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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Brewer

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SUMMARY

- Requires the Department of Children and Youth (DCY) to develop and distribute to public children services agencies (PCSA) and private child placing agencies (PCPAs) a parents' bill of rights pamphlet that includes certain information on parents' rights in a child abuse or neglect investigation.
- Requires a PCSA representative, when a child is taken into PCSA custody, to:
  - Immediately verbally inform the child's parent, guardian, or custodian of the specific child abuse or neglect complaints or allegations; and
  - Within 24 hours of taking the child into custody, provide written notice to the child's parent, guardian, or custodian of the allegation; a copy of the document supporting the child's removal; and a copy of the parents' bill of rights pamphlet.
- Allows a child's parent, guardian, or custodian to choose a support person to attend any meetings regarding the child's welfare and case plan, unless the court restricts or prohibits the person's attendance for good cause shown.
- Requires a PCSA or PCPA to provide a plain language reasonable efforts statement at any hearing at which the court must determine whether the agency has made reasonable efforts to prevent the removal of the child or return the child home.
- Requires PCSA to request that DCY search the putative father registry to determine whether a man is registered as a putative father of a child who is taken into PCSA custody and DCY to provide written notice to the putative father of his rights and any hearings for the child subject to a child abuse or neglect investigation.
- Requires a PCSA or PCPA to initiate within seven days the continuing law requirements to make intensive efforts to identify and engage a kinship caregiver for a child in the agency's custody.

DETAILED ANALYSIS

Parents' rights in child abuse and neglect cases

Parents' bill of rights pamphlet

Under the bill, the Department of Children and Youth (DCY) must develop and distribute to public children services agencies (PCSAs) and private child placing agencies (PCPAs) a parents' bill of rights pamphlet. The pamphlet is to be written in plain language and translated into the ten most spoken languages in Ohio. The pamphlet must include the following:

- Information on the following:
  - PCSA notification requirements when a child is taken into PCSA custody (see below, "**PCSA notice of complaint or allegation**");
  - Kinship notification requirements under existing law in which PCSAs and PCPAs must make intensive efforts to identify and engage a kinship caregiver for a child who is in the temporary custody of, or in a planned permanent living arrangement with, the agency;
  - The right to a support person (see below, "**Support person**");
  - The right to receive a plain language reasonable efforts statement (see below, "**Reasonable efforts statement**").
- An explanation of the timelines and judicial proceedings for child abuse and neglect cases.
- Contact information for legal aid services and the Ohio Public Defender's Office.[1]

PCSA notice of complaint or allegation

Existing law requires a PCSA representative to inform a person who is subject to a child abuse or neglect investigation of the specific complaints or allegations made against the person. The PCSA representative must inform the person at the time of initial contact with the person, regardless of whether the child has been taken into PCSA custody.

The bill additionally requires that when a child is taken into PCSA custody, a PCSA representative must do the following:

- Immediately verbally inform the child's parent, guardian, or custodian of the specific complaints or allegations that resulted in the child being taken into custody and the date, time, and location of the informal detention or shelter care hearing;
- Within 24 hours of taking the child into custody, provide written notice to the child's parent, guardian, or custodian that includes the allegations against the parent, guardian, or custodian; a copy of the complaint, petition, and affidavit supporting the removal of

[1] R.C. 2151.318.

the child; and a copy of the parents' bill of rights pamphlet (see above, "**Parents' bill of rights pamphlet**").

The PCSA notice must be given in a manner that is consistent with existing law governing the confidentiality of the person who reported the known or suspected child abuse or neglect and protects the reporter's rights.[2] At the detention or shelter care hearing for the child, the court must verify that the child's parent, guardian, or custodian has received the written notice of complaint or allegation from the PCSA as required under the bill.[3]

Support person

The bill permits the child's parent, guardian, or custodian to choose a support person to attend any meetings regarding the child's welfare and case plan, unless the court, for good cause shown, restricts or prohibits the support person's attendance.[4]

Reasonable efforts statement

Continuing law generally requires the court to determine, at various stages in the child welfare process, whether the PCSA or PCPA has made reasonable efforts to prevent the child's removal from home, eliminate the child's continued removal from home, or make it possible for the child to return safely home. Under the bill, the PCSA or PCPA must file with the court and provide to all parties a reasonable efforts statement at any hearing at which the court must make that determination. If the agency fails to file a reasonable efforts statement, the court cannot make a finding regarding reasonable efforts and may file a continuance or remediation order.

The statement must explain, in clear and simple language, the following:

- The services that the child's family has been offered and provided by the agency;
- The dates, intensity, and duration of the services provided;
- The family's progress and the outcomes of the services;
- Any barriers to the family's participation in the services and the agency's response.[5]

PCSA request for putative father search

Under the bill, a PCSA must request that DCY search the putative father registry to determine whether a man is registered as a putative father of a child who is taken into PCSA custody. The request must include the mother's name. DCY must search the registry on receipt of the PCSA's request. If DCY determines that a man is registered as the child's putative father, it must provide the PCSA a certified copy of the man's registration form. If DCY determines that no man is registered as the child's putative father, it must provide the PCSA a certified written statement to that effect. DCY must specify in the statement the date the search was conducted.

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[2] R.C. 2151.421(G)(2).

[3] R.C. 2151.314(B)(4).

[4] R.C. 2151.317.

[5] R.C. 2151.419(D).

No fee can be charged for searching the registry. The bill excludes the provisions governing a PCSA request for a putative father search from existing law that prohibits a person or government entity from knowingly revealing information contained in a paper, book, or record pertaining to an adoption without a court's consent.

Within ten days of providing a PCSA with a certified copy of a putative father's registration form, DCY must also provide written notice to the putative father of the following:

- That he may be the father of the child he claims as his child on the registration form;
- That the child is the subject of a child abuse or neglect investigation;
- That he has a right to receive notice of all hearings, administrative reviews, and other proceedings involving the child.

The court must give the putative father notice of all hearings, administrative reviews, and other proceedings in the same manner as notice is given to parties to the action.[6]

Intensive efforts for identifying kinship caregivers

Existing law requires a PCSA or PCPA to make intensive efforts to identify and engage an appropriate and willing kinship caregiver for the care of a child who is in the temporary custody of, or a planned permanent living arrangement with, the agency. The bill requires the intensive efforts to be initiated within seven days of the child being removed from home.[7]

HISTORY

Action	Date
Introduced	05-12-26

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[6] R.C. 2151.4123.

[7] R.C. 2151.4116.