

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 50

Representatives Pelanda, Grossman

**Cosponsors: Representatives Sears, Driehaus, Stinziano, Rogers, Fedor,
Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns**

A BILL

To amend section 5101.141 and to enact sections 1
2111.011, 5101.1411, 5101.1412, and 5101.1413 of 2
the Revised Code to extend the age for which a 3
person is eligible for federal foster care and 4
adoption assistance payments under Title IV-E to 5
age twenty-one, to provide a ward's bill of 6
rights, to require that a guardian receive the 7
Ohio Guardianship Guide, and to make an 8
appropriation. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5101.141 be amended and sections 10
2111.011, 5101.1411, 5101.1412, and 5101.1413 of the Revised 11
Code be enacted to read as follows: 12

Sec. 2111.011. (A) If the attorney general has prepared an 13
Ohio guardianship guide that includes the bill of rights of a 14
ward as listed in division (E) of this section, the clerk of the 15
probate court shall furnish that guide to a guardian at either 16
of the following times, whichever is applicable: 17

(1) Upon the appointment of the guardian under section 18

2111.02 of the Revised Code; 19

(2) If the guardian was appointed prior to the effective 20
date of this section, upon the first filing by the guardian with 21
the probate court of either of the following, as applicable, 22
after that effective date: 23

(a) A guardian's account, other than a final account, that 24
is required to be filed under section 2109.302 of the Revised 25
Code; 26

(b) A guardian's report that is required to be filed under 27
section 2111.49 of the Revised Code. 28

(B) If the attorney general has prepared an Ohio 29
guardianship guide under division (A) of this section and 30
subsequently prepares any updated version of the Ohio 31
guardianship guide that includes the bill of rights of a ward as 32
listed in division (E) of this section, the clerk of the probate 33
court shall furnish the most recent version of the guide to a 34
guardian at either of the following times, whichever is 35
applicable: 36

(1) Upon the appointment of the guardian under section 37
2111.02 of the Revised Code after the most recent version of the 38
guide is prepared; 39

(2) If the guardian was appointed prior to the date of the 40
most recent version of the guide, upon the first filing by the 41
guardian with the probate court of either of the documents 42
described in divisions (A)(2)(a) and (b) of this section, as 43
applicable, after that date. 44

(C) The probate court shall establish a form for a 45
guardian to sign acknowledging that the guardian received the 46
following: 47

<u>(1) The Ohio guardianship guide;</u>	48
<u>(2) The bill of rights of a ward.</u>	49
<u>(D) Upon receiving the Ohio guardianship guide with a</u>	50
<u>ward's bill of rights pursuant to division (A) or (B) of this</u>	51
<u>section, the guardian shall sign the form specified in division</u>	52
<u>(C) of this section.</u>	53
<u>(E) A ward is entitled to certain rights that the guardian</u>	54
<u>cannot change, and continues to have these rights after a</u>	55
<u>guardianship is established. These rights are as follows:</u>	56
<u>(1) To be treated with dignity and respect;</u>	57
<u>(2) To exercise control over all aspects of life that the</u>	58
<u>court has not delegated to the guardian;</u>	59
<u>(3) To appropriate services suited to the ward's needs and</u>	60
<u>conditions, including mental health services;</u>	61
<u>(4) To have the guardian consider the ward's personal</u>	62
<u>desires, preferences, and opinions;</u>	63
<u>(5) To safe, sanitary, and humane living conditions within</u>	64
<u>the least restrictive environment that meets the ward's needs;</u>	65
<u>(6) To marry, if legally able;</u>	66
<u>(7) To equal treatment under the law, regardless of race,</u>	67
<u>religion, creed, sex, age, marital status, sexual orientation,</u>	68
<u>or political affiliation;</u>	69
<u>(8) To have explanations of any medical procedures or</u>	70
<u>treatment;</u>	71
<u>(9) To have personal information kept confidential;</u>	72
<u>(10) To review personal records, including medical,</u>	73

