
DEPARTMENT OF JOB AND FAMILY SERVICES

Child Support

Child support changes

- Modifies the quadrennial review of the basic child support schedule by the Child Support Guideline Advisory Council, including enacting new economic factors that must be considered, requiring online publication of Council information, and permitting public input.
- Prohibits a court or child support enforcement agency (CSEA) from determining voluntary unemployment or underemployment of, or imputing income to, an incarcerated parent.
- Increases the amount the Ohio Department of Job and Family Services (ODJFS) must claim from the processing charge imposed for Title IV-D child support cases to \$35 (from \$25), if it collects at least \$550 (up from \$500) of child support for an obligee who never received Title IV-A assistance.
- Makes various changes to the provisions of law on health care coverage for a child who is the subject of a child support order.
- Requires ODJFS to adopt rules to align support order establishment and modification requirements with federal law and to establish criteria for CSEAs to initiate contempt of court actions in Title IV-D cases.

Child Care

Background checks

- Revises existing child care background check requirements by requiring the ODJFS Director (rather than other persons) to request criminal records checks before licensure, certification, approval, or employment, and every five years after, for various providers.
- Requires the ODJFS Director to search the uniform statewide automated child welfare information system (SACWIS) for reports of abuse or neglect regarding those providers.
- Requires the Director to inspect the state and national registries of sex offenders for those providers.
- Repeals the authority of a licensed child care provider to conditionally employ an individual while awaiting the results of a criminal records check.

Provider licensing

- Separates homeless child care from protective child care.
- Authorizes the provision of special needs child care until age 18.
- Specifies that a license may be suspended without prior hearing if ODJFS determines that the owner or licensee does not meet criminal records check requirements.

- Authorizes a child day-care center or family day care home whose license was suspended without prior hearing to request an adjudicatory hearing before ODJFS, rather than appeal the suspension to a county court of common pleas.
- Eliminates the requirement that, when ODJFS initiates the revocation of a license suspended without prior hearing, the suspension must continue until the revocation process is complete.
- Adds family day-care homes, approved day camps, and employees to the law prohibiting discrimination in the enrollment of children in child care on the basis of race, color, religion, sex, or national origin and prohibits discrimination on the basis of disability.

Publicly funded child care

- Requires that a child day camp **both** meet ODJFS standards and be certified by the American Camp Association to be approved to provide publicly funded child care.
- Increases to two years (from one year) the time that a certificate to provide publicly funded child care as an in-home aide remains valid.
- Prohibits the following from certification as an in-home aide: (1) the owner of child day-care center or family day care home whose ODJFS-issued license was revoked within the prior five years and (2) an in-home aide whose certificate was revoked within the prior five years.
- Eliminates the requirement that the ODJFS Director establish hourly reimbursement ceilings for certified in-home aides.
- Removes the requirement that ODJFS contract with a third party to conduct a market rate survey for establishing child care provider reimbursement ceilings and payments.
- Eliminates from statute eligibility requirements for child care administrators and staff members, and instead requires the ODJFS Director to establish the qualifications in rule.
- Exempts certain providers, including certified in-home aides and approved child day camps, from the requirement that, beginning July 1, 2020, publicly funded child care be provided only by a provider rated through the Step Up to Quality Program.
- Specifies that the percentages of early learning and development programs that must be rated at the third-highest tier or above in the Step Up to Quality Program do not apply to specified licensed child care programs, including those operating only during summer breaks or evening and weekend hours.

Child Welfare

Criminal records checks, out-of-home care

- Requires that criminal records checks for entities that employ persons responsible for a child's care in out-of-home care include FBI fingerprint checks.

- Removes such an entity's authority to employ an applicant conditionally while the criminal records check is pending.

Background check expansion, child welfare employment

- Requires a search or report, or request for a search, of prospective specified officers and administrators in the following databases: SACWIS, the System for Award Management, the Findings for Recovery, and the U.S. Department of Justice National Sex Offender (NSO) website.
- Requires a search of prospective foster and adoptive parents, and all persons 18 years old or older residing with the prospective foster and adoptive parents, to be conducted in the NSO website.
- Requires a search of prospective staff to be conducted in the NSO website and SACWIS.
- Grants the ODJFS Director authority to adopt rules to implement and execute the background check expansion.
- Prohibits ODJFS from compensating a recommending agency for a foster caregiver's foster home certification training that the private child placing agency or a private noncustodial agency requires, if it is in addition to the minimum continuing training required by ODJFS rules under the act.

Kinship Navigator Program

- Modifies the Statewide Program of Kinship Care Navigators, as follows:
 - Changes its name to the Statewide Kinship Care Navigator Program and requires ODJFS to establish it through rules adopted by October 19, 2020;
 - Requires ODJFS to create 5 to 12 program regions to help kinship caregivers by providing information and referral services and assistance obtaining support services;
 - Expands the list of individuals who may be kinship caregivers to include any nonrelative adult having a familiar and long-standing relationship or bond with the child or family, which will ensure the child's social ties;
 - Requires the program to be funded to the extent of GRF appropriations and requires the ODJFS Director to seek Title IV-E funds for the program;
 - Requires ODJFS to pay the program's nonfederal share and provides that county departments of job and family services and public children services agencies (PCSAs) are not responsible for the program's cost.

Foster caregivers as mandatory reporters

- Designates foster caregivers as mandatory reporters of child abuse or neglect.

Preteen placement in children's crisis care facility

- Eliminates the 72-hour placement limit and 14-consecutive-day waiver in favor of a 14-consecutive-day limit for a PCSA or private child placing agency (PCPA) to place a preteen in a children's crisis care facility.

Juvenile court hearings

- Applies the law governing juvenile court hearings and reviews to a kinship caregiver with custody or with whom a child has been placed, instead of a nonparent relative with custody.
- Specifies that foster caregivers, kinship caregivers, and prospective adoptive parents have the right to be heard, instead of the right to present evidence, at juvenile court hearings and reviews.

Adoption and foster care assistance

- Makes various changes to the eligibility requirements for Title IV-E adoption assistance for a child who is adopted and then turns 18, including the following:
 - Requires the agreement to be effective/entered into after the child's 16th birthday;
 - Designates a child who meets the changed eligibility requirements as "adopted young adult" (AYA);
 - Prohibits AYAs from being eligible for Title IV-E foster care payments.
- Makes various changes to the eligibility requirements for Title IV-E foster care assistance regarding a child who reaches 18 while in custody or care, including the following:
 - Permits the child to be in either a planned permanent living arrangement (PPLA) or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency providing Title IV-E reimbursable placement services;
 - Provides that the PPLA or care and placement by the juvenile court terminate on or after the child's 18th birthday;
 - Designates a child who meets the changed eligibility requirements an "emancipated young adult" (EYA).
- Provides that a person eligible for a dispositional order for temporary or permanent custody until age 21 (1) is not eligible for foster care assistance as an EYA and (2) certain adoption assistance requirements for an AYA do not apply.
- Makes changes to the terminating events and juvenile court oversight of the voluntary participation agreement an EYA must sign to be eligible for Title IV-E foster care assistance.
- Establishes juvenile court jurisdiction and procedures determining an EYA's best interests regarding his or her care and placement and whether reasonable efforts are being made regarding preparation for independence.

