
DEPARTMENT OF JOB AND FAMILY SERVICES

CHILD WELFARE

Continuous ODJFS licensure

- Eliminates renewal requirements for Department of Job and Family Services (ODJFS) licenses for institutions, associations, foster caregivers, and private nonprofit therapeutic wilderness camps, resulting in continuous licensure unless revoked.

Background checks

- Adds offenses that the Bureau of Criminal Identification and Investigation (BCII) Superintendent must check for on receipt of a request for a criminal records check from:
 - A qualified organization that arranges temporary child hosting;
 - An administrative director of an agency or an attorney who arranges adoptions;
 - An administrative director of a recommending agency that recommends whether ODJFS should issue a certificate to a foster home; or
 - The appointing or hiring officer of an out-of-home care entity.

Referrals for prevention services

- Requires a public children services agency (PCSA) to make a referral to an agency providing prevention services if the PCSA determines that the child is a candidate for those services.
- Allows a PCSA to disclose confidential information discovered during an investigation to an agency providing prevention services.
- Requires a PCSA to enter into a contract with an agency providing prevention services.

Reporting child abuse or neglect

Electronic reporting

- Allows an individual to make a report of child abuse or neglect to a PCSA or peace officer electronically, in addition to the options of making a report by telephone or in person under continuing law.

By ODJFS and CDJFS employees

- Clarifies that ODJFS, county departments of job and family services (CDJFSs), and their employees are not prohibited from reporting any known or suspected child abuse or neglect, rather than only abuse or neglect of a child receiving public assistance.

Report disposition, search, and expungement policy

- Requires a PCSA that investigated a report of child abuse or neglect to give the alleged perpetrator written notification of the investigation's disposition and of the person's right to appeal the disposition.

- Requires, when a person requests ODJFS to conduct a search of whether that person's name is in the alleged perpetrator registry in the Statewide Automated Child Welfare Information System (SACWIS), that ODJFS send a letter to the person indicating that a "match" exists if a search reveals a "substantiated" disposition.
- Requires ODJFS to work with stakeholders to establish an expungement policy regarding dispositions of abuse or neglect from Ohio's Central Registry on Child Abuse and Neglect by March 1, 2024.

Child abuse

- Expands the definition of "abused child" by adding a child who is the victim of disseminating, obtaining, or displaying materials or performances that are harmful to juveniles if the activity would constitute a criminal sexual offense.
- Modifies the definition of "abused child" by including a child who because of the acts of the child's caretaker suffers physical or mental injury that harms or threatens the child's health or welfare.
- Modifies the definition of "abused child" by stating that if a child exhibits evidence of physical disciplinary measures by a caretaker the child is not an abused child if the measure is not prohibited under the offense of endangering children.

Records of former foster children

- Requires a PCSA to allow an adult who was formerly placed in foster care to inspect records pertaining to the time in foster care upon request.
- Allows the PCSA's executive director or the director's designee to redact information that is specific to other individuals if that information does not directly pertain to the adult.

Ohio Child Welfare Training Program

- Eliminates the requirements that PCSA caseworkers and PCSA caseworker supervisors complete a specified number of hours of in-service training during the first year of employment and domestic violence training during the first two years of employment.
- Eliminates the requirements that ODJFS establish eight child welfare training regions in Ohio and that each region contain only one training center, but maintains the requirement that ODJFS designate and review training regions.
- Repeals and recodifies various provisions governing the program.

Family and Children First Cabinet Council

County councils

- Removes enumerated focuses for the indicators and priorities that measure progress towards increasing child well-being in Ohio.
- Expands the types of council contracts that are exempt from competitive bidding requirements.

- Clarifies that a council's role in service coordination does not override the decisions of a PCSA regarding child placement.

Ohio Automated Service Coordination Information System

- Requires the Cabinet Council state office to establish and maintain the Ohio Automated Service Coordination Information System (OASCIS).
- Requires county councils to enter all information in OASCIS regarding funding sources and families seeking services from the county councils, and specifies that failure to do so may result in the loss of state funding.
- Establishes that all information in OASCIS is confidential, and requires county councils to establish administrative penalties for inappropriate access, disclosure, and use of information.
- Limits OASCIS access to personnel with training in confidentiality requirements and prohibits researchers from directly accessing it.

Substitute care provider licensing rules

- Repeals a law that established an office to review rules for licensing substitute care providers to minimize differing certification and licensing requirements across various agencies.

Wellness Block Grant Program

- Repeals the Wellness Block Grant Program, an obsolete program formerly overseen by the Ohio Family and Children First Cabinet Council.

Multi-system youth action plan

- Repeals a requirement for the Ohio Family and Children First Council to develop a comprehensive multi-system youth action plan, to be submitted to the General Assembly (the Council submitted the plan in January 2020).

Children's Trust Fund Board

Membership

- Specifies that a public board member of the Children's Trust Fund Board may serve two consecutive terms after serving the remainder of a term for which the member was appointed to fill a vacancy.
- Changes the number of Board members required to be present to have a quorum from eight to a majority of the members appointed to the Board.

Acceptance of federal funds

- Eliminates a requirement that the Board's acceptance of federal or other funds must not require the state to commit funds.

Children's advocacy centers

- Eliminates the annual report submitted to the Board by each children's advocacy center that receives funds from the Board.
- Removes a requirement that the Board develop and maintain a list of all state and federal funding that may be available to children's advocacy centers.

Child abuse and child neglect regional prevention councils

- Adds parent advocates to the list of county prevention specialists who may be appointed to a child abuse and child neglect regional prevention council.
- Removes from each child abuse and child neglect regional prevention council a nonvoting member who is a representative of each council's regional prevention coordinator.
- Makes various administrative changes to the councils' operations.

State Adoption Assistance Loan Fund

- Repeals the law governing administration of adoption assistance loans from the State Adoption Assistance Loan Fund.

Interstate Compact for the Placement of Children

- Conforms the current Interstate Compact for the Placement of Children (ICPC) governing interstate placement of abused, neglected, dependent, delinquent, or unmanageable children and children for possible adoption with the proposed new ICPC that makes changes primarily to jurisdiction and placement requirements.

Scholars residential centers

- Establishes and regulates scholars residential centers, defined as centers that meet several characteristics, including certification by a national organization with a mission to help underserved children in middle and high school.
- Requires the ODJFS Director to adopt rules to implement standards for scholars residential centers and generally requires them to be substantially similar to those governing other similarly situated providers of residential care for children.
- Requires the Director to certify a scholars residential center that submits an application that indicates to the Director's satisfaction that the center meets the standards established in the rules adopted under the act.

Resource caregiver immunity and authority

- Expands the general immunity granted to foster caregivers for acts authorized under the public welfare law to kinship caregivers.
- Specifies that any alleged abused, neglected, or dependent child placed with a resource caregiver (a foster caregiver or a kinship caregiver) is entitled to participate in age-appropriate extracurricular, enrichment, and social activities.

- Requires a resource caregiver to consider certain factors when determining whether to give permission for a child to participate in extracurricular, enrichment, and social activities.
- Clarifies that a resource caregiver who grants permission for a child to participate in those activities is immune from liability in a civil action to recover damages for injury, death or loss to the child when those factors were considered.

CHILD CARE

Child care license exemptions

- Exempts any program caring for children operated by a nonchartered, nontax-supported school from the law requiring certain child care providers to be licensed by ODJFS.
- Modifies an exemption from child care licensure to apply to a program that offers not more than two and one-half hours of care each day per child when the child's parent, including an employee, is on the premises and readily accessible.

Child care administrator and employee – educational attainment

- Prohibits the ODJFS Director from adopting rules that require an administrator or employee of a licensed child day-care center or licensed family day-care home to hold or obtain a bachelor's, master's, or doctoral degree.
- Prohibits the tiered ratings developed for the Step Up to Quality Program from taking into consideration whether a child care administrator or employee holds or obtains a bachelor's, master's, or doctoral degree.

Publicly funded child care eligibility

- Revises the law governing income eligibility for publicly funded child care, specifying that the maximum amount of family income for initial eligibility cannot exceed 145% of the federal poverty line, or 150% for special needs child care, but only until June 30, 2025.

Step Up to Quality ratings – license capacity exemption (VETOED)

- Would have expanded the exemption from the Step Up to Quality ratings requirement available to a licensed child care program providing publicly funded child care to less than 25% of its license capacity, by increasing that percentage to less than 50% (VETOED).

Child care terminology

- Changes terminology from "day-care" or "child day-care" to "child care."

