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H.B. 583
(1_135_2519-1)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 583's Bill Analysis](#)

Version: In House Families and Aging

Primary Sponsors: Reps. White and Plummer

Local Impact Statement Procedure Required: No

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Highlights

- County public children services agencies (PCSAs) could experience costs relating to a few provisions in the bill, including provisions that: require a PCSA to retrieve a child from the emergency department or hospital within four hours after notification of discharge and prohibit a child adjudicated as a delinquent from being placed in a residential facility with a child not adjudicated as such. The total costs will depend on a number of factors, such as if a PCSA is able to find a placement for a child or whether more costly alternate arrangements must be made.
- The bill may increase school district expenditures by an uncertain amount by requiring districts to complete assessments of certain foster children.
- The Ohio Department of Children and Youth (DCY) will realize costs to conduct annual surveys of residential facility staff and to complete the required annual reports. Any other costs, such as those related to the bill's certification changes, will depend on rules adopted.
- The Attorney General will incur minimal costs to promulgate rules regarding the training of peace officers and first responders in interacting with at-risk youth. The Ohio Peace Officer Training Academy will provide training based on these rules. The training costs will depend on what training, if any, is currently provided on this topic.

Detailed Analysis

The bill makes changes to various provisions of law relating to a child who is under the care and supervision of a residential facility. The bill specifies that provisions generally apply to residential facilities (which includes group homes under current law) that are operated by a public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children.

Some of the provisions could result in costs to PCSAs, school districts, and the Ohio Department of Children and Youth (DCY). There are 88 county PCSAs. PCSAs are responsible for, among other things, assessing and investigating reports of child abuse and neglect. Services provided include protective services, foster care, and group home or residential care. Costs for foster care and residential facility placements are 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. Counties are responsible for the total placement costs if a child is not eligible for Title IV-E. The impacts are described by provision below.

Notifications – medical care and law enforcement

If a child under the care and supervision of a residential facility presents to an emergency department (ED) or is admitted to a hospital for an injury or mental health crisis, the bill requires certain notifications to be made or actions to be taken. These include:

- The ED or hospital must communicate with the PCSA or PCPA with custody of the child about the visit and notify them of the discharge and/or if applicable, the Ohio Resilience Through Integrated Systems and Excellence (OhioRISE) Program and DCY.
- The PCSA or PCPA must respond to the ED or hospital’s communication within four hours after initial contact and retrieve the child within four hours after notification of discharge.
- A law enforcement officer who has an investigative interaction with a child under the supervision of a residential facility is required to notify the facility operator and the appropriate PCSA or PCPA; the PCSA or PCPA must report any interactions that result in a police report and provide a copy of the report to DCY.

Government-owned hospitals or state or local law enforcement offices may incur minimal costs related to these notification requirements depending on how the bill’s requirements differ from current practice. According to the Public Children’s Services Agency Organization (PCSAO), PCSAs could realize costs due to the requirement that the child be retrieved within four hours after notification of discharge. Costs would depend on several factors including how easily a placement can be arranged, the location of the ED or hospital (e.g., is the hospital a substantial distance from the PCSA’s location), and whether the child requires a special mode of transport and how quickly that transport can be arranged. Costs could substantially increase in situations in which a placement is not available and an alternate arrangement must be made, such as placing the child in an accommodation with around the clock supervision. However, on the other hand, if any children currently stay in a hospital longer than four hours while a PCSA is arranging a placement, this provision could result in a reduction in the amount of time a hospital provides care to the child. If this occurs, there could be a reduction in some hospital costs.

Under the bill, DCY is required to adopt rules to establish (1) a standardized procedure regarding the notifications required above to a PCSA or PCPA, (2) timeframes for these entities to provide reports to DCY, and (3) standards for DCY to track the reports it receives from these entities. There will be minimal rule promulgation costs for DCY. Any other impacts will depend on the rules adopted.

Placement of delinquent children

The bill prohibits a child who has been adjudicated a delinquent child from being placed in a residential facility with a child who has not been adjudicated a delinquent child and requires such a child to be placed in a specialized residential facility. The total costs associated with this provision will depend on whether placements can be found for children in these situations. At this time, PCSAO is unaware of many, if any, specialized residential facilities or facilities that cater only to this group of children. If a PCSA cannot find such a placement for a child, the PCSA would realize costs to provide alternative accommodation and possibly around the clock supervision. Total costs would depend on how often this occurs and the alternate arrangements made, as well as the length of these arrangements. It is likely that placement costs could be higher in facilities that specialize in providing treatment to these youth.

The bill requires DCY to adopt rules to establish additional standards, including additional training requirements, for a specialized residential facility for children who have been adjudicated delinquent children. There could be minimal rule promulgation costs.

Monthly visits to residential facility

The bill requires a PCSA or PCPA with custody of a child who is under the care and supervision of a residential facility to conduct a monthly in-person visit to the facility to determine the child's well-being, and to report concerns about the child to DCY in accordance with rules that DCY must adopt. Since PCSAs already conduct monthly in-person visits to these facilities, there should not be any added costs associated with this requirement. However, the bill requires DCY to adopt rules regarding the criteria for determining whether a PCSA must report a concern to DCY. This could add some minimal costs to PCSAs depending on the rules adopted.