<u>financial, and treatment records;</u>	74
<u>(11) To speak privately with an attorney, ombudsman, or other advocate;</u>	75 76
<u>(12) To an attorney and independent expert evaluator, and to have these professionals paid by the court if the ward is indigent;</u>	77 78 79
<u>(13) To petition the court to modify or terminate the guardianship;</u>	80 81
<u>(14) To bring a grievance against the guardian, request the court to review the guardian's actions, request removal and replacement of the guardian, or request that the court restore the ward's rights if it can be shown that the ward has regained the capacity to make some or all decisions;</u>	82 83 84 85 86
<u>(15) To request a hearing to review the continued need for the guardianship at least once a year;</u>	87 88
<u>(16) To drive, if legally able.</u>	89
Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 <u>5101.1413</u> of the Revised Code, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.	90 91 92 93
(B) The department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted	94 95 96 97 98 99 100 101

in accordance with section 111.15 of the Revised Code, as if 102
they were internal management rules. Rules governing 103
requirements applicable to private child placing agencies and 104
private noncustodial agencies and rules establishing 105
eligibility, program participation, and other requirements 106
concerning Title IV-E shall be adopted in accordance with 107
Chapter 119. of the Revised Code. A public children services 108
agency to which the department distributes Title IV-E funds 109
shall administer the funds in accordance with those rules. 110

(C) (1) The county, on behalf of each child eligible for 111
foster care maintenance payments under Title IV-E, shall make 112
payments to cover the cost of providing all of the following: 113

(a) The child's food, clothing, shelter, daily 114
supervision, and school supplies; 115

(b) The child's personal incidentals; 116

(c) Reasonable travel to the child's home for visitation. 117

(2) In addition to payments made under division (C) (1) of 118
this section, the county may, on behalf of each child eligible 119
for foster care maintenance payments under Title IV-E, make 120
payments to cover the cost of providing the following: 121

(a) Liability insurance with respect to the child; 122

(b) If the county is participating in the demonstration 123
project established under division (A) of section 5101.142 of 124
the Revised Code, services provided under the project. 125

(3) With respect to a child who is in a child-care 126
institution, including any type of group home designed for the 127
care of children or any privately operated program consisting of 128
two or more certified foster homes operated by a common 129

administrative unit, the foster care maintenance payments made 130
by the county on behalf of the child shall include the 131
reasonable cost of the administration and operation of the 132
institution, group home, or program, as necessary to provide the 133
items described in divisions (C) (1) and (2) of this section. 134

(D) To the extent that either foster care maintenance 135
payments under division (C) of this section or Title IV-E 136
adoption assistance payments for maintenance costs require the 137
expenditure of county funds, the board of county commissioners 138
shall report the nature and amount of each expenditure of county 139
funds to the department. 140

(E) The department shall distribute to public children 141
services agencies that incur and report expenditures of the type 142
described in division (D) of this section federal financial 143
participation received for administrative and training costs 144
incurred in the operation of foster care maintenance and 145
adoption assistance programs. The department may withhold not 146
more than three per cent of the federal financial participation 147
received. The funds withheld may be used only to fund the 148
following: 149

(1) The Ohio child welfare training program established 150
under section 5103.30 of the Revised Code; 151

(2) The university partnership program for college and 152
university students majoring in social work who have committed 153
to work for a public children services agency upon graduation; 154

(3) Efforts supporting organizational excellence, 155
including voluntary activities to be accredited by a nationally 156
recognized accreditation organization. 157

The funds withheld shall be in addition to any 158

administration and training cost for which the department is 159
reimbursed through its own cost allocation plan. 160

(F) All federal financial participation funds received by 161
a county pursuant to this section shall be deposited into the 162
county's children services fund created pursuant to section 163
5101.144 of the Revised Code. 164

(G) The department shall periodically publish and 165
distribute the maximum amounts that the department will 166
reimburse public children services agencies for making payments 167
on behalf of children eligible for foster care maintenance 168
payments. 169

(H) The department, by and through its director, is hereby 170
authorized to develop, participate in the development of, 171
negotiate, and enter into one or more interstate compacts on 172
behalf of this state with agencies of any other states, for the 173
provision of social services to children in relation to whom all 174
of the following apply: 175

(1) They have special needs. 176

(2) This state or another state that is a party to the 177
interstate compact is providing adoption assistance on their 178
behalf. 179

(3) They move into this state from another state or move 180
out of this state to another state. 181

Sec. 5101.1411. (A) The director of job and family 182
services shall, not later than May 1, 2016, submit an amendment 183
to the state plan required by 42 U.S.C. 671 to the United States 184
secretary of health and human services to implement 42 U.S.C. 185
675(8) to make federal payments for foster care and adoption 186
assistance, as applicable, under Title IV-E available to any 187