PARENTAGE AND CHILD SUPPORT

Paternity acknowledgments

- Allows a child support enforcement agency (CSEA), a local registrar of vital statistics, and hospital staff the option to electronically file an acknowledgment of paternity, in addition to existing law options of filing the acknowledgment in person or by mail.
- Allows each signature of a party to an acknowledgment of paternity to be witnessed by two adult witnesses, in addition to the existing law option of notarizing each signature.
- Requires a CSEA or local registrar to provide witnesses to witness, or a notary public to notarize, an acknowledgment of paternity if the natural mother and alleged father sign an acknowledgment.
- Requires a contract between a hospital and ODJFS to include a provision requiring the hospital to provide witnesses to witness, or a notary public to notarize, an acknowledgment of paternity signed by the mother and father, when an unmarried woman gives birth in or en route to that hospital.
- Requires each hospital to provide staff to notarize or witness the signing of an acknowledgment of paternity.

Information required for paternity determination

- Repeals law that requires certain information about the alleged father, the mother, and the child to be included in a request for an administrative determination of paternity.

Child support to nonparent caretakers

- Permits child support under existing child support orders to be redirected, and under new child support orders to be issued, to a nonparent caretaker who is a child's primary caregiver.
- Allows a caretaker to file an application for Title IV-D services with the CSEA to obtain support for the care of the child.
- Requires the CSEA to investigate whether the child is the subject of an existing child support order, and if so, requires an investigation and certain determinations regarding support for the child.
- Establishes requirements for notice, objection, and effective dates of redirection orders or recommendations if a CSEA determines that an existing support order should be redirected.
- Requires, if no child support order exists, the CSEA to determine whether a child support order should be imposed.
- Establishes procedures that a CSEA must follow if it receives notice that a caretaker is no longer the primary caregiver of a child.

- Requires the impoundment of any funds received on behalf of a child pursuant to a child support order while the CSEA investigates whether a caretaker is no longer the primary caregiver of a child.
- Authorizes the ODJFS Director to adopt rules to implement the redirection process.
- Amends laws regarding the establishment of parentage and bringing an action for child support to permit caretakers to receive child support.
- Adds a statement that appears to attempt to clarify that a parent's duty to support the parent's minor child may be enforced by a child support order.
- Requires, if a child who is the subject of a child support order resides with a caretaker and neither parent is the child's residential parent and legal custodian, the court to issue a child support order requiring each parent to pay that child's child support obligation.
- Repeals language, in the power of attorney form and caretaker authorization affidavit form regarding grandparents caring for their grandchildren, stipulating that the power of attorney or affidavit does not allow a CSEA to redirect child support payments to the grandparent.
- Adds redirection to a list of notices that must be included in each support order or modification.
- Repeals law providing that when a support order is issued or modified, the court or CSEA may issue an order requiring payment to a third person that is agreed upon by the parents.
- Delays the effective date of these provisions for six months, during which time ODJFS may take action to implement them.

Fatherhood programs

- Codifies the authorization of the Ohio Commission on Fatherhood to recommend the ODJFS Director provide funding to fatherhood programs in Ohio that meet at least one of the four purposes of the Temporary Assistance for Needy Families (TANF) block grant.

PUBLIC ASSISTANCE

TANF spending plan

- Extends the time that ODJFS has to submit a TANF spending plan to the General Assembly from 30 days to 60 days after the end of the first state fiscal year of the fiscal biennium (that is, from July 30 to August 29 of even-numbered years).

Ohio Works First

- Expands eligibility for cash assistance under the Ohio Works First program to include any eligible pregnant woman, rather than only those who are at least six months pregnant.
- Corrects a cross-reference to the definition of "fugitive felon" for purposes of the Ohio Works First Program.

- Clarifies that workers' compensation premiums for participants in the Ohio Works First Work Experience Program (WEP) only need to be paid for those participating in WEP.

Food Assistance

Supplemental Nutrition Assistance Program (SNAP) employment and training program

- Requires ODJFS to redesign its existing employment and training program in a manner that meets the needs of employers in the state.
- Requires ODJFS, not later than July 1, 2024, to appear before the House Finance and Senate Finance committees to report on the redesigned employment and training program.

SNAP vendor pre-screening

- Prohibits a third-party vendor from conducting pre-screening activities regarding SNAP eligibility unless the vendor has entered into an agreement with ODJFS.

Self-employment income and SNAP eligibility

- Requires ODJFS to use the same income verification criteria for households with income from self-employment when conducting initial eligibility determination, quarterly review, and recertification.

SNAP and WIC benefit trafficking

- Prohibits SNAP benefit trafficking.
- Prohibits the solicitation of SNAP and WIC benefits by an individual.
- Prohibits organizations from allowing an employee to violate the above prohibitions.

Lost, stolen, or damaged benefits cards

- Generally prohibits ODJFS from replacing the electronic benefit transfer card of a household that requests four or more replacement cards within a 12-month period unless certain requirements are met.

Agreement with Ohio Association of Foodbanks

- Requires ODJFS to enter an agreement with the Ohio Association of Foodbanks regarding food distribution, transportation of meals, and capacity building equipment for food pantries and soup kitchens.
- Requires the Association to purchase food, support capacity building, purchase equipment for partner agencies, and submit quarterly and annual reports to ODJFS.

ODJFS disclosure definitions

- Modifies the definition of "law enforcement agency."

Auditor of State report

- Eliminates a requirement that the Auditor of State prepare an annual report on the outcome of information sharing agreements between law enforcement agencies and ODJFS/CDJFSs.

Public assistance quarterly report

- Requires ODJFS to compile a quarterly report regarding public assistance programs and submit it to the General Assembly.

UNEMPLOYMENT

Identity verification for unemployment benefits

- Requires an individual filing an application for determination of benefit rights for unemployment benefits to furnish proof of identity at the time of filing in the manner prescribed by the ODJFS Director.

Benefit reductions based on receiving certain pay

- Reduces unemployment benefits otherwise payable by the full amount of holiday pay paid to a claimant for that week.
- Reduces unemployment benefits otherwise payable to a claimant who receives bonus pay by the amount of the claimant's weekly benefit amount in the first and each succeeding week following separation from employment with the employer paying the bonus, until the total bonus amount is exhausted.

Disclosure of information

- Allows the ODJFS Director to disclose otherwise confidential information maintained by the Director or the Unemployment Compensation Review Commission if permitted by federal law under specified circumstances.
- Allows the ODJFS Director to require recipients of unemployment compensation information under the act to enter into a written agreement to receive the information.
- Prohibits a recipient of unemployment compensation information, other than an individual or employer receiving information about that individual or employer, from re-disclosing the information without approval to do so from the ODJFS Director and requires that recipient to safeguard the information against unauthorized access or re-disclosure.
- Specifies that failure to comply with the act's disclosure provisions may result in civil or criminal penalties.

Participation in certain federal programs

- Specifies that continuing law does not require the ODJFS Director to participate in, nor precludes the Director from ceasing to participate in, any voluntary, optional, special, or emergency program offered by the federal government to address exceptional unemployment conditions.

Acceptable collateral from certain reimbursing employers

- Makes surety bonds the only acceptable form of collateral that a nonprofit employer wishing to be a reimbursing employer under the Unemployment Compensation Law may submit.

Notification to exempt nonprofit employees

- Requires a nonprofit organization with fewer than four employees that is exempt from Ohio's Unemployment Compensation Law to notify its employees upon hiring that the organization and the employee's employment with the organization are exempt from the Law.

OTHER PROVISIONS

Workforce report for horizontal well production

- Eliminates the requirement that the Office of Workforce Development prepare an annual workforce report for horizontal well production.

Migrant Agricultural Ombudsperson

- Eliminates the Office of the Migrant Agricultural Ombudsperson established under the authority of the ODJFS Director.
- Requires reports of violations regarding agricultural labor camps to be made to the State Monitor Advocate appointed under federal law, instead of the Migrant Agricultural Ombudsperson.

CHILD WELFARE

Continuous ODJFS licensure

(R.C. 5103.02, 5103.03, 5103.032, 5103.033, 5103.036, 5103.0313, 5103.0314, 5103.0322, 5103.0323, 5103.0326, 5103.05, 5103.18, and 5103.181)

The act eliminates the requirement that ODJFS-certified institutions, associations, foster caregivers, and private nonprofit therapeutic wilderness camps renew their certificates and licenses every two years. Instead, licensure is continuous unless ODJFS revokes it for failure to meet continuing law requirements.