- Applies scope of practice and training requirements under adoption and foster care assistance established by ODJFS rules under the Ohio Child Welfare Training Program to case managers and supervisors (instead of foster care workers and their supervisors as under former law).

Temporary child hosting

- Permits a child to be hosted by a host family only when the following conditions are satisfied:
 - Hosting is done on a temporary basis, under a host family agreement entered into with a “qualified organization’s” assistance;
 - Either of the child’s parents, or the guardian or legal custodian, is incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which hosting is appropriate;
 - The host family provides care only to that child or only to a single-family group, in addition to the host family’s own child or children, if applicable.
- Defines “host family” as any individual who provides care in the individual’s private residence for a child or single-family group at the request of the child’s custodial parent, guardian, or legal custodian, under a host family agreement, in addition to the host family’s own child or children, if applicable.
- Restricts a qualified organization from authorizing hosting with a host family if any adult residing with the prospective host family has been convicted of or pleaded guilty to specified crimes.

Host family background check

- Requires, before a qualified organization provides for hosting of a child, and every four years thereafter, a prospective host family and all other persons age 18 or older residing in the host family’s home to request, and provide to the qualified organization the results of, the following:
 - A criminal records check and information from the FBI, including fingerprint-based checks of the national crime information databases; and
 - A background check in Ohio’s central registry of abuse and neglect.
- Prohibits an organization from authorizing hosting with a host family if a person subject to the checks fails to provide the results of the checks and the required information.

Policies, procedures, and host family training

- Requires a qualified organization to implement written policies and procedures for employees, and for host family training.

Child abuse, neglect, and dependency

- Designates employees of qualified organizations and each host family as mandatory reporters of child abuse and neglect.
- Requires a host family to immediately report knowledge or suspicion of abuse or neglect of a hosted child to a qualified organization.
- Prohibits a PCSA from filing a complaint that a hosted child is an unruly, abused, neglected, or dependent child if the child is hosted in compliance with the act, unless the agency determines that other factors warrant filing the complaint.
- Provides that a presumption that a hosted child is abandoned may be rebutted if the child is hosted in compliance with the act.

ODJFS regulation of qualified organizations

- Amends the definitions of “association” and “institution” to expressly exclude “qualified organizations,” which has the effect of exempting the organizations from regulation under ODJFS requirements imposed on associations and institutions.
- Exempts host families from ODJFS certification requirements or supervision.

Multi-system youth action plan

- States that it is the intent of Ohio and the General Assembly that custody relinquishment for the sole purpose of gaining access to child-specific services for multi-system children and youth must cease.
- Requires the Ohio Family and Children First Cabinet Council to develop a multi-system youth action plan that implements the full final recommendations of the Joint Legislative Committee for Multi-System Youth and addresses strategies, processes, responsibilities, and spending for multi-system children.
- Requires the Cabinet Council to submit its final action plan to the General Assembly by the end of 2019.

Public Assistance

- Requires the ODJFS Director to seek federal approval to operate a two-year demonstration project under which an Ohio Works First participant satisfies federal work requirements through on-the-job training, education directly related to employment, or a course of study leading to a certificate of general equivalence.

Workforce Development

- Prohibits an assistance group from participating in the Comprehensive Case Management and Employment Program until fraudulent assistance is repaid.

Unemployment Compensation

- Limits the “normal weekly hours of work” considered for purposes of the SharedWork Ohio program to those hours of work in employment covered under Ohio’s Unemployment Compensation Law.
- Exempts unemployment compensation debts resulting from benefit overpayments collected by the Attorney General from a requirement that collected overpayments first be proportionately credited to improperly charged employers’ accounts and then to the mutualized account within the Unemployment Compensation Fund.

Child Support

Child support changes

(R.C. 3119.023, 3119.05, 3119.27, 3119.29, 3119.30, and 3125.25 with conforming changes in R.C. 3119.23, 3119.302, 3119.31, and 3119.32; Section 815.10)

Child Support Guideline Advisory Council

The act makes changes to the quadrennial review of the basic child support schedule. Under continuing law, the Ohio Department of Job and Family Services (ODJFS), with the assistance of a Child Support Guideline Advisory Council that ODJFS establishes, must review the basic child support schedule and report any recommendations for statutory changes to the General Assembly.

The act repeals certain factors that ODJFS and the Council may consider, and enacts new factors that each review must include.

New review factors

Under the act, each review must include all of the following:

- Consideration of:
 - Economic data on the cost of raising children;
 - Labor market data, such as unemployment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;
 - The impact of guidelines, policies, and amounts on custodial and noncustodial parents who have family incomes below 200% of the federal poverty level;
 - Factors that influence employment rates among noncustodial parents and compliance with child support orders.
- Analysis of the following, to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on child support law criteria:
 - Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;

- Rates of default, child support orders with imputed income, and orders determined using low-income adjustments, such as a self-sufficiency reserve or another method as determined by the state;
- A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment.
- Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.

Eliminated review factors

The following are the optional factors that the act repeals:

- The adequacy and appropriateness of the schedule;
- Whether there are substantial and permanent changes in household consumption and savings patterns, particularly those resulting in substantial and permanent changes in the percent of total household expenditures on children;
- Whether there have been substantial and permanent changes to the federal and state income tax code other than inflationary adjustments to such things as the exemption amount and income tax brackets;
- Other factors when conducting review.

Reports and information

Additionally, ODJFS must publish on the Internet and make accessible to the public:

- All reports of the Council;
- The Council's membership;
- The effective date of new or modified guidelines adopted after the review;
- The date of the next review.

Income of incarcerated parent

The act requires that a court or agency must not determine a parent to be voluntarily unemployed or underemployed, and therefore must not impute income to that parent, if the parent is incarcerated. The act defines a parent as "incarcerated" if confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by an authorized government entity.

In adopting this requirement, the act repeals a requirement for calculating income of a parent incarcerated for an offense (1) related to the abuse or neglect of the child who was the subject of the order, or (2) under Ohio's Criminal Code against the obligee or the child who was the subject of the order.

Processing charge for child support orders

The act increases the amount that ODJFS must claim annually from the processing charge imposed for Title IV-D child support cases to \$35 for federal reporting purposes, if it collects at least \$550 of child support for an obligee who never received Title IV-A assistance. Under previous law, the amounts were \$25 and \$500, respectively.

Under continuing law, a court or a child support enforcement agency (CSEA) that issues or modifies an order must impose on the obligor a processing charge that is 2% of the support payment to be collected under the order.

Health care changes

Definition changes

The act makes definitional changes with regard to the provisions of law on health care coverage for a child who is the subject of an order.

