



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 63 of the 131st G.A. (LSC 131 0695-7) **Date:** April 19, 2016
Status: In House Community and Family Advancement **Sponsor:** Reps. Grossman and Pelanda

Local Impact Statement Procedure Required: No

Contents: Regarding child rehomeing and nonjudicial grants of parental rights

State Fiscal Highlights

- The bill requires a mandatory reporter in certain instances to promptly investigate whether a child has been placed with an attorney in fact due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity. Based on the investigation, the mandatory reporter could be required to report, in writing, information to the public children services agency (PCSA). There could be costs to state agencies that employ mandatory reporters to conduct these investigations and to report this information.
- The bill requires the Ohio Department of Job and Family Services (ODJFS) to include records regarding investigations and determinations under the bill's provisions in the statewide automated child welfare information system (SACWIS). There would be a cost to ODJFS to develop the intake type in SACWIS.
- The bill requires any training that ODJFS may require for a prospective adoptive parent to include instruction regarding certain provisions. There could be a minimal cost to include the bill's training requirements in the adoptive parent training.
- The bill expands the offense of endangering children to include prohibitions against rehomeing and nonjudicial grants of parental rights. A violation of these prohibitions may result in a negligible annual increase in state revenue from court costs, fees, and fine revenues, and the possibility of a few additional offenders being ordered to serve a sentence in a state prison.

Local Fiscal Highlights

- The bill requires a mandatory reporter to promptly investigate, in certain instances, whether a child has been placed with an attorney in fact due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity. Based on the investigation, the mandatory reporter could be required to report, in writing, information to the PCSA. There

could be costs to local agencies that employ mandatory reporters to conduct these investigations and report this information.

- The bill requires the PCSA to investigate the child's placement if a report is submitted from a mandatory reporter. The investigation may 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 study following standard protocols. There would be an increase in costs to PCSAs to investigate the complaints. The increase in costs would depend on the requirements for the investigation in rule and the number of reports received.
 - The bill requires that 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 complaint with the juvenile court. There would be an additional cost for the PCSA to file the complaints with the court and for any proceedings resulting from the filing of the complaint.
 - The bill expands the offense of endangering children to include prohibitions against rehomeing and nonjudicial grants of parental rights. A violation of these prohibitions may result in additional minimal annual costs to county criminal justice systems and possibly a negligible annual increase in local revenue from court costs, fees, and fine revenues.
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Detailed Fiscal Analysis

Mandatory reporter investigations of rehomeing

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 a mandatory reporter with the document as authority for requesting the services, the bill requires the mandatory reporter to promptly investigate whether the child has been placed with the attorney in fact due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity. The mandatory reporter must also investigate how long the child has been placed with the attorney in fact.

If the mandatory reporter determines that the child has been placed for more than one year or that the child has been placed for a reason other than because of a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity, the bill requires the mandatory reporter to promptly report the request, in writing, to the public children services agency (PCSA) of the county in which the child resides. The bill also states the information required in the report. The bill exempts a mandatory reporter 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. A mandatory reporter is also exempt from this requirement in certain specified situations, such as the child is related by consanguinity or affinity within the fifth degree to the person receiving the child or the placement has been made in accordance with any court order. There could be costs to state and local agencies that employ mandatory reporters to conduct these investigations and to generate reports.

PCSA investigations of rehomings

Upon receiving a report from a mandatory reporter, the bill requires the PCSA to investigate the child's placement. The PCSA must determine the extent of the investigation based upon the facts in the report, the PCSA's familiarity with the parties involved, and other factors it deems relevant. The investigation may 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 study following standard protocols. A PCSA is not required to conduct an investigation because of a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity for a designated period of less than one year. A PCSA is also not required to conduct an investigation in certain specified situations, such as the child is related by consanguinity or affinity within the fifth degree to the person receiving the child or placement has been made in accordance with any court order.

There would be an increase in costs to PCSAs to investigate the complaints. The increase in costs would depend on the requirements for the investigation in rule and the number of reports received. According to the Ohio Department of Job and Family Services (ODJFS), the estimated cost to complete the check of criminal records, court records, and any child-related civil proceedings could be approximately \$400 (\$40 per hour x 10 hours). The cost to complete the criminal records check could be \$45.

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 complaint with the juvenile court. There would be an additional cost for the PCSA to file the complaints with the court and for any court proceedings and potential foster care placements resulting from the filing of the complaint.