Under the act, public children services agencies (PCSAs) and private child placing agencies (PCPAs) must provide ODJFS with evidence of an independent financial statement audit by a licensed public accounting firm no more than two years from the date of initial certification and at least every two years thereafter (rather than, as in former law, when seeking renewal of the certificate).

Background checks

(R.C. 109.572)

Under continuing law, on receipt of a criminal records check request from a qualified organization that arranges temporary child hosting, an administrative director of an agency or an attorney who arranges adoption, an administrative director of a recommending agency that recommends whether ODJFS should issue a certificate to a foster home, or the appointing or hiring officer of an out-of-home care entity, the BCII Superintendent must conduct a criminal records check to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to certain violations.

The act adds the following offenses for which the BCII Superintendent must determine if information exists:

- Failure to report child abuse or neglect as a mandatory reporter;
- Reckless homicide;
- Aggravated vehicular homicide, vehicular homicide, or vehicular manslaughter;
- Aggravated vehicular assault or vehicular assault;
- Female genital mutilation;
- Human trafficking;
- Commercial sexual exploitation of a minor;
- Unlawful possession of dangerous ordnance;
- Illegally manufacturing or processing explosives;
- Improperly furnishing firearms to a minor;
- Illegal assembly or possession of chemicals for manufacture of drugs;
- Permitting drug abuse;
- Deception to obtain a dangerous drug;
- Illegal processing of drug documents;
- Tampering with drugs;
- Abusing harmful intoxicants;
- Trafficking in harmful intoxicants;
- Improperly dispensing or distributing nitrous oxide;
- Illegal dispensing of drug samples;
- Counterfeit controlled substance offenses;
- Ethnic intimidation;

- Any violation of the Ohio Criminal Code that is a felony.

Referrals for prevention services

(R.C. 2151.421, 2151.423, 5153.16, 5153.161, and 5153.162)

The act requires that when a PCSA makes a report and determines after investigation that a child is a candidate for prevention services, the PCSA must make efforts to prevent neglect or abuse, enhance a child's welfare, and preserve the family unit intact by referring the report to an agency providing prevention services for assessment and services. The law previously specified that any child abuse or neglect report (except for one made to the State Highway Patrol) must result in the PCSA making protective services and emergency supportive services available on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, enhance the child's welfare, and, whenever possible, to preserve the family unit intact. The act applies these goals to referrals for prevention services.

The act allows a PCSA to disclose confidential information discovered during an investigation to an agency providing prevention services to the child. Continuing law also allows a PCSA to disclose confidential information to any federal, state, or local government, including any appropriate military authority that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Finally, the act requires a PCSA to enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, enhance a child's welfare, and preserve the family unit intact.

Reporting of child abuse or neglect

Electronic reporting

(R.C. 2151.421)

The act allows an individual to make a child abuse or neglect report electronically, in addition to the options of making a report by telephone or in person under continuing law. This applies to both mandatory and voluntary reporters.

By ODJFS and CDJFS employees

(R.C. 5101.28(B))

The act expands the authorization of ODJFS, CDJFSs, and their employees to report suspected child abuse and neglect to a PCSA by removing the qualification that the child receive public assistance and circumstances indicate that the child's health or welfare is threatened. Under the act, these individuals are not prohibited from reporting known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of *any* child, instead of only a child receiving public assistance, if the circumstances indicate the child's health or welfare is threatened.

Report disposition notice, search, and expungement policy

(R.C. 2151.421, 5101.136, and 5101.137)

The act requires a PCSA that investigated a report of child abuse or neglect to give the person alleged to have inflicted the abuse or neglect written notification of the investigation's disposition, no later than five business days after determination of the disposition. This notice must be made in a form designated by ODJFS and must inform the person of the right to appeal the disposition. The act specifies that if a person requests ODJFS to search whether that person's name has been placed or remains in the SACWIS "Alleged Perpetrator" registry as an alleged perpetrator of child abuse or neglect, and a search reveals that a "substantiated" disposition exists, ODJFS must send a letter to that person indicating that there has been a "match."

The act requires ODJFS to work with stakeholders to establish an expungement policy regarding dispositions of child abuse or neglect in Ohio's Central Registry on Child Abuse or Neglect by March 1, 2024. This registry is a part of SACWIS.

Child abuse

(R.C. 2151.031)

The act expands the definition of "abused child" by adding a child who is the victim of disseminating, obtaining, or displaying materials or performances that are harmful to juveniles if the activity would constitute a criminal sexual offense, except that the court need not find that any person has been convicted of a sexual offense in order to find that the child is an abused child.

The act further modifies the definition of "abused child" by including a child who because of the acts of the child's "caretaker" suffers physical or mental injury that harms or threatens the child's health or welfare.

The act states that if a child exhibits evidence of physical disciplinary measures by a "caretaker" the child is not an abused child if the measure is not prohibited under the offense of endangering children.

Records of former foster children

(R.C. 5153.17)

The act allows an adult who was formerly placed in foster care to request that a PCSA allow the adult to inspect records that the PCSA maintains pertaining to the adult's time in foster care. These records may include medical, mental health, school, and legal records and a comprehensive summary of reasons why the adult was placed in foster care. However, the act allows the PCSA's executive director or director's designee to redact information that is specific to other individuals, if that information does not directly pertain to the requesting adult's records or the comprehensive summary.

Previously, these records were only open to inspection by the PCSA, the ODJFS Director, county job and family services directors, and other persons with written permission of the PCSA's executive director. The act simply adds adults who were formerly in foster care to those who are allowed to inspect these records.

The act does not make any changes to the written records that each PCSA must prepare and maintain. These include:

- Investigations of families, children and foster homes;
- The care, training, and treatment afforded to children; and
- Other records that ODJFS requires.

Ohio Child Welfare Training Program (OCWTP)

(R.C. 5103.37, 5103.41, 5103.422 (5103.42), 5153.122, and 5153.123, with conforming changes in R.C. 5103.391, 5153.124, and 5153.127; repealed R.C. 5103.301, 5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 5103.363, 5103.38, 5103.42, and 5103.421)

PCSA caseworker and supervisor training hours

The act eliminates the requirements that PCSA caseworkers must complete at least 120 hours, and PCSA caseworker supervisors must complete at least 60 hours, of in-service training during the first year of continuous employment as a caseworker or caseworker supervisor. It also eliminates the requirement that they complete at least 12 hours of training in recognizing the signs of domestic violence and its relationship to child abuse during the first two years of continuous employment, and that the 12 hours may be in addition to the training required during the caseworker's first or second years of employment.

Under continuing law, PCSA caseworkers and PCSA caseworker supervisors must still complete in-service training during the first year of continuous employment and domestic violence training during the second year of continuous employment.

OCWTP regional training centers

The act eliminates the requirements that ODJFS designate eight training regions in Ohio and that each region contain only one training center. Under continuing law, ODJFS, in consultation with the OCWTP Steering Committee, must still designate and review the composition of training regions in Ohio and provide recommendations on changes.

The act amends a regional training *staff's* (regional training *centers*, under former law) responsibility under continuing law to analyze the training needs of PCSA caseworkers and caseworker supervisors employed by PCSAs in the training region to also include the training needs of assessors, prospective and current foster caregivers, and case managers and supervisors.⁹²

The act repeals laws governing the OCWTP that do the following:

- Require the ODJFS Director to adopt rules for implementation of the OCWTP and that the training comply with ODJFS rules;

⁹² R.C. 5103.30, not in Section 101.01 of the act.

- Require ODJFS to monitor and evaluate the OCWTP to ensure that it satisfies all the requirements established by law and rule;
- Require ODJFS to contract with an OCWTP coordinator each biennium and govern the development, issuance, and responses to requests for proposals to serve as the OCWTP coordinator;
- Require ODJFS to oversee the OCWTP coordinator's development, implementation, and management of the OCWTP;
- Require PCSAs in Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, and Summit counties to establish and maintain regional training centers and each executive director of those counties to appoint a manager of the training center;
- Require that the preplacement and continuing training be made available to foster caregivers without regard to the type of recommending agency from which the foster caregiver seeks a recommendation.

Finally, the act recodifies laws that do the following:

- Require the OCWTP Coordinator to (1) identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies, and (2) ensure that the training provides the knowledge, skill, and ability needed to do those jobs;
- Permit ODJFS to make a grant to a PCSA that establishes and maintains a regional training center for the purpose of wholly or partially subsidizing the center's operation.