First, it repeals the definition of “**family coverage.**”

Second, it replaces the term, “health care,” with “**health care coverage.**” “Health care” was previously defined as medical support that includes coverage under a health insurance plan, payment of costs of premiums, copayments, and deductibles, or payment for medical expenses incurred on behalf of a child. The act substitutes the term “health care coverage,” changes “coverage under a health insurance plan” to “health insurance coverage,” and adds that a public health care plan may also be considered medical support coverage under the newly altered definition. Under continuing law, “health insurance coverage” means accessible private health insurance that provides primary care services within 30 miles of the child’s residence.

Third, the act removes the following elements from being a part of the definition of “**reasonable cost**”:

- That for purposes of reasonable cost, the cost of health insurance is the difference in cost between self-only and family coverage;
- Requires the U.S. Department of Health and Human Services (HHS) term for “reasonable cost” to prevail if HHS issues a regulation redefining that term or clarifies the elements of cost, and if those changes are substantively different from the definitions and terms of Ohio law that applies to the health care.

The act makes changes to various other sections of the Child Support Enforcement Law addressing health care by replacing terms of “private health insurance,” “private health care insurance,” “health care,” and “health insurance” with the new terms “health care coverage” and “health insurance coverage.”

Health care coverage by both parents

The act also states that both parents may be ordered to provide health care coverage and pay cash medical support if the obligee is a nonparent individual or agency that has no duty to provide medical support.

Rulemaking

The act requires ODJFS to adopt rules requiring the investigation and documentation of the factual basis for establishment and modification of support obligations in accordance with Title IV-D law. ODJFS must also adopt rules establishing criteria for CSEAs to initiate contempt of court proceedings in any Title IV-D child support case.

Child Care

Regulation of child care: background

(R.C. 3301.51 to 3301.59; R.C. Chapter 5104)

ODJFS and county departments of job and family services are responsible for regulating child care providers (other than preschool programs and school child programs, which are regulated by the Ohio Department of Education (ODE)). Child care can be provided in a facility, the home of the provider, or the child's home. Not all child care providers are subject to regulation, but a provider must be licensed or certified to be eligible to provide publicly funded child care. The distinctions among the types of providers are described in the table below.

Child Care Providers		
Type	Description/Number of children served	Regulatory system
Child day-care center	Any place that is not the permanent residence of the provider in which child care is provided for 7 or more children at one time.	A child day-care center must be licensed by ODJFS, regardless of whether it provides publicly funded child care.
Family day-care home	<p>Type A home – a permanent residence of an administrator in which child care is provided as follows:</p> <p>--For 7-12 children at one time; or</p> <p>--For 4-12 children at one time if 4 or more are under age 2.</p> <p>Type B home – a permanent residence of the provider in which child care is provided as follows:</p> <p>--For 1-6 children at one time; and</p> <p>--No more than 3 children at one time under age 2.</p>	<p>A type A home must be licensed by ODJFS, regardless of whether it provides publicly funded child care.</p> <p>To be eligible to provide publicly funded child care, a type B home must be licensed by ODJFS.</p>
In-home aide	A person who provides child care in a child's home but does not reside with the child.	To be eligible to provide publicly funded child care, an in-home aide must be certified by a county department of job and family services.

Background checks

Criminal records checks

(R.C. 5104.013, primary; R.C. 2950.08, 5104.01, 5104.211, and 5104.99; R.C. 2151.861, repealed; Section 815.10)

The act makes numerous changes to Ohio law governing criminal records checks in order to conform with federal requirements enacted when the Child Care and Development Block Grant Act was reauthorized in 2014.⁶⁹ The following table compares who is required to request criminal records checks under prior law and the act.

Person subject to criminal records check	Prior law	The act
Owner or licensee of a child day-care center, type A home, or licensed type B home, or an adult residing in a type A or licensed type B home	ODJFS Director	Same
In-home aide	County director	ODJFS Director
Applicant or employee of a child day-care center, type A home, or licensed type B home	Administrator	ODJFS Director
Director, applicant, or employee of a licensed preschool or licensed school child program that provides publicly funded child care	N/A ⁷⁰	ODJFS Director
Owner, applicant, or employee of an approved child day camp (one that provides publicly funded child care)	Appointing or hiring officer of the camp	ODJFS Director
Applicant or employee (including an administrator) of a child day camp	Appointing or hiring officer of the camp	Administrator of the camp

The ODJFS Director must request the criminal records checks at the time of initial application for licensure, certification, approval, or employment, and every five years thereafter. As a part of a check, BCII must obtain information from the FBI, including fingerprint-based checks of certain national crime information databases.

Technically, the act restructures the background check section for child care and, since child day camps are now subject to background checks as child care providers (rather than as

⁶⁹ 42 U.S.C. 9857 *et seq.*

⁷⁰ These persons were not subject to background checks under the Child Care Law, but continue to be subject to a different background check under R.C. 3319.39.

persons responsible for a child's care in out-of-home care), relocates to the Child Care Law a section regarding the ODJFS Director's authority to conduct a random sampling of day camps to determine compliance with criminal records check requirements.

Checks of child welfare and sex offender registries

With respect to licensed type B family day-care homes, prior law required the ODJFS Director, as part of the licensure process, to search the uniform statewide automated child welfare information system (SACWIS) for reports of abuse or neglect pertaining to the applicant, any other adult residing in the home, and any adult designated by the applicant as an emergency or substitute caregiver. Additionally, when a public children services agency (PCSA) determined that child abuse or neglect occurred and involved a person who applied for licensure as a type A or type B family day-care home, the agency was required to give ODJFS any information it determined to be relevant for evaluating the fitness of the person. If the ODJFS Director determined that the information received from SACWIS or a PCSA, when viewed within the totality of the circumstances, reasonably lead to the conclusion that the applicant could endanger the health, safety, or welfare of children, the Director was required to deny the license. The act repeals those provisions and instead requires the Director to search SACWIS for reports of abuse or neglect pertaining to all of the following individuals before licensure, certification, approval, or employment, and every five years thereafter: child day-care center owners or licensees, family day-care home owners or licensees, approved child day camp owners, directors of licensed preschool programs and school child programs providing publicly funded child care, in-home aides, and applicants for employment with and employees of those entities.

It also requires the ODJFS Director to inspect the state registry of sex offenders (SORN) and the national sex offender registry for the same individuals before licensure, certification, approval, or employment, and every five years thereafter. It does not, however, require that SACWIS and SORN be searched with respect to employees of day camps that do not provide publicly funded child care.

Out-of-state searches

Under the act, whenever the ODJFS Director, as part of a criminal records check, SACWIS search, or SORN inspection, determines that a person has resided in another state during the previous five years, the Director must request the following about the person from the other state: a criminal records check and information from its SACWIS and sex offender registry. The Director also must provide that information when requested by another state for the purposes of child care regulation and publicly funded child care.

Eligibility determinations and notice

If the results of a records check, SACWIS search, and SORN inspection demonstrate that a person has been convicted of or pleaded guilty to a specified criminal offense; endangers the health, safety, or welfare of a child; or is registered or required to be registered as a sex offender, the ODJFS Director must determine the person ineligible for licensure, certification, approval, or employment. In the case of a child day camp other than an approved camp, the camp's administrator must determine a person ineligible for employment if the person has

been convicted of or pleaded guilty to a specified criminal offense. Any person who refuses to submit to a criminal records check also must be determined ineligible.

