

Sponsor Testimony
House Criminal Justice Committee
February 21, 2008
Senator Tom Niehaus
SB 163

Thank you Chairman White and members of the Criminal Justice Committee for the opportunity to present sponsor testimony on Senate Bill 163, foster care reform.

Senate Bill 163 and House Bill 214, sponsored by Rep. Jeff Wagner and signed by the governor last week, represent the collective work of more than three dozen individuals who responded to the need to reevaluate the foster care system after the tragic death of three-year-old Marcus Fiesel in Clermont County in 2006. House Bill 213 sponsored by Rep. Courtney Combs is the companion bill to SB 163.

Though there were calls for immediate changes after the Fiesel tragedy, in my experience that is the time to be most cautious. It is important not to respond with a knee-jerk reaction that generates publicity but falls short of solving the problem. We chose a more deliberative but more productive route of working with the professionals and families who live and work in our foster care system.

Representative Jeff Wagner and I had worked together with many of these people on foster care legislation in 2006. That legislation dealt with the new Statewide Automated Child Welfare Information System (SACWIS).

We followed that successful approach again. Working with colleagues in the House and Senate, we convened a series of interested party meetings to identify key issues. Foster parents and children, public and private agencies and others interested in the welfare of children participated in the process. We set up six subcommittees and let those groups delve into critical issues in more detail.

SB 163 includes the recommendations from those subcommittees and ultimately the entire working group. This legislation:

- Creates the retained applicant fingerprint database to allow state and county agencies to be notified immediately if a foster parent has been arrested for an offense that would preclude them from being certified as a foster parent. This allows agencies to determine what, if any action is necessary.
- Expands the list of offenses that preclude someone from being a foster parent to include permitting child abuse, menacing by stalking, cruelty to animals, and repeat drunk driving (2 convictions within 3 years). Currently, an individual is ineligible to become a foster parent if they have been convicted of a number of crimes, including homicide, assault, abuse, kidnapping, sex offenses, arson and drug offenses.

- Requires an FBI background check of prospective foster parents prior to certification or licensure, and again, whenever they apply for recertification or license renewal.
- Requires a search of the Statewide Automated Child Welfare Information System (SACWIS) prior to certification and at recertification of foster parents. SACWIS is the primary system agencies use to track essential information about children in the custody of the state.
- Gives private child placing agencies and non-custodial agencies access to SACWIS.
- Ensures that through the Ohio Administrative Code, child placement agencies have the ability to verify financial information provided by foster parents during the screening process.
- Precludes day care providers who already care for between 7-12 children (state certified as Type A providers) from becoming foster parents.
- Prohibits specialized foster homes from being certified as Type A or B (caring for 6 or less) day care.
- Requires a person who is licensed as both a Type B day care provider and a foster parent to notify the parents of the children in their facility that they are also a foster parent.

I will be asking the committee to amend this legislation to address concerns raised within the foster care committee about a community notification procedure. Many felt the language included in an amendment adopted in the Senate was too broad. The bill as passed by the Senate contains language that requires community notifications for any foster children with exceptional needs. This would include, among others, children with autism.

The sponsor of the original amendment and I are supporting an amendment that represents the work of the Public Children's Services Association of Ohio to forge a compromise and remove some of the notification requirements. It balances the need to protect the community with the privacy of foster children and their parents. It more narrowly requires notifications only when a foster child who has been adjudicated unruly or delinquent or the child poses an ongoing danger to themselves or others is placed in a community.

I cannot say enough about the individuals and organizations who participated in drafting this legislation. The working group began meeting following the November 2006 release of an Ohio Department of Job & Family Services report on the Fiesel case.

I would like to thank the following participants for their work on this legislation: foster parents and children, representatives of ODJFS, the Ohio Attorney General's Office, the Ohio Association of Child Caring Agencies, the Public Children Services Association of Ohio, the Ohio Family Care Association, the Adoption Network, the Family Service Council, the Institute for Human Services, the Ohio Judicial Conference, the County Commissioners Association and representatives from local Job & Family Service agencies in Butler, Clermont, Cuyahoga, Lorain, Lucas and Montgomery counties.

And of course we all know we could not do our work without the assistance of aides, caucus staff and LSC. So I want to give a special thanks to my Legislative Aide Trisha Hershey, Missy Craddock of the House majority caucus staff and LSC.

Mr. Chairman and members of the committee, I look forward to working with you to move SB 163 through the committee process and improve the foster care system in Ohio.

I would be happy to answer any questions.