Family and Children First Cabinet Council

County councils

(R.C. 121.37 and 121.381)

County council child well-being indicators and priorities

The Ohio Family and Children First Cabinet Council is responsible for developing and implementing an interagency process to select indicators to be used to measure child well-being in Ohio, and county family and children first councils are responsible for identifying local priorities to increase child well-being. The act removes the requirement that these indicators and priorities focus on expectant parents and newborns thriving, infants and toddlers thriving, children being ready for school, children and youth succeeding in school, youth choosing healthy behaviors, and youth successfully transitioning into adulthood.

County council grant agreements

The act expands the categories of council contracts that are exempt from competitive bidding requirements so that contracts and agreements are exempt if they are to purchase services for families and children. Previously, only agreements and contracts to purchase family and child welfare, child protection services, or other social or job and family services for children

were exempted. The act also requires that a council's administrative agent be responsible for ensuring that all expenditures are handled in accordance with applicable grant agreements.

Out-of-home placement service coordination

Continuing law requires that each county's service coordination mechanism include a procedure for conducting a service coordination plan meeting for each child who is receiving or being considered for an out-of-home placement. The act expands the current law clarifying that this plan does not override or affect the decisions of a juvenile court regarding out-of-home placement, to also clarify that the service coordination plan does not override or affect the decisions of a PCSA.

Rulemaking

The act authorizes the Cabinet Council to adopt rules governing the responsibilities of county councils.

Technical correction

The act corrects an incorrect cross-reference to reflect that the responsibility for administering early intervention services rests with the Department of Developmental Disabilities, not the Department of Health.

Ohio Automated Service Coordination Information System

(R.C. 121.376 and 121.37)

The act requires the Cabinet Council state office to establish and maintain the Ohio Automated Service Coordination Information System (OASCIS) to contain county council records detailing funding sources and information regarding families seeking services from county councils. The information includes demographics, financial resource eligibility, health histories, names of insurers and physicians, individualized plans, case file documents, and any other information related to families served, services provided, or financial resources. New information must be updated within five business days of obtaining the information, or the county council may be at risk of losing state funding.

All information in OASCIS is confidential. Release of information is limited to those with whom a county council is permitted by law to share, and access and use is limited to only the extent necessary to carry out duties of the Cabinet Council and county councils. Personnel accessing the system must be educated on confidentiality requirements, security procedures, and penalties for noncompliance (which are to be established by each county council). Each county council must monitor access to the system to prevent unauthorized use, and may not approve access for any researcher.

The Cabinet Council may adopt rules regarding access to, entry of, and use of information in OASCIS. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).

Substitute care provider licensing rules

(Repealed R.C. 121.372)

The act eliminates a law requiring the Cabinet Council, in 1999, to establish an office to review rules governing certification and licensure of substitute care providers. The purpose of the office was to minimize the number of differing certification or licensing requirements for substitute care providers between ODJFS, the Department of Mental Health and Addiction Services, and the Department of Developmental Disabilities.

Wellness Block Grant Program

(Repealed R.C. 121.371)

The act repeals the inactive Wellness Block Grant Program that ended in 2009 and was overseen by the Cabinet Council and administered by ODJFS. The program provided funds to county councils for prevention services addressing issues of broad social concern.

Multi-system youth action plan

(Repealed R.C. 121.374)

The act repeals a requirement for the Ohio Family and Children First Cabinet Council to develop a comprehensive multi-system youth action plan, in an effort to cease the practice of relinquishing custody of a child for the sole purpose of gaining access to child-specific services for multi-system children and youth. The Council submitted the plan to the General Assembly in January 2020. The plan is available on the Council's website, at fcf.ohio.gov.

Children's Trust Fund Board

Membership

(R.C. 3109.15)

The act specifies that a public member of the Children's Trust Fund Board may serve two consecutive terms after serving the remainder of a term for which the member was appointed to fill a vacancy. Under continuing law, public board members are appointed by the Governor and must have a demonstrated knowledge in programs for children, represent Ohio's demographic composition, and represent the educational, legal, social work, or medical community, voluntary sector, and professionals in child abuse and child neglect services. The public Board members serve terms of three years.

Additionally, the act changes the number of Board members required to be present to have a quorum from eight to a majority of the members appointed to the Board. Under continuing law, the Board consists of 15 appointed members. Because vacancies on the Board may occur, the act permits the quorum to be determined by a majority of the members appointed at the time the Board is meeting, which may not be all 15 members.

Under continuing law, the Board must meet at least quarterly to conduct its official business and a quorum is required to make all decisions.

Acceptance of federal funds

(R.C. 3109.16)

The act eliminates the requirement that the Children's Trust Fund Board's acceptance and use of federal and other funds must not entail commitment of state funds, permitting the Children's Trust Fund Board to accept such funds.

Children's advocacy centers

(R.C. 3109.17 and 3108.178)

The act removes the requirement that each children's advocacy center that receives funds from the Children's Trust Fund Board submit an annual report to the Board. It also removes the requirement that the Board maintain a list of all state and federal funding that may be available to children's advocacy centers.

Child abuse and child neglect regional prevention councils

(R.C. 3109.172)

Ohio is divided into eight child abuse and child neglect prevention regions. Each region must establish a child abuse and child neglect regional prevention council. Continuing law permits each board of county commissioners to appoint up to two county prevention specialists to the council representing the county. The act adds parent advocates with relevant experience and knowledge of services in the region to the list of county prevention specialists who may be appointed.

The act removes the representative of the council's regional prevention coordinator from the council, and requires each council's regional prevention coordinator to select a chairperson from among the county prevention specialists serving on the council. Previously, the representative of the council's regional prevention coordinator served as the chairperson. Consistent with former law, the chairperson continues to be a nonvoting member, and presides over council meetings.

At the chairperson's discretion, the act allows the vice-chairperson to preside over council meetings. The vice-chairperson is elected by majority vote at the first regular meeting of each year. When presiding over a council meeting, the vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member.

State Adoption Assistance Loan Fund

(Repealed R.C. 3107.018; R.C. 5101.143)

The act repeals the law governing administration of adoption assistance loans from the State Adoption Assistance Loan Fund. It retains the fund and its purpose, but repeals statutory requirements addressing the loans. This appears to leave loan administration governed by rules.

Under continuing law, money in the fund must be used to make state adoption assistance loans to prospective adoptive parents. The fund is established in the state treasury and is administered by ODJFS.

Interstate Compact for the Placement of Children

(R.C. 5103.20)

The act makes changes to the Interstate Compact for the Placement of Children (ICPC), primarily regarding jurisdiction and placement requirements. The ICPC is a statutory agreement among all 50 states, Washington, D.C., and the U.S. Virgin Islands that governs the placement of children from one state to another. It establishes requirements for placing a child out-of-state and seeks to ensure that prospective placements are safe and suitable before approval and that the individual or entity placing the child remains legally and financially responsible for the child following placement.⁹³

Jurisdiction

(Article IV)

Under the ICPC, the sending state generally retains jurisdiction over a child regarding all matters of custody and disposition that it would have had if the child had remained in the sending state, including the power to order the return of the child to the sending state. The act makes the following exceptions to this:

- The substantive laws of the state where an adoption will be finalized will solely govern all issues relating to the adoption of the child, and the court in which the adoption proceeding is filed has subject matter jurisdiction on all substantive issues relating to the adoption, except:
 - When the child is a ward of another court that established jurisdiction over the child before the placement;
 - When the child is in the legal custody of a public agency in the sending state;
 - When a court in the sending state has otherwise appropriately assumed jurisdiction over the child, before the submission of the request for approval of placement.
- The second and third bullets under “**Assessments and placement**” (below) regarding private and independent adoptions;
- In interstate placements in which the public child placing agency is not a party to a custody proceeding.

The act also allows, in court cases subject to the ICPC, testimony for hearings before any judicial officer to occur in person or by telephone, audio-video conference, or any other means approved by the rules of the Interstate Commission (IC). Judicial officers may communicate with other judicial officers and persons involved in the interstate process as permitted by their canons of judicial conduct and any rules promulgated by the IC.

⁹³ “[ICPC FAQ’s](#),” The American Public Human Services Association, available at aphsa.org.

Finally, the act specifies that a final decree of adoption cannot be entered in any jurisdiction until the placement is authorized as an “approved placement” by the public child placing agency in the receiving state.

Assessments and placement

(Article V)

The act makes extensive changes with regard to assessments and placement. First, it specifies that for placements by a private child placing agency, a child may be sent or brought into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state public child placing agency. The required content to accompany a request for approval must include all of the following:

- A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval;
- The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state or, where permitted, the laws of the state where the adoption will be finalized;
- Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the laws of the sending state or, where permitted, the laws of the state where finalization of the adoption will occur;
- A home study;
- An acknowledgment of legal risk signed by the prospective adoptive parents.

