

**Office for Children and Families  
Executive Leadership Committee *with Advocates*  
Meeting Notes – July 9, 2003**

<b>Members</b>	<b>Present</b>	<b>Members</b>	<b>Present</b>
China Widener	X	Julie Mogavero	X
Barbara Riley	X	Jim Smith	X
Rick Smith	X	Chip Spinning	-
Michael Ring	X	Crystal Allen	Max Bucey
Buzz Long	-	Terry Miller	-
Loretta Adams	X	Dean Sparks	-
Suzanne Alexander	-	Mike Trivisonno	X
Kim Newsome	-	Jim Beard	-
John Saros	X	Jim McCafferty	X
Rhonda Reagh	Alice Maddox	Suzanne Burke	-
Kevin Holt	X	Tom Schied	-
Bruce Anderson	X	Dot Erickson	X
Peg Burns	X	Doug Stephens	X
Jann Heffner	X	Nancy Neylor	X
Karen Lampe	X	Tom Swindel	Darren Varnado
Cheri Walter	Betsy Johnson	Don Medd	X
Peg Arnold	-	Chris Stoneburner	-
Ryan Gies	-	Lucy Cormier	-
Eileen Cooper Reed	Erin Joyce Brandt	Jackie Wilson	-
Jackie Ashby	-	Jessie Cannon	-
Barbara Haxton	-	Alicia Leatherman	-
Tom McIndoe	-	Erika Taylor	-

**Legislation Affecting Practice:**

Barbara Riley indicated that the purpose of today's meeting was to discuss all of the proposed legislation that, if passed by the General Assembly and signed by the Governor, would impact the work we do for children and families. Also discussed were plans for the introduction of legislation when the General Assembly reconvenes in fall 2003.

*Senate Bill 4:*

Sponsor: Senator Spada

OCF impact:

- o Enacts mechanisms for taking and using in a criminal proceeding or delinquent child proceeding depositions, including videotaped depositions, of a victim of specified offenses who is a mentally retarded or developmentally disabled person.
- o Provides for closed circuit telecast into the courtroom of testimony of such a victim that was taken outside the courtroom, recording the testimony of the victim for showing in the courtroom, and, in criminal proceedings, use of preliminary hearing testimony.
- o Modifies provisions of current law regarding reporting of abuse or neglect of a person with mental retardation or a developmental disability by: (1) requiring a person in any profession that is subject to the mandatory reporting requirement to make a report when the person has reason to believe that a person with mental retardation or a developmental disability faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect, (2) revising the

entity to which the mandatory reports must be made, or the discretionary reports may be made, in specified circumstances, (3) limiting the application of the mandatory reporting provisions to clergymen and persons who render spiritual treatment through prayer to circumstances in which they are employed in a position that includes providing specialized services to an individual with mental retardation or another developmental disability and are acting in that capacity, (4) adding a limited exemption from the mandatory reporting requirement for attorneys and physicians, (5) specifying that any person who fails to make a report under the mandatory reporting provisions is eligible to be included in the registry regarding abuse by MR/DD employees, (6) requiring investigations of a mandatory or discretionary report by a law enforcement agency or DMRDD to be in accordance with the memorandum of understanding, (7) revising the penalties provided for specified violations of the reporting law, (8) requiring a county board that receives a report in circumstances it believes are an emergency to attempt a face-to-face contact with the alleged victim within one hour, and (9) requiring DMRDD to adopt rules under the Administrative Procedure Act that provide standards for the substantiation of reports of abuse or neglect filed under the mandatory and discretionary reporting provisions.

