



PCSAO

PUBLIC CHILDREN SERVICES
association of ohio

SB 163

Foster Care Safeguards & Database Bill

Senator Tom Niehaus, Sponsor

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Supportive Testimony House Criminal Justice Committee

Greg Kapcar
March 13, 2008

Supporting Good People to be Great Foster Parents!

Chairman White, Ranking Member DeGeeter and members of the Committee, I am Greg Kapcar the Assistant Legislative Director of the Public Children Services Association of Ohio (PCSAO). PCSAO represents the 88 public child protection agencies here in Ohio. Through this proactive coalition of public child welfare agencies, we promote the development of sound public policy and program excellence for safe children, stable families and supportive communities.

PCSAO is pleased to provide supportive testimony for SB 163 (companion to Representative Courtney Combs' HB 213.)

This bill is a sister piece of legislation that will help **recruit good people, and support them to be great foster and kinship caregivers.** As you have already heard from Senator Niehaus in his sponsor testimony, SB 163 is part of a foster care reform package of legislation. I would like to take this opportunity to extend our appreciation to Senator Niehaus and his colleagues Senator Cates and Representatives Wagner and Combs for all of their leadership on a deliberate and productive approach that included many stakeholders, not the least of which were foster youth and parents, all interested in improving the foster care system in Ohio. PCSAO strongly supports both bills as they will improve safeguards where there are gaps – ensuring we *recruit good people*; while also initiating proactive reforms that *support these good people to be great foster parents!*

Essentially, SB 163 (and HB 213) is the portion of the reform package that focuses on ensuring we recruit good people by tightening up some safeguards around who our foster parents are. Aside from expanding the list of offenses prohibiting someone from becoming a foster parent, this bill addresses issues related to oversight and licensing of foster parent applicants. The bill provides for sharing important information to ensure children remain protected and safe in care by creating a real-time database to report offenses committed by certified foster parents; and the bill gives private agencies access to the Statewide Automated Child Welfare Information System (SACWIS) so that all agencies working with children, whether public or private, can share and have access to the same information

As Senator Niehaus mentioned in his sponsor testimony, we have concerns about notification provisions in the bill as they were amended and adopted in the Senate. We very much appreciate Chairman White and Ranking Member DeGeeter's efforts in bringing all interested parties and hearing all sides and we look forward to a resolution so this bill can join its sister piece of legislation in being signed into law by the Governor.

Attached you will find an outline of this bill. As you can see, it includes numerous provisions in the following categories:

- **Background Checks**
- **Safeguards**
- **Information Sharing**
- **Permanency for Children**

Background Checks

One of the most proactive and exciting aspects of this bill is the creation of the database that will retain foster parent fingerprints in order to send alerts to ODJFS and the agency supervising the foster home when a foster parent pleads guilty or is convicted of subsequent prohibited offenses (we believe it is critically important these database alerts also go to the county agency holding

custody of children in foster homes – and we have the support of Senator Niehaus and ODJFS for such a change to the existing language).

Currently, subsequent offenses committed by foster parents are self reported. The retained applicant fingerprint database established by this bill will provide a critically important warning flag to agencies involved that something is going on in the lives and quite possibly the home (e.g., in instances of domestic violence offenses) which threatens the stability of the family and most importantly the child's safety. This warning will prompt agencies that an assessment of the child's safety is needed above and beyond the services currently being provided. So, not only will caregivers have an FBI check and ongoing Ohio criminal background checks, but this bill will allow Ohio's BCI&I criminal background system to retain the fingerprints and provide instant notification of offenses after foster caregivers are certified.

Safeguards

Senate Bill 163 provides for additional safeguards at the front end of the foster parent application process by expanding the list of offenses prohibiting someone from becoming a foster parent. It also requires certain notification when individuals seek to be dually certified as child care providers and certified as foster parents. Related to dual certification, the bill specifically prohibits dual certification when someone chooses to be a child care provider for seven to twelve children (Type A child care provider) or chooses to be a specialized foster parent. These prohibitions against dual certification are made in the best interest of child safety.

Information Sharing

Having information is important. Having the right information at the right time is very important, especially in making decisions about the safety and care of children. The retained applicant fingerprint database, mentioned at the beginning of my testimony provides such information. In addition, SB 163 requires checking foster caregivers abuse and neglect history at initial certification, then updating that check on an ongoing basis at recertification. This bill gives private agencies access to SACWIS so that all agencies working with children, whether public or private, can share and have access to that same information.

In closing, I would like to mention again how much we appreciate the intense work and leadership by Senator Niehaus and Representative Combs (as well as their colleagues Senator Gary Cates and Representative Wagner) in hosting numerous interested party meetings to ensure the proposals in this bill will indeed improve safety and permanence of children, while not making the foster care experience more traumatic for our children or burdensome for families willing to open their hearts and homes to our children in Ohio. I hope you will support this bill and help us to recruit good people to be great foster parents.