The act repeals requirements that before sending, bringing, or causing a child to be sent or brought into the receiving state, the private child placing agency must: (1) provide evidence that the laws of the sending state have been complied with, (2) certify that the consent or relinquishment is in compliance with law of the birth parent’s state of residence or, where permitted, the laws of the state where finalization of the adoption will occur, (3) request through the public child placing agency in the sending state an assessment to be conducted in the receiving state, and (4) upon completion of the assessment, obtain the approval of the public child placing agency in the receiving state.

Second, the act allows the sending state and the receiving state to request additional information or documents before finalizing an approved placement; however, they may not delay the prospective adoptive parents’ travel with the child if the required content for approval has been submitted, received, and reviewed by the public child placing agency in both the sending state and receiving state. Approval from the public child placing agency in the receiving state for a provisional or approved placement is required as specified in the IC rules.

Third, the act requires a public child placing agency in the receiving state to approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the IC rules. The ICPC did not previously require the approval of a provisional placement.

Finally, the act specifies that for a placement by a private child placing agency, the sending state cannot impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the receiving state.

Applicability

(Article III)

The act specifies that the ICPC does not apply to the interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, if the placement is not intended to effectuate adoption. Prior law also specified that the ICPC does not apply to the placement of a child with a noncustodial parent, provided that the court in the sending state dismisses its jurisdiction over the child's case. The act changes this to when the court dismisses its jurisdiction in interstate placements in which the public child placing agency is a party to the proceeding.

Placement authority

(Article VI)

The ICPC grants any interested party standing to seek an administrative review of a receiving state's disapproval of a proposed placement. The act requires this review and any further judicial review associated with the determination to be conducted in the receiving state pursuant to its Administrative Procedure Act. Previously, the ICPC simply required for it to be conducted pursuant to the receiving state's administrative procedures.

State responsibility

(Article VII)

The act repeals a requirement that a private child placing agency be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or IC rules.

Enforceability

(Articles XI, XII, and XVII)

The act specifies that rules promulgated by the IC have the force and effect of administrative rules and are binding in the compacting states to the extent and in the manner provided in the Compact. Previous law specified that the rules had the force and effect of statutory law and supersede any conflicting state laws, rules, or regulations.

Participation by nonmembers

(Article XIV)

The act requires that executive heads of the state human services administration with ultimate responsibility for the child welfare program of nonmember states or their designees be invited to participate in IC activities on a nonvoting basis before the adoption of the compact by all states. Previously law specified that governors may be invited.

Definitions

(Article II)

The act makes numerous changes to definitions of terms used in the ICPC.

Changes to existing definitions

- Previously, “**approved placement**” meant that the receiving state has determined after an assessment that the placement is both safe and suitable for the child and is in compliance with the laws of the receiving state governing the placement of children. The act clarifies that the public child placing agency in the receiving state has made the determination. It also repeals the provision about being in compliance with the receiving state’s laws.
- The previous ICPC defined “**assessment**” as an evaluation of a prospective placement to determine whether it meets the individualized needs of the child. The act clarifies that it is an evaluation made by a public child placing agency in the receiving state and only applies to a placement by a public child placing agency.
- The previous ICPC defined “**provisional placement,**” in part, to mean that the receiving state has determined that the proposed placement is safe and suitable and, to the extent allowable, the receiving state has temporarily waived its standards or requirements that otherwise apply to prospective foster or adoptive parents so as to not delay the placement. Again, the act clarifies this to mean a determination made by the public child placing agency in the receiving state.
- The act changes the term, “service member’s state of local residence,” to “service member’s state of *legal* residence.” The definition remains the same – it is the state in which the active duty Armed Services member is considered a resident for tax and voting purposes.

New definitions

- The act defines “certification” to mean to attest, declare, or swear to before a judge or notary public.
- The act defines “home study” as an evaluation of a home environment conducted in accordance with the requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located.
- The act defines “legal risk placement” (or “legal risk adoption”) as a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother’s state of residence, if different from the sending state, and a final decree of adoption cannot be entered in any jurisdiction until all required consents are obtained or are dispensed with in accordance with applicable law.

Scholars residential centers

(R.C. 5103.021)

The act establishes and regulates scholars residential centers. A scholars residential center (“center”) is defined as a center that:

- Is a certified affiliate in good standing of a national organization with a mission to help underserved children in middle school and high school in a comprehensive manner that is academically focused and service-oriented and in a family-like setting;
- Is private and not-for-profit;
- Does not receive Title IV-E funding or any associated Title IV funds related to child welfare;⁹⁴
- Only accepts children placed by their parents or legal custodian; and
- Is voluntary and uses a competitive selection process.

Rulemaking authority

The act requires the ODJFS Director to adopt rules in accordance with R.C. Chapter 119 to implement center standards. Generally, the rules must be substantially similar, as determined by the Director, to those governing other similarly situated providers of residential care for children. This includes the rules in Administrative Code Chapters 5101:2-5 (child services agency licensing rules) and 5101:2-9 (children’s residential centers, group homes, and residential parenting facilities).

However, the rules may differ from these existing rules in order to reflect all of the following requirements:

- A center is not subject to any policy that is not specific or relevant to the center.
- A center is not required to provide discharge summaries.
- A center may request agency waivers.
- A center is not required to implement case plans or service plans.
- Training requirements for center staff are limited to completion of:
 - Orientation training;
 - Current American Red Cross, American Heart Association, or equivalent first aid and cardiopulmonary resuscitation (“CPR”) certification; and
 - One hour of annual trauma training.
- A center is not subject to existing rules regarding:

⁹⁴ Title IV-E of the Social Security Act provides federal reimbursement for some of the maintenance, administration, and training costs related to child welfare. 42 U.S.C. 671-679b.

- Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or water safety training is present;
 - Visiting and communications policies, provided that the center ensures that children have contact with their family;
 - Qualified residential treatment program requirements; and
 - Treatment-focused requirements for residential agencies.
- A center must provide notification and documentation of critical incidents to parents and legal custodians.

Certification of scholars residential centers

The act requires the ODJFS Director to certify a center that submits an application that indicates to the Director's satisfaction that the center meets the standards established in the rules. The application form must be prescribed by the Director.

Resource caregiver immunity and authority

(R.C. 2151.315 and 5103.162)

The act expands the general immunity granted to foster caregivers for acts authorized under the public welfare law so that the immunity also applies to kinship caregivers. Foster caregivers are immune in any civil action for damages for injury, death, or loss allegedly caused by an act or omission in connection with the foster caregiver's duties, powers, or responsibilities unless one of the following applies:

1. The foster caregiver acted manifestly outside the scope of the foster caregiver's power, duty, responsibility, or authorization;
2. The foster caregiver committed the act or omission maliciously, in bad faith, or wantonly or recklessly; or
3. Liability is expressly imposed by another provision of the Revised Code.

The act applies these general principles of civil immunity to resource caregivers, which includes both foster caregivers and kinship caregivers.

Under continuing law, a public children services agency (PCSA), a private child placing agency (PCPA), or private noncustodial agency that serves as a child's custodian or as the supervising agency for a foster caregiver is specifically immune from any civil liability resulting from the agency's or foster caregiver's decision to allow a child to participate in extracurricular, enrichment, and social activities. However, the immunity applies **only** when the agency or foster caregiver makes the decision using the reasonable and prudent parent standard. The act applies this immunity to a kinship caregiver and an agency supervising a kinship caregiver who uses the reasonable and prudent parent standard regarding a child's participation in the activities.

The act specifies that any alleged abused, neglected, or dependent child placed with a resource caregiver (a foster caregiver or a kinship caregiver) is entitled to participate in any age-

appropriate extracurricular, enrichment, and social activities. Prior law extended that entitlement only to a child subject to out-of-home care. Correspondingly, the act requires a resource caregiver to consider certain factors when determining whether to give permission for a child to participate in those activities, as is required by continuing law of out-of-home care facilities. Those factors include all of the following:

1. The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
2. The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity; and
3. The best interest of the child based on information known by the person or facility (under the act, includes a resource caregiver) providing out-of-home care for the child.

The act clarifies that a resource caregiver who grants permission for a child to participate in the activities is immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child, provided the three factors above were considered

CHILD CARE

Child care license exemptions

(R.C. 5104.02)

Programs operated by nonchartered, nontax-supported schools

The act exempts all programs caring for children operated by nonchartered, nontax-supported schools from the law requiring certain child care providers to be licensed by ODJFS. Prior law exempted only preschool programs operated by these schools.