- Revises provisions of current law regarding reports of abuse, neglect, and misappropriation of property by an MR/DD employee and the registry of employees who have engaged in such conduct by: (1) requiring DMRDD to review a report it receives from a prosecutor when DMRDD receives it, (2) modifying the matters a hearing officer must determine at a hearing conducted regarding the report and requiring the hearing officer and Director to consider any relevant facts presented at the hearing, (3) repealing the prohibition against DMRDD's Director including in the registry of MR/DD employees an individual who has been found not guilty of an offense arising from the same facts as the allegation in question, (4) requiring that the disposition of a criminal proceeding regarding the same allegation be noted on the registry next to the employee's name, (5) providing qualified immunity for persons and government entities that fail to hire or retain a person based on a finding that there is a reasonable basis for the allegation in the report, (6) specifying that, if the Administrative Procedure Act requires DMRDD to give notice of an opportunity for a hearing and the employee subject to the notice does not timely request a hearing, DMRDD is not required to hold one.
- Requires the prosecutor, in any case involving a victim that the prosecutor knows is a mentally retarded or developmentally disabled person, to send written notice of the charges to DMRDD.
- Expands the professions that are subject to the mandatory child abuse and neglect reporting provision to include superintendents, board members, and employees of a county board of mental retardation and developmental disabilities, investigative agents contracted with by a county board, and employees of DMRDD.

*Senate Bill 58:*

Sponsor: Senator Jacobson

OCF Impact:

- To expand the offense of endangering children to also prohibit exposing children to an illegal methamphetamine manufacturing laboratory.

*House Bill 237:*

Sponsor: Representative Harwood

OCF Impact:

- To provide for the regulation of professional child and youth care workers and child and youth care assistants.

*House Bill 144:*

Sponsor: Representative Buehrer

OCF Impact:

- Provides that third-party companionship or visitation rights are not restricted or curtailed by a stepparent adoption.
- Permits a court to grant third-party companionship or visitation rights after a stepparent adoption.
- Expands the class of persons who may seek third-party companionship or visitation rights to include nonrelatives who have an interest in the child's welfare.

*House Bill 47*

Sponsor: Representative Bocchieri

OCF Impact:

- Requires the Ohio Housing Finance Agency to develop a program to provide housing for low-income grandparents who are guardians for grandchildren; have legal custody of grandchildren; or have permanent custody of grandchildren. For the purposes of this bill, "grandparent" means the parent of a child's parent and includes the parent of a grandparent.

*House Bill 130:*

Sponsor: Representative Reidelbach

OCF Impact:

- Permits the execution of a power of attorney or caretaker authorization affidavit that provides a grandparent with whom a child resides authority over the care, custody, and control of the child, including ability to enroll the child in school and to consent to medical care for the child.
- Provides that a military power of attorney executed under federal law to grant authority over the care, custody, and control of a child is considered a power of attorney under the bill.
- Establishes procedures and forms for executing a power of attorney or caretaker authorization affidavit.
- Provides that execution of a power of attorney or caretaker authorization affidavit does not affect the rights and responsibilities of the parent, guardian, or custodian regarding the child, does not grant legal custody, and does not grant authority to consent to adoption or marriage of the child.
- Provides that generally a caretaker authorization affidavit may be executed only if both of the parents, or the child's guardian or custodian cannot be located.
- Permits a parent, guardian, or custodian to take action to negate or reverse any decision made by a grandparent granted authority over a child pursuant to a caretaker authorization affidavit.

- Provides for termination, and notifications that must be made on termination, of a power of attorney or caretaker authorization affidavit.
- Provides immunity from civil and criminal liability for all persons who, in good faith, rely on or take action in reliance on a power of attorney or caretaker authorization affidavit.
- Prohibits the creation of a power of attorney or execution of a caretaker authorization affidavit for the purpose of enrolling a child in school so the child may participate in interscholastic athletic programs or academic programs provided by a specific school or school district.

