reasonable access or any other information necessary, the PCSA is permitted to submit a sworn affidavit explaining the need for the juvenile court to issue an order granting the PCSA access to examine and interview the child or conduct other activities as necessary. The bill also includes requirements for these affidavits. If a juvenile court determines probable cause exists, the bill permits it to, without a hearing, issue an order authorizing the PCSA to interview or examine a child who may be abused, neglected, or dependent and other activity the court deems necessary to determine the current risk posed to the child. The bill provides that juvenile courts have exclusive original jurisdiction to hear and determine a court order to examine and interview a child who may be an abused, neglected, or dependent child. Any impacts to PCSAs and juvenile courts will depend on the number of such cases and affidavits.

## **Foster care and adoption home assessor qualifications**

The bill adds that current and former PCSA caseworkers, current PCSA caseworker supervisors, and an individual with a master's degree in social work or a related field who is, and has been, employed for at least two years in a human services-related occupation is an individual qualified to perform foster care and adoption home studies under current law. Allowing additional individuals to perform these studies could increase the number of studies conducted.

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<sup>1</sup> From H.B. 110 budget discussions with ODJFS, so this is still in the planning process.

## Synopsis of Fiscal Effect Changes

The substitute bill (I\_134\_0277-2) establishes the Children Service Ombudsman Office under the Ohio Department of Job and Family Services (ODJFS) to investigate and resolve concerns and complaints from and on behalf of children and families involved with entities overseeing foster care or the placement of children. The amendment further requires ODJFS to be responsible for providing administrative support. The bill specifies duties of the Office and requires ODJFS to be responsible for providing administrative support. This will result in costs to ODJFS. ODJFS is currently planning to establish a similar ombudsman and plans to spend about \$513,000 in FY 2022 and \$531,000 in FY 2023.<sup>2</sup> This provision was not in the As Introduced bill.

The substitute bill changes the review process for each county's memoranda of understanding (MOU) to a biennial process, including ODJFS's audit. In the As Introduced version, this process was annual. Impacted local government entities and ODJFS will still experience administrative costs under the substitute bill. However, these costs should be lessened if they are done biennially instead of annually.

The substitute bill requires PCSAs to notify law enforcement if it receives a report of child abuse or a report of neglect that alleges a type of neglect identified in rules that the ODJFS Director must adopt no later than 90 days after the effective date of the bill. The As Introduced version of the bill required PCSAs to notify law enforcement when it receives a report of child abuse and neglect. The substitute bill will result in costs to ODJFS for rule promulgation. Under the substitute bill, the number of neglect reports will depend on rules adopted.

The substitute bill allows a PCSA, if it receives a report of child abuse or neglect or a report that a child may be a dependent child and the PCSA is denied reasonable access, to submit a sworn affidavit explaining the need for the juvenile court to issue an order granting the PCSA access to examine and interview the child. Any impacts will depend on the number of such cases and the number of affidavits filed. This was not in the As Introduced version of the bill.

The substitute bill adds certain individuals to the list qualified to perform foster care and adoption home assessor qualifications, which may result in additional studies being conducted. This provision was not in the As Introduced version of the bill.

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<sup>2</sup> From H.B. 110 budget discussions with ODJFS, so this is still in the planning process.