The act maintains conditions that a nonchartered, nontax-supported school must satisfy in order to be eligible for an exemption, including compliance with health, fire, and safety laws and current law reporting requirements.

Child watch programs

(R.C. 5104.02)

The act modifies an exemption from child care licensure. Formerly, programs where a parent or guardian who is not an employee of the facility is readily accessible at all times were exempted. The act limits the duration of child care offered by exempt programs to not more than 2½ hours each day per child, provided that the child's parent or guardian is on the premises and readily accessible. The act also allows employees of the facility providing the care to access the child care if they are on the premises and readily accessible, even during employment hours.

Child care administrator and employee – educational attainment

(R.C. 5104.015, 5104.017, 5104.018, and 5104.29)

The act prohibits the ODJFS Director from adopting rules requiring an administrator or employee of a licensed child day-care center or licensed family day-care home to hold or obtain a bachelor's, master's, or doctoral degree.

It also prohibits the tiered ratings developed for the Step Up to Quality Program (SUTQ) from taking into consideration whether an administrator or employee of an early learning and development program that is participating in SUTQ holds or obtains a bachelor's, master's, or doctoral degree.

Publicly funded child care eligibility

(Section 423.130)

The act revises the law governing income eligibility for publicly funded child care, but only until June 30, 2025. Until then, the maximum amount of income that a family may have for initial eligibility must not exceed 145% of the federal poverty line. H.B. 110, the main operating budget for the FY 2022-FY 2023 biennium, set the maximum amount for initial eligibility at 142% until June 30, 2023.

For special needs child care, the act specifies that the maximum amount of family income for initial eligibility must not exceed 150% of the federal poverty line, the same limit set by H.B. 110.

The act further specifies that the maximum amount of income for continued eligibility must not exceed 300% of the federal poverty line. Under continuing law unchanged by the act, ODJFS must adopt rules specifying the maximum amount of income a family may have for initial and continued eligibility, with the maximum amount not to exceed 300% of the federal poverty line.⁹⁵

Step Up to Quality ratings – license capacity exemption (VETOED)

(R.C. 5104.31)

Continuing law exempts a licensed child care program providing publicly funded child care from the requirement that the program be rated in Step Up to Quality if it provides publicly funded child care to less than 25% of its license capacity. The Governor vetoed a provision that would have expanded the exemption by increasing the percentage to less than 50%.

Child care terminology

(R.C. Chapter 5104; conforming changes in numerous other R.C. sections)

The act changes the terms “day-care” and “child day-care” to “child care” throughout the Revised Code.

⁹⁵ R.C. 5104.38.

PARENTAGE AND CHILD SUPPORT

Paternity acknowledgments

(R.C. 3111.23, with conforming changes in R.C. 3111.21, 3111.22, 3111.31, 3111.44, 3111.71, 3111.72, 3705.091, and 3727.17)

Electronic filing of an acknowledgment

The act allows a child support enforcement agency (CSEA), a local registrar of vital statistics, and hospital staff the option to electronically file an acknowledgment of paternity with ODJFS's Office of Child Support, in addition to continuing law options to file in person or by mail. The act maintains a requirement for the natural mother, the man acknowledging he is the natural father, or another custodian or guardian of a child to file an acknowledgment in person or by mail only.

Witnessing signatures on an acknowledgment

The act allows each signature of a party to an acknowledgment of paternity to be witnessed by two adult witnesses, in addition to the preexisting option of having each signature notarized. The mother and man acknowledging that he is the natural father may sign the acknowledgment and have the signature notarized or witnessed outside of each other's presence.

The act also requires each CSEA, local registrar of vital statistics, and hospital to provide a witness to witness, or a notary public to notarize, the signing of an acknowledgment if the natural mother and alleged father sign an acknowledgment at the relevant location. The law previously required these places to provide a notary public only. In addition, the act requires a contract between ODJFS and a hospital to include a provision requiring the hospital to provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity affidavit signed by the mother and father, when an unmarried woman gives birth in or en route to that hospital. Again, law previously required the contract to include a provision to require a notary public only.

The act makes additional conforming changes in Revised Code sections where the notarization of paternity acknowledgments is mentioned.

Information required for paternity determination

(Repealed R.C. 3111.40)

The act repeals a requirement that a request for an administrative determination of whether a parent and child relationship exists include the following information:

- The name, birthdate, current address, and last known address of the alleged father of the child;
- The name, Social Security number, and current address of the mother of the child;
- The name and birthdate of the child.

Child support to nonparent caretakers

(R.C. 3119.95 to 3119.9541 and 3119.01, with conforming changes in other R.C. sections; repealed R.C. 3121.46; Section 812.11)

Redirecting child support to caretakers

The act establishes a process to redirect existing child support orders to a caretaker of a child and allows for new child support orders to be directed to the caretaker. It makes changes to several laws to clarify these rights for caretakers. A child support order subject to the process includes both health care coverage and cash medical support required for the child.

The act defines a “caretaker” as any of the following, other than a parent:

- A person with whom the child resides for at least 30 consecutive days, and who is the child’s primary caregiver;
- A person who is receiving public assistance on behalf of the child;
- A person or agency with legal custody of the child, including a CDJFS or a PCSA;
- A guardian of the person or the estate of a child;
- Any other appropriate court or agency with custody of the child.

The definition does not include a “host family” caring for a child at the request of a parent or other individual under an agreement in continuing law. “Caretaker” replaces the terms “guardian,” “custodian,” and “person with whom the child resides” in certain laws addressing parentage and child support (see “**Establishing parentage and bringing a child support action**,” below).

Under the act, in order to obtain support for the care of the child, the child’s caretaker may file an application for Title IV-D services with the CSEA in the county where the caretaker resides.

The act requires that upon receipt of an application from the caretaker, or a Title IV-D services referral regarding the child, the CSEA must determine whether the child is the subject of an existing child support order.

When a child support order exists

Investigation

If the CSEA determines that there is an existing child support order, it must determine if any reason exists for the order to be redirected to the caretaker. If the CSEA determines that the caretaker is the primary caregiver for the child, the CSEA must determine that a reason exists for redirection.

If a CSEA determines that a reason for redirection exists, it must determine all of the following not later than 20 days after the application or referral for Title IV-D services is received:

- The amount of each parent’s obligation under the existing child support order;

- Whether any prior redirection has been terminated under the process established in the act;
- Whether any arrearages are owed, and the recommended payment amount to satisfy the arrears;
- If more than one child is subject to the existing child support order, whether the child support order for all or some of the children must be subject to redirection.

If the CSEA determines that more than one child is the subject of a support order and the order for fewer than all of the children should be redirected, it must determine the amount of child support to be redirected. That amount must be the pro rata share of the child support amounts for each such child under the child support order. The CSEA must also make a similar determination regarding health care coverage and cash medical support that may be redirected.

Order for redirection

Under the act, not later than 20 days after completing an investigation, the CSEA must determine, based on the information gathered, whether the child support order is or is not to be redirected.

If the CSEA determines that the child support order should be redirected, it must either issue a redirection order (for an administrative child support order) or recommend to the court with jurisdiction over the court child support order (which is a child support order issued by a court) to issue a redirection order to include the child support amount to be redirected, as well as provisions for redirection regarding health care coverage and cash medical support.

Notice

Upon issuing a redirection order or making a redirection recommendation to the court, the CSEA must provide notice to the child's parent or caretaker and include it as part of the redirection order or recommendation. The notice must include the following:

- The results of its investigation;
- For an administrative child support order:
 - That the CSEA has issued a redirection order regarding the child support order and a copy of the redirection order;
 - The right to object to the redirection order by bringing an action for child support without regard to marital status, not later than 14 days after the order is issued;
 - That the redirection order becomes final and enforceable if no timely objection is made;
 - The effective date of the redirection order (see "**Effective date**," below).
- For a court child support order:
 - That the CSEA has made a recommendation for a redirection order to the court with jurisdiction over the court child support order, and a copy of the recommendation;

- The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order no later than 14 days after the recommendation is issued;
- That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than 14 days after the recommendation is issued;
- The effective date of the redirection order (see “**Effective date,**” below).

Objection

A parent or caretaker may object to an administrative redirection order by bringing an action for a child support order without regard to marital status, not later than 14 days after the redirection order is issued. If no timely objection is made, the redirection order is final and enforceable.

Similarly, a parent or caretaker may object to a redirection recommendation by requesting a hearing with the court with jurisdiction over the court child support order not later than 14 days after the CSEA issued the recommendation to the court. The redirection recommendation must be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made.