In the case of an applicant or employee, the act requires the ODJFS Director to notify the employer as soon as practicable of that determination. With the exception of child day camps other than approved child day camps, licensees and administrators will no longer review the results of criminal records checks.

Conditional employment

The act eliminates the law authorizing a licensed child care provider to conditionally employ an individual while awaiting the results of a criminal records check. A child day camp that does not provide publicly funded child care, however, remains authorized to conditionally employ applicants until the check is completed.

Attestations

The act repeals the law that required owners, licensees, and administrators of child day-care centers, type A homes, and licensed type B homes; an adult residing in a type A home or licensed type B home; or an individual seeking certification as an in-home aide or employment with a child care licensee to sign a statement that the person has not been convicted of or pleaded guilty to a disqualifying offense and that no child has been removed from the person's home pursuant to a child welfare adjudication.

It also repeals the requirement that type A and type B home licensees also attest that no child in the home has been adjudicated a delinquent child for committing one of those offenses.

Provider licensing

Child care definitions

(R.C. 3301.52, 3301.53, 5104.01, 5104.34, 5104.38, and 5104.41)

The act modifies prior law definitions and creates new definitions related to child care. It removes from the law governing the regulation of child care definitions that are no longer used (school-age child care center, school-age type A home, and state median income).

New definitions

"Authorized representative" is an individual authorized by the owner of a child day-care center, type A family day-care home, or approved child day camp to do all of the following on the owner's behalf: communicate, submit applications for licensure or approval, and enter into provider agreements for publicly funded child care.

"Homeless child care" is defined as child care provided to a child who is homeless under federal law, resides temporarily in a facility providing emergency shelter for homeless families, or is determined by a county department of job and family services to be homeless. Prior law included child care provided to families determined to be homeless within the category referred to as protective child care. The act separates homeless child care from protective child care.

“**Special needs child care**” is child care provided to a child who is younger than 18 and either has a chronic health condition or does not meet age appropriate expectations in certain areas of development and that may include on a regular basis services and adaptations needed to assist in the child’s development (see “**Eligibility period**,” below).

Modified definitions

Under prior law modified in part by the act, an “**administrator**” is the person responsible for the daily operation of a child day-care center, type A home, or type B home. The act removes the reference to a type B home and instead refers to an approved child day camp. It clarifies that a “**child day camp**” operated for no more than 12 hours a day and no more than 15 weeks during the summer. Under preexisting law, a child day camp operated for no more than seven hours a day during regular school vacation periods or for no more than 15 weeks in the summer and provides for outdoor activities.

The act removes from the definition of “**child day-care center**” a requirement that children under age six who are related a licensee, administrator, or employee and who are on the premises of the center be counted.

The act includes staff members, employees, and employers of licensed type B homes and approved child day camps in the definitions of “**child-care staff member**,” “**employee**,” and “**employer**.” It also clarifies that an owner or authorized representative may be a child-care staff member when not involved in other duties. The act adds a reference to licensed type B homes to the definition of “**license capacity**.”

It removes from the definition of “**protective child care**” references to a child or child’s caretaker parent residing in a homeless shelter or being determined homeless.

The act adds children ages 15 to 18 receiving special needs child care to the definition of a “**school-age child**.”

Child care and exempt providers

(R.C. 5104.01 and 5104.02)

The act clarifies that “child care” refers to care by a provider required to be licensed or approved by ODJFS or under contract to provide publicly funded child care. In the case of providers exempt from licensure or approval, it refers to “care” rather than “child care.”

The act also changes descriptions and requirements for programs that provide care for children but are exempt from child care licensure, as follows:

- Exempts a program that operates for two consecutive weeks or less and not more than six weeks total each year rather than two or less consecutive weeks;
- Exempts supervised training, instruction, or activities of children in specified areas (such as the arts or sports) that a child does not attend for more than eight hours per week, rather no more than one day a week for no more than six hours;
- Clarifies that a program in which a parent is on the premises is exempt only if the parent is not an employee engaged in employment duties while care is provided;

- Removes requirements that programs that provide care and are regulated by a department other than ODJFS or ODE submit to the ODJFS Director a copy of the rules governing the program and an annual report;
- Removes an exemption for child care programs conducted by boards of education or chartered nonpublic schools for school-age children;
- Removes certain restrictions for programs operated by youth development programs outside of school hours, including that the program be operated by a community-based center and be eligible to participate in the Child and Adult Care Food Program (a federally funded program administered by ODE).

Child care licenses and inspections

(R.C. 5104.015, 5104.03, and 5104.04)

Under continuing law, the initial license issued to a child day-care center or family day-care home is designated as provisional. Following an investigation and inspection, if the ODJFS Director determines that a provisional license holder meets statutory requirements, the Director will issue a new license. The act designates this new license as a continuous license. It also specifies that a provisional license is valid for at least 12 months and until the continuous license is issued or the provisional license is revoked or suspended. It removes the requirement that the Director adopt rules requiring the ODJFS toll free telephone number to be included on each provisional license issued to a child day-care center.

Continuing law requires a child day-care center or type A or licensed type B family day-care home that holds a license to notify the ODJFS Director when its administrator changes. Under the act, the center or home also must notify the ODJFS Director of any changes to its address or license capacity. It further requires all of these notifications to be made in writing.

Under continuing law, when the ODJFS Director revokes a child care license, the Director is prohibited from issuing another license to the center's or home's owner until five years have elapsed from the date of revocation. The act removes from law provisions specifying that if, during the application process, the Director determines that the owner's license had been earlier revoked, the Director's investigation must cease and that action is not subject to appeal under the Administrative Procedure Act.

The act specifies that the Director's closing of a child care license when the licensee is no longer operating is not subject to the Administrative Procedure Act.

The act removes the requirement that a licensee display its most recent inspection report in a conspicuous place.

Summary suspensions

(R.C. 5104.042)

The act makes several changes to the law authorizing the ODJFS Director to suspend a child care license without prior hearing under certain conditions (referred to as a summary suspension). These changes include the following:

- Specifying that a license issued to a child day-care center or family day care home may be suspended without prior hearing if ODJFS determines that the owner or licensee does not meet criminal records check requirements, rather than if the owner, licensee, or administrator is charged with fraud as under prior law;
- Requiring ODJFS to issue a written order of summary suspension by certified mail or in person;
- Permitting a child day-care center or family day care home whose license was suspended without prior hearing to request an adjudicatory hearing before ODJFS, rather than appeal the suspension to a county court of common pleas as under prior law;
- Eliminating the requirement that, when ODJFS moves to revoke a license that was suspended without prior hearing, the suspension must continue until the revocation process is complete;
- Clarifying that ODJFS's authority to suspend a license without prior hearing does not limit its authority to revoke a license generally.

Minimum qualifications for administrators and staff

(R.C. 5104.015 and 5104.016; R.C. 5104.035 and 5104.036, repealed)

Prior statutory law established eligibility requirements for child care administrators and staff members, including age, experience, and educational requirements. The act eliminates these requirements from statute and instead requires the ODJFS Director to establish in rule the minimum qualifications for these individuals.