*House Bill 117:*

Sponsor: Representative Widowfield

OCF Impact:

- Requires that a foster caregiver successfully complete at least 24 hours of preplacement training to be eligible for an initial family foster home certificate, rather than at least 12 hours before certification and at least 12 additional hours before children may be placed in the home.
- Changes continuing training requirements for foster caregivers to require that training be completed over the two year certification period, rather than annually.
- Eliminates specification of courses that must be included in a continuing training program for foster caregivers, and instead requires that the Department adopt rules governing continuing training.
- Requires that foster caregivers who operate a treatment foster home complete courses concerning the use of appropriate behavioral intervention techniques, such as de-escalation, self-defense, and physical restraints.
- Makes clarifications to the law that permits a PCSA, PCPA, or PNA to waive a certain number of hours of the continuing training foster caregivers must complete.
- Requires the Department to establish in rules a reduction in continuing training requirements for certain persons on active duty with the U.S. armed forces or the Ohio National Guard.
- Creates new exceptions to the limit on the number of children in a foster home.
- Makes clarifications to the law governing injunctive relief against institutions or associations that care for children without a certificate.
- Permits the Department to seek an order preventing an institution or association that holds a certificate from receiving additional children into its care or an order removing children from its care in certain circumstances.
- Makes changes to the law governing criminal records checks of a person seeking to be an adoptive parent or a person responsible for a child's care in out-of-home care.

- Makes provisions that a person certified as a foster caregiver would be deemed to be approved as a prospective adoptive parent.

*Senate Bill 66:*

Sponsor: Senator Schuring

OCF Impact:

- Authorizes counties to establish children's advocacy centers, through execution of a memorandum of understanding by specified county officials and entities, to receive, investigate, and provide victim services to children who are the subjects of reports of alleged severe physical abuse or alleged sexual abuse.
- Provides that the entities that establish a children's advocacy center must assemble a children's advocacy center's multidisciplinary team, and requires the multidisciplinary team to receive reports of alleged severe physical abuse of children and alleged sexual abuse of children referred by a public children services agency, investigate and provide victim services for each case considered by the team, review new and pending cases of severe physical abuse of a child and sexual abuse of a child it receives from public children services agencies, provide a report of each case it receives to the Central Registry maintained by the Department of Job and Family Services, and provide a report of its investigations to the law enforcement agency with jurisdiction over the case.
- Modifies certain provisions in the existing law that pertain to mandatory and discretionary reporting of child abuse or neglect to reflect the establishment under the bill's provisions of children's advocacy centers and to link certain rules and procedures under the existing provisions to the centers.

*House Bill 8:*

Sponsor: Representative Fessler

OCF Impact:

- Requires the Department to inspect and investigate any unlicensed child day care provider suspected of being in violation of the requirement that the provider be licensed as a child day care center or type A family day care home.
- Specifies that the prohibition against operating a day care center or type A home without a license applies and must be enforced, regardless of the manner in which the day care provider represents itself to the public.
- Prohibits a person or government entity from interfering with an inspection or investigation being conducted by any state or local official performing duties to determine whether day care licensing requirements are being violated.
- Specifies that a court may issue an order prohibiting a day care provider from providing day care in any capacity, including as a type B home, if the provider has been subject to two previous court orders to discontinue operating without a license.
- Clarifies that a licensed day care provider must notify the Department when there is a change in the maximum number of children that may receive care (the licensed capacity) and that the Department must make a determination of whether the change in licensed capacity is appropriate.

- Requires the Department to modify its rules requiring a day care center to check the references of an applicant for employment as an administrator by specifying procedures to be followed in obtaining a statement from the applicant as to whether the applicant has been the administrator of a day care center or type A home that ceased to operate because its license was revoked.
- Establishes that the Department may impose the following additional licensing sanctions: (1) a fine of \$100 to \$500 and (2) a requirement that all employees undergo at least two hours of training on the child day care laws.
- Requires the Department to select the sanction to be imposed according to the severity of the violation, and permits the Department to take into consideration whether previous sanctions have been imposed for the same or other violations.
- Reorganizes the provisions of existing law that specify the authority of the Department to impose licensing sanctions.
- Requires the Department to maintain a toll-free telephone number for purposes of accepting complaints about child day care providers, and requires the Department to offer consumer information on child day care through the toll-free line.
- Requires each PCSA to file with the Department a copy of the agency's Memorandum of Understanding which details the procedures to be used by officials who deal with cases of child abuse and neglect, and requires the agency to review the memorandum at least once every five years.

