

SB 238 Outline
As Signed by Governor Taft
(Adoption, Child Welfare, Domestic Violence, Crisis Care Facilities)
Sen. Tom Niehaus, Sponsor

ADOPTION

- Requires child abuse and neglect history to be included in adoptive home study; unsubstantiated reports will not be included; individuals may appeal denial for this reason (Sections 3107.033 & .034, 5103.18)
- Requires public and private agencies or independent placing attorneys to notify the Public Children Services Agency in the county of residence upon initiating home study and at time of impending placements; authorizes exchange of relevant information; does not allow home PCSA to veto placement; provides qualified immunity from liability for exchanging information (Section 3107.10)
- Allows all adoptive parents and adoptees access to non-identifying medical and social histories (Section 3107.66)
- Requires ODJFS to adopt rule regarding private child placing and private non-custodial agencies' access to, data entry requirements and confidential use of information in SACWIS (Section 5101.143)
- Requires multiple children assessment when considering an adoptive placement in a family with five or more children; does not prohibit, but requires assessment (Section 3107.032)
- Requires visiting a child within 7 days of adoptive placement, then every 30 days face-to-face visits with child and prospective adoptive parents, until finalization. Authorizes ODJFS to create rules for contacting other children and adults living in the home (Section 3107.101)
- Increases mandated training hours for PCSA caseworkers from 90 to 102 hours in their first year of employment, and expands course requirements to include accepting reports of child abuse, neglect, dependency and assessing child safety (Section 5153.122)
- Expands list of mandatory reporters of child abuse and neglect to include respite, home health, and homemaker workers, all adoption assessors, plus other individuals hired by PCSA to provide services to children and families (Section 2151.421)
- Creates an adoption assessor registry to be housed by ODJFS; requires student interns who are assessors to be working on at least a four year degree in the areas of social or behavior science; requires supervisors of student interns to have completed assessor training by July 1, 2009 (Section 3107.014)
- Creates sharing of case planning and equal fiscal responsibility, between original custodial county and county of adoptive family residence, in cases when a finalized adoption results in return to agency custody within first three years (Section 5153.20)

CHILD WELFARE

- Authorizes creation and implementation of Statewide Automated Child Welfare Information System by January 1, 2008; information contained in SACWIS is confidential; establishes criteria for accessing information in the system; names and other identifying information about children in placement are not public record (Sections 5101.13 & .131 & .132 & .133 & .134 & .29)
- Authorizes an "Alternative Response" approach to reports of child abuse, neglect, and dependency; piloted in up to ten counties for 18 months, excluding prep time for implementation and evaluation activities afterwards;

to be independently evaluated on outcomes for children and families, costs, worker satisfaction, others as determined (Section 5153.20 – Section 3.)

- Establishes Ohio Child Welfare Training Program in ODJFS with responsibility to monitor and evaluate the program and its steering committee; brings together sections of ORC related to foster care and adoption training; clarifies OCWTP's training role (Sections 5103.30, .34, .301, .302, .31, .39)
- Authorizes ODJFS to create rules related to its budgeting, accounting and other management functions performed for the Children's Trust Fund Board; plus rules related to the Board's development and implementation of its biennial state plan (Section 3109.16 & .17)
- Adds definition of "person" to statute helping to clarify that PCSAs can file motions or complaints on behalf of an individual identified as potential legal custodian for child and who establish intent to be that child's custodian (Sections 2151.011 & .353)
- Adds Court Appointed Special Advocate as appropriate for appointment by the court as a Guardian Ad Litem; GAL appointment, compensation, and conflict between an individuals dual role as GAL and counsel are subject to rules adopted by Ohio Supreme Court (Section 2151.281)
- PCSAs must share confidential information discovered during an investigation with federal, state, local government entities that need the information to protect children from abuse or neglect; information shared remains confidential (Section 2151.423)
- Removes requirement of ODJFS to submit annual report on administrative reviews of children's case plans (Section 2151.416)
- Requires prospective foster caregivers to get their foster home certificates before receiving payment for attending preplacement training (Section 5103.0312)
- Provides qualified civil immunity for certified foster caregivers (Section 5103.162)
- For applicants wanting to be certified as type B family day-care homes to provide publicly funded child care or certification renewals, CDJFS will have access to SACWIS information concerning any abuse or neglect report on the applicant, any other adult residing in the applicant's home, or a person designated to be an emergency or substitute caregiver (Section 5104.11)
- Language joining Ohio, with other states and jurisdictions, in adopting the newly updated provisions of the Interstate Compact for the Placement of Children (Section 5103.20)

DOMESTIC VIOLENCE

- Creates task force to look at issues related to exempting work and time limit requirements for Ohio Works First recipients trying to escape domestic violence situations; report due December 31, 2006 (Section 5153.20 – Section 6.)
- Requires PCSA caseworkers complete 12 hours of domestic violence training in their first two years of employment; requires PCSA caseworker supervisors complete 12 hours of domestic violence training as part of first two years as supervisor (Sections 5153.122 & .123)

CRISIS CARE FACILITIES

- Creates one type of children's crisis care facility serving children under 13 years of age; establishes limits on number of consecutive days children can stay in facility with maximum per year 120 days; facilities certified by ODJFS (Section 5103.13)