Discrimination prohibition

(R.C. 5104.09)

The act adds family day-care homes, approved child day camps, and employees to continuing law that prohibits child care licensees, administrators, and staff members from discriminating in the enrollment of children in a child day-care center on the basis of race, color, religion, sex, or national origin. It also prohibits all of these individuals and entities from discriminating on the basis of disability.

Publicly funded child care

(R.C. 5104.04, 5104.29, 5104.30, 5104.31, 5104.32, and 5104.34 with conforming changes in 3119.05 and 3119.23)

By providing publicly funded child care, ODJFS assists parents who are working or in school in paying for child care. ODJFS also administers the Step Up to Quality Program, a five-star quality rating and improvement system for early learning and development programs.

Approval of child day camps

(R.C. 5104.22)

In order to provide publicly funded child care, a child day camp must be approved by the ODJFS Director. Under the act, before an approval will be granted, (1) ODJFS must inspect the day camp and determine if it meets standards for day camps established in ODJFS rules and (2) the camp must be accredited by the American Camp Association or a nationally recognized organization with comparable standards. The act shortens the approval period from two years to one.

In-home aides

(R.C. 5104.12 and 5104.30)

As described above, in-home aides provide publicly funded child care in a child's own home and must be certified by a county department of job and family services to be eligible to provide publicly funded child care. Under prior law, a certificate was valid for 12 months. The act increases that period to two years.

The act prohibits the following from certification as an in-home aide: (1) the owner of child day-care center or family day care home whose ODJFS-issued license was revoked within the previous five years and (2) an in-home aide whose certificate was revoked within the previous five years. It also eliminates the requirement that the ODJFS Director establish in rule hourly reimbursement ceilings for certified in-home aides.

Step Up to Quality

Continuing law requires that, beginning July 1, 2020, publicly funded child care be provided only by a child care provider that is rated through Step Up to Quality. It also generally requires ODJFS to ensure that the following percentages of early learning and development programs that are not type B family day-care homes and that provide publicly funded child care are rated in the third-highest tier or above in the Step Up to Quality Program:

- By June 30, 2019, 40%;
- By June 30, 2021, 60%;
- By June 30, 2023, 80%;
- By June 30, 2025, 100%.

The act makes several changes to the foregoing provisions. First, it exempts certain providers from the requirement to be rated through Step Up to Quality by July 1, 2020. These include: programs operating only during the summer and for not more than 15 consecutive weeks, only during school breaks, or only on weekday evenings, weekends, or both; programs holding provisional licenses; programs whose Step Up to Quality ratings were removed by ODJFS within the previous 12 months; and programs that are the subjects of revocation actions but whose licenses have not yet been revoked by ODJFS.

Second, the act provides that these programs are exempt from the percentages of early learning and development programs that must be rated in the third-highest tier or above for Step Up to Quality.

Certificates to purchase child care

The act eliminates the law requiring county departments of job and family services to offer individuals eligible for publicly funded child care the option of obtaining certificates to purchase child care services from eligible child care providers.

Automated payment and tracking

Continuing law requires ODJFS to establish a system to track attendance and calculate payments for publicly funded child care. The act renames the system the automated child care system. (Under prior law, it was named the Ohio electronic child care system.) It also removes a reference to an electronic child care card and instead refers to a personal identification number or password.

The act prohibits a child care provider from knowingly seeking or accepting payment for child care provided to a child who resides in the provider's own home.

Eligibility period

In general, publicly funded child care may be provided only to children under age 13. The act permits a child to receive special needs child care until age 18. Additionally, if a child turns 13 or a child receiving special needs child care turns 18 during the child's 12-month eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that 12-month period.

Market rate surveys

The act removes from statute a requirement that ODJFS contract with a third party every October 1 of even-numbered years to conduct a child care market rate survey for use in establishing child care provider reimbursement ceilings and payments.⁷¹ The third party was required to compile the information and report it to ODJFS by December 1. Although this requirement is repealed, ODJFS remains required under federal law to develop and conduct either a statistically valid and reliable survey of market rates for child care services or an alternative methodology (such as a cost estimation model).⁷²

⁷¹ The information is also used in establishing the child support guidelines.

⁷² 45 C.F.R. 98.45.

Child Welfare

Criminal records checks, out-of-home care

(R.C. 2151.86 with conforming changes in R.C. 3107.14 and 5103.0328)

With respect to existing criminal records checks that apply to an entity that employs a person responsible for a child's care in out-of-home care (such as foster caregivers, child care providers, residential facilities, overnight and day camps, and schools), when the entity's appointing or hiring officer requests BCII to conduct a criminal records check, the request **must** (rather than **may**) include an FBI fingerprint check. The act requires that the request be made at the time of initial application for appointment or employment and every four years thereafter. It also removes an entity's authority to conditionally employ a person while awaiting the results of a criminal records check.

The act also provides that, in addition to prospective adoptive parents and foster caregivers and adults who reside in the same household, current adoptive parents and foster caregivers and adults who reside in the same household are subject to a criminal records check under this provision. It does not, however, specify who is to request criminal records checks for these persons.

Background check expansion, child welfare employment

(R.C. 3107.035, 5103.02, 5103.037, 5103.0310, and 5103.181)

Officers and administrators

The act requires an institution or association that receives or cares for children, prior to employing or appointing a person as board president, or as an administrator or officer, to do the following regarding the person:

- Request a summary report of a search of SACWIS;
- Request a certified search of the Findings for Recovery database;
- Conduct a database review at the federal System for Award Management website; and
- Conduct a search of the U.S. Department of Justice National Sex Offender (NSO) public website.

The act explicitly authorizes an institution or association to refuse to hire or appoint the person based solely on the results.

Prospective foster and adoptive parents

The act requires, prior to certification or recertification of a foster home, a recommending agency to conduct a search of the NSO website regarding the prospective or current foster caregiver and all persons age 18 or older who reside with the caregiver. Certification or recertification may be denied based solely on the results of the search.

Under the act, the agency or attorney that arranges an adoption for a prospective adoptive parent must conduct a search of the NSO website regarding the prospective adoptive parent, and all persons 18 or older who reside with the prospective adoptive parent, as follows:

(1) at the time of the initial home study, and (2) every two years after the initial home study, if the home study is updated, and until it becomes part of the final decree of adoption or an interlocutory order of adoption.

The act permits a petition for adoption to be denied based solely on the results of the search of the NSO website.

Prospective staff of institutions or associations

Under the act, an institution or association that receives or cares for children must do the following prior to employing a person:

- Request a summary report of a search of SACWIS;
- Conduct a search of the NSO website.

The act explicitly authorizes the institution or association to refuse to hire the person based solely on the results.

For the purpose of this requirement, the act limits an “institution” or “association” to any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks.

ODJFS rules

The act requires the ODJFS Director to adopt rules, in accordance with the Administrative Procedure Act, to implement and execute the background check expansion requirements described above.

