



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 515 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Rep. Pelanda

**Local Impact Statement Procedure Required:** No

**Subject:** Child rehomng and nonjudicial grants of parental rights

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### State & Local Fiscal Highlights

- State agencies and political subdivisions that employ mandatory reporters may experience costs to conduct additional investigations required in the bill and make reports to public children services agencies (PCSAs). The cost would depend on the number of investigations and the staff time necessary to complete the investigations.
- PCSAs may experience costs to investigate a child's placement upon receiving a report from a mandatory reporter and possibly to file a complaint with a juvenile court if it determines a temporary placement is unsafe for the child. Any increase in costs will depend on the requirements for the investigation in rule and the number of reports received.
- The Ohio Department of Job and Family Services (ODJFS) will experience costs to update the statewide automated child welfare information system (SACWIS).
- ODJFS may experience a minimal cost to update the training requirements for adoptive parent training and to adopt rules regarding investigation requirements.
- Local courts could realize an increase in costs for any violations related to the bill's expansion of the offense of endangering children. If any violations result in prison time there could also be state incarceration expenses. The costs incurred will depend on the number of violations. Local courts and/or the state could receive some revenue for any court costs, fees, and fine revenues collected.

### Detailed Fiscal Analysis

#### Mandatory reporter investigations of rehomng

The bill requires a mandatory reporter to investigate when an attorney in fact (AIF) seeks registration in a school, medical treatment, or other services for a child and presents a mandatory reporter with a document (other than a court order, power of attorney, or caretaker authorization) as authority for requesting the services. Specifically, the mandatory reporter is required to determine whether the child has been placed with the AIF due to a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity.

The mandatory reporter must also investigate how long the child has been placed with the AIF.

If the mandatory reporter determines that the child has been placed for more than one year or that the child has been placed for a reason other than because of a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity, the bill requires the mandatory reporter to promptly report, in writing, to the PCSA of the county in which the child resides. The bill also states the information required in the report. The bill exempts a mandatory reporter from this requirement if the document presented appears to be a valid court order, power of attorney given to a grandparent, or caretaker authorization affidavit. A mandatory reporter is also exempt from this requirement in certain specified situations, such as the child is related by consanguinity or affinity within the fifth degree to the person receiving the child or the placement has been made in accordance with any court order. State and local agencies that employ mandatory reporters may experience costs to conduct these investigations and to generate reports. The costs will depend on the number of investigations and the staff time necessary to complete these investigations.

### **PCSA investigations of rehomeing**

Upon receiving a report from a mandatory reporter, the bill requires the PCSA to investigate the child's placement. The PCSA must determine the extent of the investigation based upon the facts in the report, the PCSA's familiarity with the parties involved, and other factors it deems relevant. The investigation may include a criminal records check, a check of court records for any child-related civil proceedings, and, if the PCSA determines that the records check warrants it, a study following standard protocols. A PCSA is not required to conduct an investigation because of a vacation, school-sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity for a designated period of less than one year. A PCSA is also not required to conduct an investigation in certain specified situations, such as the child is related by consanguinity or affinity within the fifth degree to the person receiving the child or placement has been made in accordance with any court order.

There will be an increase in costs to PCSAs to investigate the complaints. The increase in costs will depend on the requirements for the investigation in rule and the number of reports received. While the cost may vary depending on circumstances, the estimated cost to check criminal records, court records, and any child-related civil proceedings could be approximately \$400 (\$40 per hour x 10 hours), according to the Ohio Department of Job and Family Services (ODJFS). The cost to complete the criminal records check could be \$45.

If a PCSA, upon completion of its investigation, determines that the temporary placement is unsafe for the child, the bill requires the PCSA to file a complaint with the juvenile court. The PCSA will experience additional costs to file the complaints with the court and for any court proceedings and potential foster care placements resulting from the filing of the complaint.

### **Statewide automated child welfare information system (SACWIS)**

The bill requires ODJFS to include records regarding investigations and determinations under the bill's provisions in SACWIS. ODJFS is to adopt rules by June 30, 2018 that creates an intake type for unregulated child custody transfers in SACWIS for these records. There will be a cost to ODJFS to develop the intake type in SACWIS.

### **Training of adoptive parents**

The bill requires that any training that ODJFS may require for a prospective adoptive parent to include instruction regarding the bill's criminal penalties, the mandatory reporter's investigations, and the PCSA's investigations. ODJFS contracts with a vendor that provides all PCSA prospective adoptive parent training. There could be a minimal cost to include the bill's training requirements in the adoptive parent training.

### **Criminal offense**

The bill expands the offense of endangering children to include prohibitions against rehoming and nonjudicial grants of parental rights. A violation of these prohibitions may result in additional annual costs to county criminal justice systems to resolve any additional felony endangering children cases, including sanctioning of the offender. The cost would depend on the number of violations. Thus, costs would likely be minimal. In addition, there would be incarceration expenses if any offenders are required to serve a sentence in a state prison. Lastly, there could be a negligible annual increase in state and local revenue from any court costs, fees, and fine revenues received.

### **Board and commission rules**

The bill includes a provision that states it is the recommendation of the General Assembly that every board, commission, or agency that is created under Title 47 of the Revised Code and that grants licensure or certification to persons who may encounter a child, in situations addressed by the bill, in the normal course of their work, to adopt rules to require those persons to receive training in the recognition and handling of these cases. Adopting rules and providing the training would pose a cost to any of these entities that choose to follow the recommendation.