<u>person who meets the following requirements:</u>	188
<u>(1) The person has attained the age of eighteen but not attained the age of twenty-one.</u>	189 190
<u>(2) The person was either of the following:</u>	191
<u>(a) In the custody of a public children services agency upon attaining the age of eighteen;</u>	192 193
<u>(b) In the custody of a public children services agency at any time while the person was sixteen or seventeen, and was then adopted.</u>	194 195 196
<u>(3) The person signs a voluntary placement agreement.</u>	197
<u>(4) The person meets any of the following criteria:</u>	198
<u>(a) Is completing secondary education or a program leading to an equivalent credential;</u>	199 200
<u>(b) Is enrolled in an institution that provides post-secondary or vocational education;</u>	201 202
<u>(c) Is participating in a program or activity designed to promote, or remove barriers to, employment;</u>	203 204
<u>(d) Is employed for at least eighty hours per month;</u>	205
<u>(e) Is incapable of doing any of the activities described in divisions (A) (4) (a) to (d) of this section due to a medical condition, which incapability is supported by regularly updated information in the person's case plan.</u>	206 207 208 209
<u>(B) Any person who meets the requirements of division (A) of this section may apply for foster care or adoption assistance payments and make the appropriate application at any time.</u>	210 211 212
<u>(C) Any person receiving foster care or adoption</u>	213

assistance payments pursuant to this section may refuse foster 214
care or adoption assistance payments at any time. If a person 215
refuses payments and seeks payments at a later date, the person 216
must reapply for the payments in accordance with this section. 217

(D) A person receiving foster care or adoption assistance 218
payments pursuant to this section shall be eligible for services 219
set forth in the federal, "Fostering Connections to Success and 220
Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949. 221

(E) Any determination by the department that terminates 222
foster care or adoption assistance payments to any person shall 223
be subject to Chapter 119. of the Revised Code. 224

Sec. 5101.1412. Notwithstanding section 5101.141 of the 225
Revised Code and any rules adopted thereunder, the department of 226
job and family services shall pay the full nonfederal share of 227
payments made pursuant to section 5101.1411 of the Revised Code. 228
No public children services agency shall be responsible for the 229
cost of any payments made pursuant to section 5101.1411 of the 230
Revised Code. 231

Sec. 5101.1413. The department of job and family services 232
shall adopt rules necessary to carry out the purposes of 233
sections 5101.1411 and 5101.1412 of the Revised Code, including 234
rules that do all of the following: 235

(A) Allow a person receiving foster care or adoption 236
assistance payments to maintain eligibility while transitioning 237
into, or out of, qualified employment or educational activities; 238

(B) Require that a thirty-day notice of termination be 239
given by the department to a person receiving foster care or 240
adoption assistance payments who is determined to be ineligible 241
for payments; 242

(C) Create an advisory council to evaluate and make 243
recommendations for statewide implementation of sections 244
5101.1411 and 5101.1412 of the Revised Code. 245

Section 2. That existing section 5101.141 of the Revised 246
Code is hereby repealed. 247

Section 3. All appropriation items in this act are 248
appropriated out of money in the state treasury to the credit of 249
the designated fund. For all appropriations made in this act, 250
the amounts in the first column are for fiscal year 2016 and the 251
amounts in the second column are for FY 2017. The appropriations 252
made in this act are in addition to any other appropriations 253
made for the FY 2016 - FY 2017 biennium. 254

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 255

General Revenue Fund 256

GRF 600423 Family and Children	\$300,000	\$0	257
Programs			258

GRF 600523 Family and Children	\$0	\$1,700,000	259
Services			260

Total GRF General Revenue Fund	\$300,000	\$1,700,000	261
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Federal Fund 262

3N00 600628 Foster Care Program-			263
Federal	\$0	\$2,500,000	264

TOTAL ALL BUDGET FUND GROUPS	\$300,000	\$4,200,000	265
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EXPANSION OF FOSTER CARE PROGRAM 266

The foregoing appropriation item, 600423, Family and 267
Children Programs, shall be used in fiscal year 2016 by the 268

Department of Job and Family Services to plan the expansion of 269
foster care services for individuals aged 18 to 21. 270

The foregoing appropriation items 600523, Family and 271
Children Services, and 600628, Foster Care Program-Federal, 272
shall be used by the Department of Job and Family Services in 273
fiscal year 2017 to implement the expansion of foster care 274
services for individuals age 18 to age 21. 275

Section 4. Within the limits set forth in this act, the 276
Director of Budget and Management shall establish accounts 277
indicating the source and amount of funds for each appropriation 278
made in this act, and shall determine the form and manner in 279
which appropriation accounts shall be maintained. 280

Expenditures from appropriations contained in this act 281
shall be accounted for as though made in the main appropriations 282
act of the 131st General Assembly that are generally applicable 283
to such appropriations. 284