Kinship Navigator Program

(R.C. 5101.851 and 5101.85)

The act makes it mandatory that ODJFS establish a Statewide Kinship Care Navigator Program. (Under previous law, ODJFS was permitted, but not required to establish a “Statewide Program of Kinship Care Navigators.”) Under continuing law, the program’s purpose is to assist kinship caregivers who are seeking information regarding, or assistance obtaining, state and local services and benefits.

The act expands the definition of “kinship caregiver” to include any nonrelative adult who has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child’s social ties. Otherwise, a “kinship caregiver” is defined by continuing law as any of the following adults caring for a child in place of the parents: grandparents (up to “great-great-great”), siblings, aunts, uncles, nephews, and nieces (up to “great-grand”), first cousins and first cousins once removed, stepparents and stepsiblings, spouses and former spouses of the above individuals, or a legal guardian or legal custodian of the child.

Regions

(R.C. 5101.853)

The act requires the ODJFS Director to divide the state into 5 to 12 regions for the program. In establishing the regions, the Director must take into consideration:

- The population size;
- The estimated number of kinship caregivers;
- The expertise of kinship navigators;
- Any other factor the Director considers relevant.

Services provided

(R.C. 5101.854 and 5101.851)

Each region must provide information and referral services and assistance in obtaining support services for kinship caregivers. Under continuing law, the information and referral services and assistance includes:

- Publicly funded child care;
- Respite care;
- Training related to caring for special needs children;
- A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers; and
- Legal services.

Kinship navigator payment to PCSAs eliminated

(R.C. 5101.852, repealed)

The act repeals ODJFS's responsibility to make payments to PCSAs to permit them to provide kinship navigator information and referral services and assistance obtaining support services to kinship caregivers.

Funding; no local share

(R.C. 5101.856; Section 307.115)

The act requires the ODJFS Director to take any action necessary to obtain federal funds available for the program under Title IV-E of the Social Security Act. It specifies that the program is to be funded to the extent GRF has been appropriated by the General Assembly. The act earmarks \$8.5 million in FY 2020 and also in FY 2021 for the program.

ODJFS must pay the full nonfederal share for the program. No county department of job and family services or PCSA is responsible for the program's cost.

Rules

(R.C. 5101.855)

ODJFS must adopt rules to implement the program by October 19, 2020.

Foster caregiver as mandatory reporter

(R.C. 2151.421)

The act adds foster caregivers to the list of persons who, acting in a professional or official capacity, must report known or suspected child abuse or neglect. Under continuing law, a mandatory reporter must make the report to the PCSA or a peace officer in the county where the child resides or where the abuse or neglect is occurring or has occurred. Individuals who are not listed as mandatory reporters may, but are not required to, make a report. The PCSA must investigate each report of child abuse or neglect that it receives within 24 hours.

Preteen placement in children's crisis care facility

(R.C. 5103.13)

The act replaces the 72-hour placement limit and 14-consecutive-day waiver, in favor of a 14-consecutive-day limit, for a PCSA or private child placing agency (PCPA) to place a preteen in a children's crisis care facility. Under prior law, the ODJFS Director or the Director's designee could grant the waiver from the 72-hour limit.

Juvenile court hearings

(R.C. 2151.424)

The act modifies the law governing juvenile court hearings and reviews by:

- Applying the law to a kinship caregiver with custody or with whom a child has been placed, instead of a nonparent relative with custody; and
- Specifying that foster caregivers, kinship caregivers, and prospective adoptive parents have the right to be heard, instead of the right to present evidence.

These changes apply to a variety of juvenile court hearings and reviews governing child placement, case plans, treatment, and care.

Adoption and foster care assistance

(R.C. 2151.23, 2151.353, 2151.45, 2151.451, 2151.452, 2151.453, 2151.454, 2151.455, 5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.1415, and 5103.30)

Adoption assistance eligibility

Adopted young adult (AYA)

Under the act, Title IV-E adoption assistance is available to a parent who adopted a person who is an “adopted young adult” (AYA) and (1) the parent entered into an adoption assistance agreement while the AYA was 16 or 17, and (2) the AYA meets other eligibility requirements (see “**Other eligibility requirements for AYAs and EYAs,**” below). The act defines an AYA as a person:

- Who was in the temporary or permanent custody of a PCSA;
- Who was adopted at the age of 16 or 17 and attained the age of 16 before a Title IV-E adoption assistance agreement became effective;
- Who has attained the age of 18; and
- Who has not yet attained the age of 21.

Under continuing law, adoption assistance eligibility also requires that the parent maintain parental responsibility for the AYA.

Under former law, an adopted person had to meet the same requirements as listed above, except that the adoption assistance agreement did not have to be effective/entered into while the person was 16 or 17.

AYA not eligible for foster care assistance

The act states that an AYA who is eligible to receive adoption assistance payments is not considered an emancipated young adult (EYA) and is therefore not eligible to receive Title IV-E foster care payments.

Foster care assistance eligibility

Emancipated young adult (EYA)

Under the act, Title IV-E foster care payments are available to, or on behalf of, any EYA who signs a voluntary participation agreement and who meets other eligibility requirements (see “**Other eligibility requirements for AYAs and EYAs,**” below). The act defines an EYA as a person:

- Who was in the temporary or permanent custody of a PCSA, a PPLA, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services (instead of just in the temporary or permanent custody of a PCSA, as under former law);
- Whose custody, arrangement, or care and placement was terminated on or after the person’s 18th birthday; and

- Who has not yet attained the age of 21.

Under former law, a person who signed a voluntary participation agreement and met the other eligibility requirements would be eligible for foster care assistance if the person (1) had reached age 18 but not 21, and (2) was in PCSA custody on reaching age 18.

Persons ineligible

The act provides that a person eligible for a dispositional order for temporary or permanent custody until age 21 (1) is not eligible for foster care assistance as an EYA and (2) certain adoption assistance requirements for an AYA are not applicable.⁷³

Other eligibility requirements for AYAs and EYAs

Under continuing law, an AYA or EYA must meet certain other eligibility requirements to receive adoption assistance or foster care assistance, respectively. Those requirements consist of educational or work related criteria. Under the act, an AYA or EYA is not required to meet those requirements if he or she is incapable due to a physical or mental incapacity supported by regularly update information in his or her case record or plan. Under former law, this exception is limited only to medical conditions.

Definition of child for foster care and adoption assistance

The act defines “child” for purposes of Ohio’s law governing foster care and adoption assistance to mean any of the following:

- Any person under age 18, or a mentally or physically handicapped person, as defined by ODJFS rule, under 21;
- An AYA;
- An EYA.

Former law defines a child to include the persons who were between 18 and 21 who met the requirements to receive foster care and adoption assistance.

Voluntary participation agreement

The act permits an EYA who receives foster care assistance payments, or on whose behalf such payments are received, to enter into a voluntary participation agreement, without court approval, with ODJFS, or its representative, for the EYA’s care and placement. The agreement must stay in effect until one of the following occurs:

- The EYA enrolled in the program notifies ODJFS, or its representative, that they want to terminate the agreement;
- The EYA becomes ineligible for the program.

