

Recruiting Good People to be GREAT Foster Parents

AS PASSED AND SIGNED BY GOVERNOR

Foster Care Reform – Fingerprint Database & Safeguards Bill 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 is arrested for, convicted of or pleads guilty to subsequent prohibited offenses; ODJFS must inform recommending and custodial agencies 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- Establishes ban on becoming a foster parent in Ohio when a foster care license was revoked in another state five years prior to their application in Ohio; mandates applicants disclose revoked foster care licenses; failure to report such revocations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, 2009 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)