*House Bill 11:*

Sponsor: Representative Jerse

OCF Impact:

- Prohibits a child day care provider from knowingly misrepresenting to specified persons a factor or condition that relates to the provision of child day care and substantially affects the health or safety of children in the provider's facility or receiving child day care from the provider.
- Requires the owner, provider, or administrator of a type A or type B family day care home to make certain disclosures before accepting a child into that home.
- Requires the owner, provider, or administrator of a type A or type B family day care home to notify specified persons if a child dies while under the care of the home or while receiving child day care from the owner, provider or administrator.
- Requires the owner, provider or administrator of a type A or type B family day care home to notify specified persons if a child is hospitalized for more than 24 hours because of injuries sustained while under the care of the home or while receiving care from the owner, provider or administrator, and requires a second notice if the child dies as a result of those injuries.
- Provides that, if a person responsible for the care of a child requests it, a day care center license must disclose certain information before accepting the child into that center.

- Requires a day care center licensee to notify certain persons when a currently enrolled child dies while under the care of the center or while receiving child day care from the owner, provider or administrator.
- Requires a day care center licensee to notify certain persons when a currently enrolled child dies because of injuries suffered while under the care of the center or while receiving child day care from the owner, provider or administrator.

*House Bill 95:*

The child welfare allocations remained same as SFY 2002 and the TANF dollars originally earmarked for child welfare services have been included in the county consolidated allocation. Child care cost containment, included in another bill that passed earlier this year, included dropping intake to 150% FPL. Once families begin receiving subsidized child care, they can stay if their income does not exceed 165% FPL. Originally, the number of children served was reduced by 18,000; however, the 165% FPL only lowers the number of children served by 12,000 for a total of 6,000 children.

House Bill 95 also granted authority to the Department to appeal to the Attorney General's Office for the recovery of misspent Title IV-E funds from private agencies. Senator Jacobson is sponsoring legislation focusing on how private agencies actually spend Title IV-E funds.

**Legal Issues Affecting Practice:**

*HSLDA:*

The Home Schooling Legal Defense Association has been active at the federal level and in a number of states in monitoring how caseworkers handle parental rights. They were successful in securing a provision in the CAPTA re-authorization that requires caseworker training in parental rights; and have been communicating with home schoolers in Ohio, cautioning them on admitting CA/N investigators. In addition, they are advising home school families who have been investigated to request copies of the completed FRAM and other information. Randi Lewis, Senior Attorney for ODJFS, reminded PCSAs that parents do have the right to be informed of the investigation outcome, and PCSAs may share information that does not include the reporters' identity. General conversation focused on the fact that most counties do share report results and have established procedures in that regard.

**Family and Children First:**

The Family and Children First activity remains at the local level however the state level activity has disappeared, effective July 1, 2003. There are still five regional coordinators that will focus on Early Development, Literacy and Help Me Grow. In addition, the functions of Family and Children First have not disappeared in that:

1. The \$20,000 administrative grants will continue;
2. The state cluster remains at \$3.3 million a year;
3. Help Me Grow maintains at \$9.9 million/year GRF and \$38 million TANF;
4. Early Intervention maintains \$10.8 million federal share;
5. Partnership for Success remains at \$2 million each year which will allow an expansion of 5 new counties totaling 15 and then 20;
6. Funding exists for all cabinet agencies;
7. Medicaid maintained for adults.

Head Start + has been delayed for one year to allow for implementation. An advisory committee has been established to do this; however with the delay in implementation the result has been a loss of traditional Head Start of 18,000 in SFY 2003 and 11,600 in SFY 2004.