⁷³ See R.C. 5101.1415 regarding application of R.C. 5101.1411(C) to an AYA.

The act requires that, during the 180-day period after the agreement becomes effective (rather than prior to the agreement's expiration, which was 180 days after the agreement was entered into, as under former law), ODJFS or its representative must seek approval from the juvenile court that the EYA's best interest is served by continuing care and placement with ODJFS or its representative.

Under the act, in order to maintain Title IV-E eligibility for the EYA, ODJFS or its representative must petition the court for, and obtain, a judicial determination that ODJFS or its representative has made reasonable efforts to finalize a permanency plan that addresses ODJFS' or its representative's efforts to prepare the EYA for independence. The petition and determination must occur not later than 12 months after the effective date of the voluntary participation agreement and at least every 12 months thereafter.

Under the act, a "representative," (which replaces the term "designee" under former law) means a person with whom ODJFS has entered into a contract to carry out the duties required under a state plan to administer federal payments of foster care and adoption assistance.

Juvenile court jurisdiction

Exclusive, original jurisdiction

The act requires the juvenile court of the county in which an EYA resides to have exclusive original jurisdiction over the EYA for the purpose of determining the following regarding the EYA:

- Not later than 180 days after the voluntary participation agreement becomes effective, make a determination as to whether the EYA's best interest is served by continuing the care and placement with ODJFS or its representative. The act prohibits an EYA from being eligible for continued care and placement if it is not in the EYA's best interest;
- Not later than 12 months after the date that the voluntary participation agreement is signed, and annually thereafter, make a determination as to whether reasonable efforts have been made to prepare the EYA for independence.

The act permits the juvenile court, on its own motion, or the motion of any party, to transfer a proceeding described above to another juvenile court because the EYA resides in the county served by the other juvenile court.

Suspension of foster care payments

If the initial and subsequent 12-month determinations are not timely made, the act requires the EYA's federal foster care payments to be suspended. The payments resume on a subsequent determination that reasonable efforts have been made to prepare the EYA for independence, but only if both of the following apply:

- The EYA continues to meet requirements described in the act for eligibility for federal foster care payments;
- There has been a timely determination of best interest of the child under the voluntary participation agreement.

ODJFS and representative court appearance

The act permits, for purposes of making the 180-day and the 12-month determinations regarding an EYA, ODJFS or its representative to file any documents and appear before the court in relation to such filings.

Legal representation of EYA

Under the act, an EYA is entitled to representation by legal counsel at all stages of proceedings regarding the 180-day and 12-month determinations, and nothing in the act governing those determinations prohibits an EYA from obtaining legal representation for such purposes. If, as an indigent person, the EYA is unable to employ counsel, the EYA is entitled to have a public defender provided under Ohio's Public Defender Law. If an EYA appears without counsel, the court must determine whether the EYA knows of the right to counsel, and to be provided with counsel, if indigent. The court may continue the case to enable an EYA to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel on request. On written request, prior to any hearing involving the EYA, any report concerning an EYA that is used in, or is pertinent to, a hearing, must for good cause shown be made available to any attorney representing the EYA and to any attorney representing any other party to the case.

Scope of practice and training for case managers

The act requires ODJFS rules governing adoption and foster care assistance to establish the scope of practice and training necessary for case managers and supervisors caring for EYAs for purposes of the Ohio Child Welfare Training Program. Under prior law those practice and training requirements applied to foster care workers and their supervisors.

Temporary child hosting

(R.C. 109.572, 2151.421, 2151.90, 2151.901, 2151.902, 2151.903, 2151.904, 2151.906, 2151.907, 2151.908, 2151.909, 2151.9010, 2151.9011, and 5103.02)

When a child may be placed

The act permits a child to be hosted by a host family only when the all of the following conditions are satisfied:

- Hosting is done on a temporary basis (not to exceed one year, unless extended by a juvenile court, at the request of the child's parent, guardian, legal custodian, host family, or the organization that arranged the host family agreement, and the court determines there are extenuating circumstances).
- Hosting is done under a host family agreement entered into with a qualified organization's assistance.
- Either one or both of the child's parents, or the child's guardian or legal custodian, are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which hosting is appropriate.

- The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children, if applicable.

When child placement is prohibited

A qualified organization is prohibited from authorizing hosting with a host family if any person age 18 or older who resides with the family previously has been convicted of or pleaded guilty to specified crimes (including, for example, murder, aggravated murder, and rape), unless all the following conditions are satisfied:

- If the offense was a misdemeanor, or would be a misdemeanor if the conviction occurred at the time that hosting is being considered, at least three years have elapsed since the person was fully discharged from any imprisonment or probation arising from the conviction.
- If the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation arising from the conviction.
- The victim of the offense was not: under age 18, a functionally impaired person, developmentally disabled, suffering from a mental illness, or 60 or older.
- Hosting in the host family's home will not jeopardize in any way the child's health, safety, or welfare, as determined by considering the following factors:
 - The person's age at the time of the offense;
 - The nature and seriousness of the offense;
 - The circumstances under which the offense was committed;
 - The degree of participation of the person involved in the offense;
 - The time elapsed since the person was fully discharged from imprisonment or probation;
 - The likelihood that the circumstances leading to the offense will recur;
 - Whether the person is a repeat offender;
 - The person's employment record;
 - The person's efforts at rehabilitation and the results of those efforts;
 - Whether any criminal proceedings are pending against the person;
 - Any other factors the qualified organization considers relevant.

Host family

The act defines "host family" as any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own children. The term "host family" excludes a foster home.

Qualified organization

A “qualified organization” is a private association, organization, corporation, or other entity that is not a Title IV-E reimbursable setting and has established a program that does all of the following:

- Provides resources and services to assist and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;
- Requires a criminal background check on the host family and all adults residing in the host family’s household;
- Requires a background check in Ohio’s central registry of abuse and neglect from ODJFS for the host family and all adults residing in the household;
- Ensures that the host family is trained on their rights, duties, responsibilities, and limitations as outlined in the host family agreement;
- Conducts in-home supervision of a child while the host family agreement is in force as follows:
 - For hostings of fewer than 30 days, within two business days of placement and then at least once a week thereafter;
 - For hostings of 30 days but less than 90 days, within two business days of placement and then twice a month;
 - For hostings of 90 days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the child’s best interests.
- Plans for the child to return to the parents, guardian, or legal custodian.

The “qualified organization” definition excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a PCSA, PCPA, or private noncustodial agency.

Host family background check

Before a qualified organization provides for hosting of a child, and every four years thereafter, a prospective host family, and all other persons age 18 or older who reside in the host family’s home, must request, and provide to the qualified organization the results of, the following:

- A criminal records check and information from the FBI as part of the criminal records check, including fingerprint-based checks of the national crime information databases;
- A background check in Ohio’s central registry of abuse and neglect from ODJFS.

If the person fails to provide the results and information, the organization is prohibited from authorizing hosting with the host family.

A person may request the criminal records check and information from either the superintendent of BCII or any entity authorized, on the person's behalf, to request the superintendent to conduct the criminal records check and provide the information. The BCII superintendent, on receipt of a request for a criminal records check and FBI information, must conduct a criminal records check in accordance with Ohio law.

