Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 50 of the 131st G.A.

Date: November 16, 2015

Status: As Re-referred to House Rules and Reference

Sponsor: Reps. Grossman and Pelanda

Local Impact Statement Procedure Required: No

Contents: To extend the age for which a person is eligible for federal foster care and adoption assistance payments under Title IV-E to age 21, to provide a ward's bill of rights, to require that a guardian receive the Ohio guardianship guide, and to conform to recent amendment to federal Title IV-E program requirements

State Fiscal Highlights

- The bill requires the Ohio Department of Job and Family Services (ODJFS) to submit a state plan amendment that extends the age limit for foster care payments from age 18 to age 21. The bill also requires the state to cover all costs for this foster care extension. According to ODJFS, for FY 2016, planning costs would be approximately $550,000. The total costs for implementation would be approximately $24.5 million ($9.7 million state share) for FY 2017, $24.5 million ($9.7 million state share) for FY 2018, and $35.1 million ($13.9 million state share) for FY 2019 and FY 2020. The bill makes appropriations to cover these costs in FY 2016 and FY 2017.

- The Attorney General has already developed and printed 55,000 Ohio guardianship guides, and distributed a sufficient number to the probate court in each of Ohio's 88 counties. A copy of the guide is currently available to download at the Attorney General's website.

- The presumably one-time cost for the Ohio Judicial Conference to develop and distribute an alternative to the Attorney General's guardianship guide is expected to be minimal.

Local Fiscal Highlights

- It is expected that probate courts generally will be able to incorporate the bill's requirements into their daily operations without requiring any additional staff.

- As the Ohio guardianship guide summarizes existing rights, local governments (in particular counties) should incur no additional costs if they are fulfilling their obligations under current law.

Detailed Fiscal Analysis

Foster care extension

The bill requires the Ohio Department of Job and Family Services (ODJFS) to submit a state plan amendment that extends the age limit for foster care payments from age 18 to age 21. In addition, the bill states requirements for a person to receive these foster care payments. The bill also requires the state to cover all costs for this foster care extension.

The table below lists the estimated costs of extending the foster care from age 18 to age 21 for FY 2016 through FY 2020, showing the state share, the federal share, and the total cost. According to ODJFS, for FY 2016, the cost would be approximately $550,000 to hire new staff and complete contracts in order to begin implementation in FY 2017. The total costs for implementation would be between approximately $8.1 million and $24.5 million ($3.2 million and $9.7 million state share) for FY 2017, $15.3 million and $24.5 million ($6.1 million and $9.7 million state share) for FY 2018, and $35.1 million ($13.9 million state share) for FY 2019 and FY 2020. Costs for FY 2017 and FY 2018 have differing values depending on whether ODJFS implements the foster care extension by phasing the program in over three years or fully implementing the program in FY 2017.

Costs to Extend Foster Care From Age 18 to Age 21			
Fiscal Year	State Share (in millions)	Federal Share (in millions)	Total Cost** (in millions)
2016	$550,000*	$0	**$550,000**
2017***	$3.2 to $9.7	$4.8 to $14.8	**$8.1 to $24.5**
2018***	$6.1 to $9.7	$9.2 to $14.8	**$15.3 to $24.5**
2019	$13.9	$21.2	**$35.1**
2020	$13.9	$21.2	**$35.1**

*FY 2017 and FY 2018 figures will differ depending on whether ODJFS partially or fully implements the foster care extension in those years.

**Numbers may not add to total due to rounding.

***Some portion of this amount might be eligible for federal reimbursement.

The costs for FY 2017 to FY 2020 implementation include the cost of foster care payments, adoption assistance payments, contracting for case management, review of case management, and for additional personnel required by ODJFS. These estimates are based on approximately 2,800 individuals being eligible for the new benefit between age 18 and age 21. The estimates also assume participation for eight months of the year for 50% of the population in FY 2017 and FY 2018, and 75% participation for eight months of the year for FY 2019 and FY 2020. The assumption of eight months participation over the course of a year is due to the transient nature of persons in foster care.

According to ODJFS, there could also be additional costs for case planning and fiscal operational enhancements to the State Automated Child Welfare Information System (SACWIS), the state's child welfare case management and reporting database. Changes to SACWIS would be eligible for 50% federal reimbursement. There could also be costs to pay a per diem to private child placing agencies or private noncustodial agencies for administrative costs if the individual elects to remain in his or her foster home placement and the foster home is managed by one of these agencies. The average administrative per diem rate is currently $24.89 per child per day.