SACWIS

The bill requires ODJFS to include records regarding investigations and determinations under the bill's provisions in the statewide automated child welfare information system (SACWIS). ODJFS is to adopt rules by June 30, 2017 that creates an intake type for unregulated child custody transfers in SACWIS for these records. There would be a cost to ODJFS to develop the intake type in SACWIS.

Training of adoptive parents

The bill requires that any training that ODJFS may require for a prospective adoptive parent to include instruction regarding the bill's criminal penalties, the

mandatory reporter's investigations, and the PCSA's investigations. ODJFS currently contracts with a vendor that provides all PCSA prospective adoptive parent training. There could be a minimal cost to include the bill's training requirements in the adoptive parent training.

Criminal offense

The bill expands the offense of endangering children to include prohibitions against rehoming and nonjudicial grants of parental rights. A violation of these prohibitions may result in: (1) additional no more than minimal annual costs to county criminal justice systems to resolve a relatively small number of additional felony endangering children cases, including sanctioning of the offender, (2) a negligible annual increase in state and local revenue from court costs, fees, and fine revenues, and (3) the possibility of a few additional offenders being ordered to serve a sentence in a state prison.

Board and commission rules

The General Assembly strongly recommends that every board, commission, or agency that is created under Title 47 of the Revised Code and that grants licensure or certification to persons who may encounter a child, in situations addressed by the bill, in the normal course of their work, to adopt rules to require those persons to receive training in the recognition and handling of these cases.

Synopsis of Fiscal Effect Changes

Mandatory reporter changes

Under the substitute bill (LSC 131 0695-7), 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, presents a mandatory reporter with the document as authority for requesting services, the bill requires the mandatory reporter to promptly investigate whether the child has been placed with the attorney in fact due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity.

If the mandatory reporter determines that the child has been placed for more than one year or that the child has been placed for a reason other than because of a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity, the bill requires the mandatory reporter to promptly report the request, in writing, to the PCSA of the county in which the child resides. There could be costs to state and local agencies that employ mandatory reporters to conduct these investigations and to generate reports. The bill's previous version (LSC 131 0695-1) required a service provider to make a similar report to a PCSA, but required no investigation on the part of the service provider.

PCSA investigation changes

Under the substitute bill (LSC 131 0695-7), upon receiving a report from a mandatory reporter, a PCSA is required to investigate the child's placement. The PCSA must determine the extent of the investigation based on the facts in the report from the mandatory reporter, the agency's familiarity with the parties involved, and other factors it determines relevant. In addition, the substitute bill specifies that an investigation of a child's placement may include a criminal records check, a check of court records for any child-related civil proceedings, and, if a PCSA determines that the records check warrants it, a study following standard protocols. The previous substitute bill (LSC 131 0695-1) required a PCSA that received a report from a mandatory provider to investigate the child's temporary placement. The investigation was to include a criminal records check, a check of court records for any child-related civil proceedings, and if the PCSA determined that the records check warranted it, a home safety study. There would be still be an increase in costs to PCSAs under the current substitute bill to investigate the complaints. However, this increase could be less than under the previous substitute version since mandatory reporters would perform the initial investigation and then pass certain cases to the PCSA. Thus, there could be a reduction in the number of cases that PCSAs would investigate. Also, the current substitute bill (LSC 131 0695-7) specifies that the investigation may require certain actions, rather than requiring them.

Other fiscal effect changes

The substitute bill requires ODJFS to include records regarding investigations and determinations under the bill's provisions in the statewide automated child welfare information system (SACWIS). ODJFS is to adopt rules by June 30, 2017 that creates an intake type for unregulated child custody transfers in SACWIS for these records. There would be a cost to ODJFS to develop the intake type in SACWIS. This was not included in the previous substitute version of the bill.

The substitute bill requires that any training that ODJFS may require for a prospective adoptive parent to include instruction regarding the bill's criminal penalties, the mandatory reporter's investigations, and the PCSA's investigations. ODJFS currently contracts with a vendor that provides all PCSA prospective adoptive parent training. There could be a minimal cost to include the bill's training requirements in the adoptive parent training. This was not included in the previous substitute version of the bill.

The substitute bill expands the offense of endangering children to include prohibitions against rehoming and nonjudicial grants of parental rights. A violation of these prohibitions may result in: (1) additional no more than minimal annual costs to county criminal justice systems to resolve a relatively small number of additional felony endangering children cases, including sanctioning of the offender, (2) a negligible annual increase in state and local revenue from court costs, fees, and fine revenues, and (3) the possibility of a few additional offenders being ordered to serve a sentence in a state prison. This was not included in the previous substitute version of the bill.