The act specifies that the report of any criminal records check conducted by the BCII in accordance with the act is not a public record and cannot be made available to anyone except:

- The person subject to the criminal records check or the person's representative;
- The qualified organization's administrative director who requested the criminal records check, or the administrative director's representative;
- Any court, hearing officer, or other necessary individual involved in a case regarding an organization's decision not to authorize hosting with the host family if the host family either (1) was subject to the criminal records check, or (2) resided with the person subject to the criminal records check.

Employee policies and procedures

A qualified organization must develop and implement written policies and procedures for employees, including policies and procedures on:

- Familiarization with emergency and safety procedures;
- The principles and practices of child care;
- Administrative structure, procedures, and overall program goals of the organization;
- Appropriate techniques of behavior management;
- Techniques and methodologies for crisis management;
- Familiarization with the disciplinary procedures and the discipline and behavior intervention policies required by ODJFS rules and any other similar requirements;⁷⁴
- Procedures for reporting suspected child abuse or neglect;
- An emergency medical plan;
- Universal precautions; and
- Knowledge and skills to understand and address the issues confronting adolescents.

Host family training

A qualified organization must develop and implement written policies and procedures for host family training, including training on:

⁷⁴ O.A.C. 5101:2-5-13 and 5101:2-9-21.

- The host family’s legal rights and responsibilities;
- The organization’s policies and procedures regarding host families;
- The effects of separation and attachment issues on children and their families;
- The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development, as well as information on reporting child abuse and neglect;
- Behavior management techniques;
- Cultural competence;
- Prevention, recognition, and management of communicable diseases;
- Community health and social services available to children and their families;
- Training on appropriate and positive behavioral intervention techniques;
- Education advocacy training;
- The host family’s responsibility to report abuse or neglect of the hosted child.

Child abuse, neglect, and dependency

The act designates an employee of a qualified organization and each host family mandatory reporters of child abuse or neglect. Additionally, it requires a host family to immediately report to a qualified organization employee the knowledge or reasonable cause to suspect, based on facts that would cause a reasonable person in a similar position to suspect, that the hosted child has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect.

The act prohibits a PCSA from filing a complaint that a hosted child is an abused, neglected, or dependent child because the child is hosted by a host family in compliance with the act, unless the PCSA determines that factors other than hosting warrant the complaint. This prohibition also covers children who may be unruly, juvenile traffic offenders, or habitually truant, or who violated the prohibition against a child possessing, using, purchasing, or receiving cigarettes or other tobacco products.

The act also provides that a presumption that a child hosted under a host family agreement is abandoned may be rebutted if the hosting complies with the act.

ODJFS regulation

The act amends the definitions of “association” and “institution” to expressly exclude “qualified organizations” under Ohio’s laws governing the placement of children. This has the effect of exempting qualified organizations from regulation under ODJFS rules for the adequate and competent management of institutions or associations.

Under the act, host families are exempt from certification or supervision requirements under ODJFS rules for management of institutions or associations.

Multi-system youth action plan

(R.C. 121.374)

The act states that it is the intent of Ohio and the General Assembly that custody relinquishment for the sole purpose of gaining access to child-specific services for multi-system children and youth must cease.

Under the act, the Ohio Family and Children First Council must develop a comprehensive multi-system youth action plan that:

- Defines and establishes shared responsibility between county and state child-serving systems for providing and funding multi-system youth services;
- Provides recommendations for flexible spending at the state level within the cabinet council;
- Defines the model and process by which the flexible spending may be accessed to pay for services for multi-system youth;
- Identifies strategies to assist with reducing custody relinquishment for the sole purpose of gaining access to services for multi-system children and youth;
- Implements the full final recommendations of the Joint Legislative Committee for Multi-System Youth; and
- Conducts an assessment of the legal and financial conditions that contribute to custody relinquishment for the purposes of receiving child-specific services.

The Cabinet Council must submit its final action plan to the General Assembly by December 31, 2019.

Public Assistance

TANF work requirements demonstration project

(Section 307.96)

The act requires the ODJFS Director to seek federal approval to operate a two-year demonstration project regarding the work requirements for Ohio Works First. Ohio Works First is one of the state's Temporary Assistance for Needy Families (TANF) programs. It provides time-limited cash-assistance to low-income families with children.

Federal law establishes work participation rates that a state must satisfy to avoid a possible reduction in the federal funds it receives for its TANF programs. Generally, the minimum participation rate is 90% for two-parent families and 50% for all families. A family's TANF assistance may be reduced or terminated if a member who is subject to the work requirements refuses to satisfy them.⁷⁵

⁷⁵ 42 U.S.C. 607.

The demonstration project must enable the following:

1. An Ohio Works First participant to satisfy the work requirements by satisfactorily participating in any of the following for up to 24 months:

- On-the-job training;
- Education directly related to employment if the participant has not received a high school diploma or a certificate of high school equivalency; or
- A course of study leading to a certificate of general equivalence if the participant has not completed secondary school or received such a certificate.

2. A participant not to be subject to a penalty due to the participant's satisfaction of work requirements under the demonstration project;

3. The state to count a participant's satisfaction of work requirements under the demonstration project toward the state's work participation rates, regardless of whether the participant also participates in other acceptable work activities.

Workforce Development

Comprehensive Case Management and Employment Program

(R.C. 5101.83)

The Comprehensive Case Management and Employment Program (CCMEP) is an ODJFS-administered program through which employment and training services are made available to participants in accordance with an assessment of their needs.⁷⁶ The act provides that if a county director of job and family services determines that an assistance group has received fraudulent assistance, the group is ineligible to participate in CCMEP until that assistance is repaid. Law otherwise unchanged by the act contains a similar provision regarding fraudulent assistance provided under Ohio Works First (cash assistance) and the Prevention, Retention, and Contingency Program (short-term help with employment barriers or crises).

Unemployment Compensation

SharedWork Ohio covered employment

(R.C. 4141.50)

The act limits the "normal weekly hours of work" considered for purposes of the SharedWork Ohio program to those hours of work in employment covered under Ohio's Unemployment Compensation Law. SharedWork Ohio is a voluntary layoff aversion program that provides prorated unemployment benefits to eligible employees who have their normal weekly hours of work reduced under an approved shared work plan.

⁷⁶ R.C. 5116.01 *et seq.*, not in the act.

Unemployment compensation debt collection

(R.C. 4141.35)

When an individual receives unemployment benefits to which the individual is not entitled, the ODJFS Director must issue an order demanding repayment and take additional actions to recover the overpayment. If the overpayment is not repaid within 45 days after repayment is due, the Director must certify the amount owed to the Attorney General and notify the Director of Budget and Management of the amount. The Attorney General must collect the amount or sue the individual for the amount and issue an execution for its collection.⁷⁷ The act exempts any overpayment collected by the Attorney General from a requirement that the amount first be proportionately credited to improperly charged employers' accounts and then to the mutualized account created within the Unemployment Compensation Fund.

⁷⁷ R.C. 131.02.