The bill appropriates $550,000 to GRF line item 600423, Family and Children Programs, in FY 2016 for planning for the extension of foster care. The bill also appropriates $9.7 million in FY 2017 to GRF line item 600523, Family and Children Services, and $14.8 million in FY 2017 to federal line item 600628, Foster Care Program – Federal, for implementation of the foster care extension. These appropriations are consistent with the costs for full implementation.

The bill also requires that ODJFS adopt rules that establish the scope of practice and training required for foster care workers and foster care worker supervisors for individuals receiving the new foster care payments. There would be a cost to ODJFS to establish the new scope of practice and to modify the training curricula for foster care workers and foster care supervisors. Training is provided by ODJFS's Ohio Child Welfare Training Program.

Ohio guardianship guide

The bill requires the probate court to furnish an Ohio guardianship guide to appointed guardians and to establish a form for a guardian to sign acknowledging receipt of the guardianship guide. The guide must include the "bill of rights of a ward," which are enumerated in the bill. The probate court must fulfill the requirements imposed by the bill only if the Attorney General has prepared an Ohio guardianship guide. But the bill does not directly authorize or require that the Attorney General do so. The Attorney General, however, has created a guide that meets the requirements of the bill.

The bill also authorizes the Ohio Judicial Conference, by July 1, 2015, to create an alternative guide to the Attorney General's guide, at their own cost, for distribution in the same manner as the Attorney General's guide. The Conference is currently developing such a guide. The presumably one-time cost to develop and distribute the guide is expected to be minimal.

As of December 2013, there were 61,076 active cases involving wards in Ohio. The number of guardians however is not recorded in an easily retrievable form. It is probably safe to say though that the number of guardians statewide is likely to be significantly fewer than the number of wards. For purposes of the bill, a "guardian" is, generally, a person or entity appointed by a probate court to care and manage the person, estate, or both of an incompetent or minor. A "ward" is a person for whom a guardian or the probate court is acting as provided in Ohio's guardianship law. The

table below contains a summary of those active cases involving wards in nine counties selected on the basis of their size of population. Those counties are as follows: three with large populations (Cuyahoga, Franklin, and Hamilton), three with medium-sized populations (Summit, Lake, and Medina), and three with small populations (Hardin, Wyandot, and Vinton). The last row of the table displays the same information for the entire state.

Active Cases Involving Guardianship of Wards for Certain Counties, as of December 31, 2013*					
County	County Population	Number of Minor Wards	Number of Incompetent Wards	Number of Temporary Wards	Total Ward Cases
Cuyahoga	1,280,109	3,774	8,004	0	11,778
Franklin	1,163,414	1,918	3,974	35	5,927
Hamilton	802,374	940	2,833	3	3,776
Summit	541,786	279	2,160	0	2439
Lake	230,038	391	821	7	1,219
Medina	172,332	261	543	10	814
Hardin	32,058	21	82	0	103
Wyandot	22,615	38	66	6	110
Vinton	13,435	16	76	0	92
Statewide**	**11,536,503**	**14,476**	**45,858**	**742**	**61,076**

*Population data is from 2010 Census. Active ward case data is from the Supreme Court's 2013 Ohio Courts Statistical Report.
**This row summarizes the data for all 88 counties, including the nine counties detailed in the above rows.

The Attorney General has already developed and printed 55,000 Ohio guardianship guides and is in the process of distributing a sufficient number to the probate court in each of Ohio's 88 counties. The printing cost totaled $15,400. A copy of the guide is currently available to download at the Attorney General's website.

Based on a conversation with the Ohio Clerk of Courts Association, it appears that probate courts generally have sufficient resources, including staffing levels, to comply with the bill's requirements. This includes furnishing the guide to guardians and the latter's signing a form acknowledging receipt of the guide. The guide is furnished upon the guardian's appointment or upon the first filing of a specified account or report.

The Ohio guardianship guide states the rights that a ward is entitled to under current law. It does not enumerate any new or additional rights. Thus local governments, in particular counties, will not incur costs beyond what they should be incurring in fulfilling their obligations under current law.