I am happy to respond to any question

Recruiting Good People to be GREAT Foster Parents

AS PASSED BEFORE SUMMER RECESS

Foster Care Reform – Fingerprint Database & Safeguards Bill
HB 213 (Representative Courtney Combs, sponsor)
SB 163 (Senator Tom Niehaus, sponsor)

Background Checks

- Creates a BCII database that retains foster parent fingerprints and sends notification to ODJFS when a foster parent pleads guilty or is convicted of subsequent prohibited offenses; ODJFS must inform recommending agency within 96 hours; recommending agency assesses child's safety and forwards any cause for revocation to ODJFS (109.581; 5103.0328)
- ODJFS and BCII to work together on procedures and formats related to notifications; ODJFS to develop rules within six months of effective date; authorizes use of notification information while rules being developed (5101.32; 109.581)
- BCII check required at initial home study for all foster or adoptive parent applicants and adults in the home; must be updated every other recertification for foster homes and every four years at time of update and new home study for adoptive homes (2151.86)
- Requires FBI check at initial home study for all foster or adoptive parent applicants and adults in the home; permits subsequent FBI checks at recertification or home study update (2151.86)
- Conduct out-of-state central registry abuse neglect check on all foster/adoptive parents and adults in the home who lived outside Ohio five years prior to the BCII criminal background check (3107.034; 5103.18)
- Clarifies when a court must order a person to be fingerprinted (109.60; 1901.43; 1907.181; 2301.10)
- Adds the date of offense, summons, arraignment to the clerk of court weekly report sent to BCII (109.57)
- Establishes penalties for illegal dissemination or use of information in retained fingerprint database (109.99)

Safeguards

- Expands list of prohibited offenses for foster care and employees in out-of-home care settings to include such acts as permitting child abuse, menacing by stalking, cruelty to animal, repeat drunk driving of two or more convictions within three years immediately preceding application; current rehabilitation standards apply; ODJFS to create rules related to drunk driving offenses (109.572; 2151.86)
- Establishes ban on becoming a foster parent in Ohio when a foster care license was revoked in another state five years prior to their application in Ohio; mandates applicants disclose revoked foster care licenses; failure to report such revocations is grounds for denying or revoking a current certificate (2151.86)
- Adds CDJFS professional employee working with children and families to list of mandatory reporters (2151.421)
- ODJFS authorized to revoke certification of foster caregivers not caring for foster children for twelve consecutive months; recommending agency can provide good cause to maintain certification (5103.0326)
- Prevents Type A day care providers from becoming foster parents; prevents specialized foster homes from becoming day care providers; requires certain notification when individuals seek dual certification as Type B day care provider and family foster home (5103.03; 5104.011; 5104.022)

Information Sharing

- Conduct central registry/SACWIS searches for foster caregivers at initial and re-certification (3107.033; 5103.18)
- ODJFS to conduct searches for PCSAs until SACWIS implemented statewide and for all private agencies until they can individually access SACWIS (sec 4, temporary law)
- Gives private agencies (PCPA and PNA), IV-E courts and prosecuting attorneys access to SACWIS (5101.132)
- Adds public children services agencies to current list of entities authorized to receive results of criminal background checks (2151.86)
- Adds County Clerk of Courts as voluntary signator of local Memorandum of Understanding (2151.421)

Permanency for Children

- Allows a PCSA with custody of a child living in Ohio, to request the Court by-pass reasonable efforts if the parent(s) had parental rights of a sibling of that child, involuntarily terminated in another state (2151.414; 2151.419)
- Counts time a child spent in temporary custody of another state toward the 12 of 22 months permanency timeline if the child and parent move to Ohio and Ohio PCSA must place the child in out of home care (2151.413; 2151.414)
- Court must consider "appropriateness and best interest" of in- and out-of-state placement options in any review hearing related to a child's permanency plan; must consult with child in "age-appropriate manner" on proposed permanency plan (2151.417)
- Gives relative, foster and adoptive parent the right to present evidence at reviews or hearings of a child; maintains current law that this opportunity to present evidence does not make them a party to the action (2151.424)
- Technical fix addressing ODJFS response regarding putative father's consent to adoption of child born before January 1, 1997 (3107.066 – SB 163; 3107.062 – HB 213)

ODJFS Work Group

- Creates ODJFS work group to address and submit recommendations by June 30, 2008 for supporting local public and private agencies for positive child/family outcomes, as well as fines and sanctions against agencies for not complying with foster care laws or rules (Sec 3, temporary law)

Differences Between Bills

SB 163 Notification of Foster Placement

- Requires certain notification when a child is to be placed into a foster home and has committed a crime equivalent to a felony when committed by an adult or presents severe emotional/behavioral problems such as impulsive, verbal and physical aggression toward self and others, personality disorders, sexual acting out, ongoing danger to self or others as documented by certain licensed professionals; information provided in notification is confidential and not public record (2151.55 thru 2151.555)