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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

**H.B. 289**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 289's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. McClain and Pavliga

**Local Impact Statement Procedure Required:** Yes

Ryan Sherrock, Economist, and other LBO staff

### **Highlights**

- Counties may experience an increase in foster care costs if children remain in the care of a foster caregiver for a longer period of time due to the bill's provisions prohibiting a court from approving a change in a child's placement unless certain conditions are met. Some federal reimbursement could be received for cases in which the child is eligible under federal Title IV-E.
- Public children services agencies (PCSAs) could experience an increase in costs to initiate a diligent search for a child's adult relatives and nonrelatives with a significant relationship to the child. The total will depend on each PCSA's current efforts.
- Juvenile courts may see increased workloads and a resulting increase in related costs to accommodate requirements related to child placement and the rights of foster and kinship caregivers. The magnitude of any increase in costs would be dependent upon the particulars of the cases heard in any court.

### **Detailed Analysis**

#### **Continuation in child's placement**

The bill prohibits a court from approving a change in a child's placement, unless it is in the child's best interests and requested by the child's foster caregiver, and permits the court to presume that placement continuation is in the child's best interests if the following apply: the child's current placement has been in a stable home environment for the past nine months, a change in the child's placement would be detrimental to the child's emotional well-being, and the child's foster caregiver has not requested, in writing, that the placement be changed. Additionally, the bill repeals the requirement that a public children services agency (PCSA) or a private child placing agency (PCPA) must consider giving preference to a child's adult relative over

a nonrelative caregiver when determining an adoptive placement for the child. The impacts on the courts are discussed below.

The bill could result in children remaining in the care of a foster caregiver for a longer period of time in cases in which the court is prohibited from changing the placement. This would increase foster care and casework costs. Foster care is paid for by both federal funding through Title IV-E of the Social Security Act, as well as a nonfederal share provided by counties. The breakdown between these two sources is based on the Federal Medical Assistance Percentage (FMAP), which is about 64% federal and 36% nonfederal share in FY 2021. Counties are responsible for the total cost of foster placement if a child is not eligible for Title IV-E. Foster care maintenance payments are paid to parents for each foster child in their home. The payments vary depending on the age or needs of the child, as well as the county location. However, H.B. 110 of the 134<sup>th</sup> General Assembly, the budget bill, included a provision dealing with the continuation of a child's placement.<sup>1</sup> While this provision is not exactly the same as the H.B. 289 provision, it is similar. As a result, any costs resulting from H.B. 289 could be lessened due to the enactment of the H.B. 110 provision. Any potential court impacts are below.

### **Diligent search for child's adult relatives and nonrelatives**

The bill requires a PCSA or PCPA, on removal of a child from the child's home, to initiate a diligent search for the child's adult relatives and nonrelatives with a significant relationship to the child to assume, as applicable, legal, temporary, or permanent custody of the child. The bill specifies what efforts must be included in this search. Once the search is completed, the PCSA or PCPA is required to notify identified relatives and nonrelatives of specified information. The search and notification requirements must be completed, documented, and filed with the court not later than 30 days after the removal of the child from the child's home, or as otherwise required by the court, and at each review hearing. The bill requires the court, in determining whether the PCSA or PCPA made reasonable efforts to finalize the child's permanency plan as required under continuing law, to consider if the PCSA or PCPA complied with the diligent search requirements under the bill.

The bill's provisions may result in additional costs for PCSAs. The total costs will depend on how each PCSA's current search efforts differ from the requirements under the bill. Again, H.B. 110 of the 134<sup>th</sup> General Assembly contained a similar provision. However, the H.B. 110 provision specified what search components must be included and what components were required for notification, among other differences. Thus, the costs associated with this H.B. 289 provision could be lessened by the enactment of H.B. 110.

### **Juvenile court impact**

Related to the juvenile divisions of the courts of common pleas, the bill:

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<sup>1</sup> The H.B. 110 provision permits a court to issue an order regarding a child not receiving care from a kinship caregiver, that continuation of the child's current placement is in the best interest of the child if it makes the following findings: the child has been living in a stable home environment for 12 months, the current caregivers have expressed interest in providing permanency, and removal would be detrimental to the child.

- Prohibits the court from approving a change in the child’s placement, unless it is in the child’s best interests and requested by the child’s foster caregiver;
- Permits the court to presume that placement continuation is in the child’s best interests if certain conditions apply, including a determination that a change would be detrimental to the child’s emotional well-being;
- Provides that the child’s foster caregiver or kinship caregiver has the right to participate in the hearing, rather than to be heard as in current law; and
- Requires the child’s foster caregiver or kinship caregiver to be encouraged to update the court about the child in the caregiver’s care, express concerns to the court that relate to the child, ask questions about any aspect of the child’s case, and file reports and letters to the court as part of the child’s case record.

These provisions may increase court hearing timelines and workload resulting in more expenses for juvenile courts. In addition, the Ohio Judicial Conference believes that (1) the right to participate may result in additional costs for appointed counsel when the foster caregiver is indigent and (2) in a small percentage of cases, the determination of the effect of a change in placement on a child’s well-being could result in additional hearings and the need to hire mental health professionals. The magnitude of any increase in costs would be dependent upon the frequency of such cases and will likely vary for each county’s court handling juvenile cases.