Effective date of redirection

Both an administrative redirection order that has become final and enforceable and a court-issued redirection order based on a recommendation for redirection must take effect as of, and relate back to, the date the CSEA received the Title IV-D services application or referral that initiated the proceedings.

When a child support order does not exist

If a CSEA determines that the child under the care of a caretaker is not the subject of an existing child support order, it must determine whether any reason exists for which a child support order should be imposed. The CSEA must make the determination not later than 20 days after receiving the Title IV-D services application or referral, and the determination must include whether the caretaker is the child’s primary caregiver.

If the CSEA determines that a reason exists for a child support order to be imposed, it must comply with continuing law regarding issuing an administrative child support order.

CSEA action re: notice caretaker is no longer primary caregiver

If a CSEA receives notice that a caretaker is no longer the primary caregiver for a child subject to a redirection order or recommendation, it must: (1) investigate if that is the case, and (2) take action depending on whether the CSEA determines that the child remains under the primary care of the caretaker, is under the care of a new caretaker, is under the care of a parent, or is not under anyone’s care.

Same caretaker remains primary caregiver

If the CSEA determines that the caretaker to whom amounts are redirected remains the primary caregiver of the child who is the subject of the redirection order or recommendation, it must take no further action on the notice.

A new caretaker is the primary caregiver

If the CSEA determines that a new caretaker is the primary caregiver for the child, it must: (1) terminate the existing redirection order (for an administrative order) or request that the court terminate the redirection order based on the recommendation for redirection and (2) direct the new caretaker to file an application for Title IV-D services to obtain support for the child as provided in the act (see “**Filing a request**,” above).

A parent is the primary caregiver

If the CSEA determines that a parent of the child is the primary caregiver, it must do one of the following:

- If the parent is the obligee under the support order that is subject to redirection, either terminate the existing redirection order (for an administrative order) or request the court to terminate the redirection order based on the recommendation for redirection.
- If the parent is the obligor under the child support order that is subject to redirection, the CSEA must do one of the following (as applicable): (1) terminate the existing redirection order (for an administrative order) or request the court to terminate the redirection order based on the recommendation for redirection, and (2) notify the obligor that the obligor may do the following: (a) request that the child support order be terminated under existing law permitting notification to the CSEA of a reason for termination, (b) request either a review of an administrative child support order under the law governing the review of administrative child support orders or request the court to amend the court child support order.

No one is the primary caregiver

If the CSEA determines that no one is taking care of the child, it must terminate the existing redirection order (for an administrative order) or request the court to terminate the redirection order based on the recommendation for redirection. If the CSEA becomes aware of circumstances indicating that the child may be abused or neglected, it must make a report under the child abuse and neglect reporting law.

Impoundment

If a CSEA that receives notification that a caretaker is no longer the primary caregiver for a child subject to a redirection order or recommendation, it must impound any funds received on behalf of the child pursuant to the child support order. Impoundment must continue until any of the following occur:

- The CSEA determines that the caretaker to whom amounts are redirected remains the primary caregiver;

- The CSEA issues a redirection order for a new caretaker;
- The CSEA determines that a parent is the primary caregiver for the child and terminates the redirection order (for an administrative order) or a court terminates its redirection order.

When impoundment terminates, the impounded amounts must be paid to the obligee designated under the child support order or the applicable redirection order.

Impoundment regarding a redirection order that was terminated because no one is caring for the child must continue until further order from the CSEA (for an administrative order) or from the court with jurisdiction over the court child support order.

Rulemaking authority

The act requires the ODJFS Director to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119) to provide:

1. Requirements for CSEAs to conduct investigations and issue findings pursuant to the act's provisions regarding whether to redirect child support orders and how much to redirect when a child support order covers more than one child;

2. Any other standards, forms, or procedures needed to ensure uniform implementation of the act's provisions regarding redirection of child support orders.

Establishing parentage and bringing a child support action

The act makes several modifications regarding the establishment of parentage and bringing an action for child support to clarify that caretakers hold these rights. Below is a summary of these modifications.

R.C. Section	Description
R.C. 2151.231	Allows a caretaker to bring an action in a juvenile court or other court with jurisdiction in the county where the child, parent, or caretaker of the child resides for an order requiring a parent of a child to pay child support without regard to the marital status of the child's parents.
R.C. 3111.04	Grants a caretaker standing to bring a parentage action.
R.C. 3111.041	Allows a caretaker to authorize genetic testing of a child pursuant to any action or proceeding to establish parentage.
R.C. 3111.07	Requires that a caretaker be made a party to a court action to establish parentage or, if not subject to the court's jurisdiction, be given notice and opportunity to be heard. Allows a caretaker to intervene in an action if the caretaker was or is providing support to the child to whom the action pertains.

R.C. Section	Description
R.C. 3111.111	Provides that if a court action is brought under parentage laws to object to a parentage determination, the court must issue a temporary child support order to require the alleged father to pay support to the caretaker.
R.C. 3111.15	Provides that, upon the establishment of parentage, the father's obligations may be enforced in proceedings by a caretaker. Allows the court to order support payments to a caretaker.
R.C. 3111.29	Allows a caretaker to do the following once an acknowledgment of paternity becomes final: <ul style="list-style-type: none"> ▪ File a complaint for support without regard to marital status in the county in which the child or caretaker resides, requesting that the court order the mother, father, or both to pay child support; ▪ Contact the CSEA for assistance in obtaining child support.
R.C. 3111.38	Requires that the CSEA of the county where the child or caretaker resides determine the existence or nonexistence of a parent and child relationship between an alleged father and child if requested by a caretaker.
R.C. 3111.381 and 3111.06	Allows a caretaker to bring an action to determine whether a parent and child relationship exists in the appropriate division of the common pleas court of the county where the child resides without requesting an administrative determination, if the caretaker brings an action to request child support.
R.C. 3111.48 and 3111.49	Requires that an administrative order regarding a finding of parentage must include a notice informing the caretaker of the right to bring a court parentage action and the effect of the failure to bring timely action. Allows a caretaker to object to an administrative order determining the existence or nonexistence of a parent and child relationship by bringing a parentage action within 14 days after the issuance of the order.
R.C. 3111.78	Provides that a caretaker or CSEA in the county where the caretaker resides may do either of the following to require a man to pay child support and provide health care if presumed to be the father under a presumption of paternity: <ul style="list-style-type: none"> ▪ If the presumption is not based on an acknowledgment of paternity, file a complaint for child support without regard to marital status; ▪ Contact the CSEA to request assistance in obtaining a support order and provision of health care for a child.

Duty of support

The act amends the law regarding married persons' and parents' obligations of support to add what appears to be a clarifying statement that a parent's duty to support the parent's minor child may be enforced by a child support order.

Custody and child support

The act expands the law regarding the effect of child custody on child support to clarify that if neither parent of the child who is the subject of a support order is the child's residential parent and legal custodian and the child resides with a caretaker, each parent must pay that parent's child support obligation pursuant to the support order. Under continuing law, this provision applies when the child resides with a third party who is the legal custodian of the child.

The act also removes references to a court issuing a child support order regarding the determination of who pays the child support in a split custody or caretaker custody situation.

Grandparent authorizations

The act modifies the power of attorney form and the caretaker authorization affidavit form for a grandparent caring for a grandchild by repealing language providing an acknowledgment that the document does not authorize a CSEA to redirect child support payments to the grandparent, and that to have an existing child support order modified or a new child support order issued, administrative or judicial proceedings must be initiated.

Notice included with a support order or modification

Under continuing law, each support order or modification of an order must contain a notice to each party subject to the order, with specifications provided in the law. One specification is that if an obligor or obligee fails to give certain required notices to the CSEA, that person may not receive notice of the changes and requests to change a child support amount, health care provisions, or termination of the child support order. The act adds *redirection* to this list of notices of the changes and requests to change.

Repeal of law addressing child support payment to third parties

The act repeals law which generally provided that when a support order is issued or modified, the court or CSEA may issue an order requiring payment to a third person that is agreed upon by the parties and approved or appointed by the court or CSEA (depending on whether it is an administrative or court child support order). A third person may include a trustee, custodian, guardian of the estate, county department of job and family services, PCSA, or any appropriate social agency.

Effective date

The act's provisions regarding the redirection and issuance of child support to nonparent caretakers apply beginning April 3, 2024. Between October 3, 2023, and that date, ODJFS must perform system changes, create rules and forms, and make any other changes as necessary to implement its provisions.