Mandatory review of placement

The bill requires a PCSA or PCPA to conduct a mandatory review of a child's placement, which must include a determination of whether the residential facility is an appropriate setting and is providing a satisfactory level of care for the child, if certain incidents occur. Additionally, DCY is required to adopt rules to establish guidelines for reviewing a child's placement, including review criteria, circumstances that would require a change in the child's placement, and a timeline for conducting the review and taking appropriate action. PCSAs currently review and assess a child's situation and safety in certain instances (e.g., when a child is injured). However, there could be additional costs to PCSAs depending on how the rules actually adopted differ from current practice and requirements.

24-hour emergency on-call procedure

The bill requires a PCSA, PCPA, and operator of a residential facility to establish a 24-hour emergency on-call procedure to respond to contact from EDs, hospitals, law enforcement officers, and first responders regarding emergencies involving a child in the agency's custody or under the care and supervision of the facility. Under current law, a PCSA or PCPA must develop an individual child care agreement (ICCA) each time a child is placed in a substitute care setting. The ICCA requires that the following information be made available: the name, address, and telephone number of the PCSA or PCPA, the name of the child's caseworker, and information regarding how the caseworker may be contacted during regular hours and during emergencies.

Since PCSAs are already available 24 hours in case of emergencies, there should not be any additional fiscal impact associated with this provision.

Services from community organizations

The operator of a residential facility is required to notify a PCSA or PCPA about any service that a community organization provides to a child under the care and supervision of the facility. Additionally, a PCSA or PCPA is required to document those services in the child's case plan and to ensure that the community organization is compensated for the services provided. Currently, residential facilities contract with PCSAs regarding the services that a PCSA is responsible for. The services provided are based on the assessments conducted by PCSAs to determine the child's needs. As a result, it is unclear what the impact of this provision would be.

Residential facility certification requirements

The bill makes numerous changes to the certification requirements for residential facilities. Some of these include (1) prohibiting DCY from approving the certification of a residential facility in a region if the maximum threshold of residential facilities would be exceeded as a result of the approval, (2) requiring DCY to conduct an annual site visit of a residential facility, (3) requiring the operator of a residential facility to demonstrate that the proposed facility meets all applicable local planning and zoning requirements, and (4) establishing a procedure for a county, township, or municipal corporation to revoke a conditional use permit respecting real property used as a residential facility in specified situations. The bill also requires DCY to adopt various rules regarding a residential facility's community engagement plan and rules regarding criteria for requiring more than one site visit per year. DCY will realize rule promulgation costs. Since residential facilities are currently certified, there could be costs depending on how the rules adopted differ from current practice.

Criminal records checks

The bill requires the hiring officer of a residential facility to request the Superintendent of the Bureau of Criminal Investigation (BCI), which is under the Attorney General's Office, to conduct a criminal records check with respect to any person under final consideration for appointment or employment in the residential facility. If any of these individuals do not currently undergo a background check, BCI could realize an increase in costs to conduct additional checks. However, the BCI base fee for criminal record checks is \$22 while the FBI criminal record check is \$25.25. Fees collected are deposited in the Attorney General Reimbursement Fund (Fund 1060) and should offset any costs.

Educational stability of foster children

The bill requires DCY and the Department of Education and Workforce (DEW) to create a standard form to be used by PCSAs and PCPAs to convey information necessary to support the education of children in their custody. The PCSA or PCPA must convey the information on the form to the student's school district verbally upon enrollment and within five days after enrollment. DCY and DEW will realize minimal costs to create the form. Additionally, the school district in which a foster child is enrolled after being placed in a residential facility is required to assess the needs of the child for appropriate services and interventions. The results of the assessment are to be used to make recommendations regarding services and interventions to the residential facility in which the child is placed and the PCSA or PCPA. According to the PCSAO,

the needs of youth placed in a residential facility have already been assessed. These assessments are conducted using the Child and Adolescent Needs and Strengths (CANS) tool to identify a child's strengths and needs. PCSAO stated that costs could increase if schools recommended additional services beyond those currently provided.

Further, the bill requires DEW on at least an annual basis to provide all school districts with best practices to help ensure the educational stability of students in the custody of a PCSA or PCPA. DEW does not anticipate significant costs to develop and distribute the list of best practices.

DCY review and reporting requirements

Under the bill, DCY is required to annually survey the staff of all residential facilities working with children under the care and supervision of residential facilities regarding the status of these children. The bill also requires DCY to review the staff survey and any reports it receives, and determine whether training requirements are responsive to the needs of residential facilities and adopt or modify rules if the DCY Director determines it necessary. The bill requires DCY to conduct a study and submit a one-time report to the General Assembly on the status of foster care in Ohio. Additionally, DCY is also required to submit annual reports to the General Assembly. DCY will realize costs to conduct annual surveys and to complete the required annual reports.

Suspension of certificates

The bill allows DCY to suspend the certificate of an institution or association without a prior hearing for various reasons primarily related to the actual or risk of harm to a child under the entity's care and supervision. This provision could result in a reduction in hearing costs. The total amount will depend on the number of hearings no longer conducted.

Peace officer and first responder training

The Attorney General is required to adopt rules governing the training of peace officers and first responders in identifying and interacting with at-risk youth. The Ohio Peace Officer Training Academy will provide this training. There could be minimal costs to promulgate rules. However, training costs would depend on the rules adopted and if any of this training is currently provided.

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill stated the General Assembly's intent to increase accountability of group homes. The substitute bill (I_135_2519-1) replaced this intent language with the provisions above. Thus, all of the impacts described in this fiscal note are new to the substitute bill.