Fatherhood programs

(R.C. 5101.342, 5101.80, 5101.801, and 5101.805, with conforming changes in R.C. 3125.18, 5101.35, and 5153.16)

The act specifies that the Ohio Commission on Fatherhood may make recommendations to the ODJFS Director regarding funding, approval, and implementation of fatherhood programs in Ohio that meet one of the four purposes of the Temporary Assistance for Needy Families (TANF) block grant. It includes such programs as Title IV-A programs that are funded in part by the TANF block grant. The act permits ODJFS to (1) enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Commission and (2) to adopt rules relating to these provisions.

PUBLIC ASSISTANCE

TANF spending plan

(R.C. 5101.806)

The act extends, from July 30 to August 29 of even-numbered calendar years, the deadline for ODJFS to prepare and submit a TANF spending plan. It must submit the plan to the chairperson of a standing committee of the House designated by the Speaker, the chairperson of a standing committee of the Senate designated by the President, and the Minority Leaders of both the House and Senate.

Ohio Works First

Eligibility

(R.C. 5107.02 and 5107.10)

The act expands eligibility for cash assistance under the Ohio Works First program to include any pregnant woman who meets other eligibility requirements for the program. Under prior law, a pregnant woman was required to be at least six months pregnant. Continuing law unchanged by the act requires a pregnant woman to have a gross income less than 50% of the federal poverty level to be eligible for cash assistance under Ohio Works First.

Fugitive felons

(R.C. 5107.36)

The act corrects a cross-reference to the definition of “fugitive felon” for purposes of the Ohio Works First program.

Work Experience Program (WEP)

(R.C. 5107.54)

Continuing law requires when a WEP participant is placed with a private or government entity, that entity pays premiums to the Bureau of Workers’ Compensation on the participant’s behalf if the CDJFS does not. The act specifies that the participant must not only be placed with the entity but also participate in WEP for the entity to be required to pay workers’ compensation premiums.

Food assistance

Supplemental Nutrition Assistance Program (SNAP) employment and training program

(R.C. 5101.547)

The act requires ODJFS to redesign its employment and training program in a manner that ensures the program meets the needs of employers in the state. Under federal law, states are required to implement an employment and training program that assists members of households participating in SNAP with gaining skills, training, work, or experience that will (1) increase the ability of household members to obtain regular employment and (2) meet state and local workforce needs.⁹⁶ The act requires ODJFS, not later than July 1, 2024, to appear before both the House Finance and Senate Finance committees and report on the redesigned program.

SNAP vendor pre-screening

(R.C. 5101.04)

Regarding the use of third-party vendors by ODJFS to assist with SNAP benefit eligibility determinations, the act prohibits third-party vendors from conducting pre-screening activities regarding SNAP applicants unless the vendor has entered into a pre-screening agreement with ODJFS.

Self-employment income and SNAP eligibility

(R.C. 5101.54)

When reevaluating an individual's gross nonexempt self-employment income to determine continuing SNAP eligibility, the act requires ODJFS to use the same criteria as were used during initial SNAP certification. This includes during quarterly eligibility reviews conducted by ODJFS and during the recertification process.

SNAP and WIC benefit trafficking

(R.C. 2913.46)

The act expands the conduct that constitutes the illegal use of SNAP or WIC benefits, which is a felony under continuing law, with the degree dependent on the value of the benefits involved. Specifically, the act prohibits:

- Soliciting SNAP and WIC benefits by an individual;
- Trafficking SNAP benefits by an individual, with trafficking defined under federal regulations; and
- An organization from allowing an employee to violate the above prohibitions.

⁹⁶ 7 U.S.C. 2015(d)(4).

Lost, stolen, or damaged benefits cards

(R.C. 5101.542)

With respect to the electronic benefit transfer (EBT) card issued to households participating in SNAP, the act requires ODJFS to replace a lost, stolen, or damaged card within two business days of receiving notice of the card's condition, in accordance with federal law. It requires ODJFS to implement an option permitted in federal law, under which a state agency administering the SNAP program may withhold a replacement EBT card from a household if the household requests four or more replacement EBT cards in a 12-month period.⁹⁷ The act specifies that ODJFS is prohibited from withholding a replacement EBT card if the individual requesting a replacement card has a disability that is directly related to the loss of the card.

Agreement with Ohio Association of Foodbanks

(Section 307.43)

The act requires ODJFS to enter a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to: (1) provide food distribution to low-income families and individuals through the statewide charitable emergency food provider network, (2) support the transportation of meals for the Governor's Office of Faith-Based and Community Initiatives' Innovative Summer Meals programs for children, and (3) provide capacity building equipment for food pantries and soup kitchens.

Under the agreement, the Association must:

- Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase must be reflected in a plan for statewide distribution of food products to local food distribution agencies.
- Support the Capacity Building Grant program and purchase equipment for partner agencies needed to increase their capacity to serve more families eligible under the TANF program with perishable foods, fruits, and vegetables. Equipment purchases must include shelving, pallet jacks, commercial refrigerators, and commercial freezers.
- Submit a quarterly report to ODJFS not later than 60 days after the close of the quarter that includes a summary of the allocation and expenditure of grant funds; product type and pounds distributed by foodbank service region and county; and the number of households and households with children, a breakdown of individuals served by age ranges, and the number of meals served.
- Submit an annual report to the ODJFS Agreement Manager not later than 120 days after the end of the fiscal year, including a summary of the allocation and expenditure of grant funds; the number of households and households with children; a breakdown of individuals served by age ranges, and the number of meals served; the quantity and type of food distributed and the total per pound cost of the food purchased; information on

⁹⁷ See 7 C.F.R. 274.6(b).

the cost of storage, transportation, and processing; and an evaluation of the success in achieving expected performance outcomes.

ODJFS disclosure definitions

(R.C. 5101.26 and 5101.28)

In continuing law governing the disclosure of information about public assistance recipients, the act broadens the definition of “law enforcement agency” to mean the office of a sheriff, the State Highway Patrol, a county prosecuting attorney, or a governmental body that enforces criminal laws and has employees with the power of arrest, as opposed to listing specific entities.

Auditor of State report

(R.C. 5101.28(F))

The act eliminates the requirement that the Auditor of State prepare an annual report on the outcome of information sharing agreements between law enforcement and ODJFS/CDJFSs. This report included the number of fugitive felons, probation and parole violators, and violators of community control sanctions and post-release control sanctions apprehended as a result of the agreements.

Public assistance quarterly report

(R.C. 5101.98)

On a quarterly basis, the act requires ODJFS to compile a report of public assistance programs and submit it to the Senate President and Speaker of the House, who are required to distribute the report to the chairpersons of the legislative committees with jurisdiction over public assistance programs. The report must include all of the following:

- Regarding the SNAP program:
 - The number of SNAP accounts with high balances, as determined by the Department;
 - The number of SNAP out-of-state transactions;
 - The number of SNAP transactions when the final amount processed was a whole dollar amount.
- Regarding all public assistance programs, including Medicaid, SNAP, services provided under the TANF block grant, and cash assistance provided under Ohio Works First:
 - The payment error rate of each program, including the dollar amount of the payment errors;
 - The number of work requirement exemptions issued in each program;
 - The number of confirmed cases of intentional program violation and fraud in each program.

UNEMPLOYMENT

Identity verification

(R.C. 4141.28)

The act requires an individual filing an application for determination of benefit rights for unemployment compensation (the initial unemployment benefit application) to furnish proof of identity at the time of filing in the manner prescribed by the ODJFS Director.

Benefit reductions based on receiving certain pay

(R.C. 4141.31)

Under the act, a claimant's unemployment benefits for any week of unemployment are reduced by the full amount of holiday pay or allowance paid to the claimant for that week. Continuing law applies the same weekly reduction to vacation pay or allowance.

The act also requires a claimant's benefits for any week of unemployment be reduced by the amount of any bonus payable under the law, the terms of a collective bargaining agreement, or other employment contract. The reduction equals the claimant's weekly benefit amount in the first and each succeeding week following the claimant's separation from the employer making the bonus payment until the total bonus amount is exhausted.

Under continuing law, no benefits are paid to a claimant for any week in which the claimant receives remuneration equal to or exceeding the claimant's weekly benefit amount. If the remuneration is less than the claimant's weekly benefit amount, continuing law requires the amount of remuneration exceeding 20% of the claimant's weekly benefit to be deducted for that week. Formerly, holiday pay and bonuses were considered remuneration and the amount of those forms of remuneration that exceeded 20% of the claimant's weekly benefit were deducted for that week.⁹⁸

Disclosure of information

(R.C. 4141.21, 4141.211, 4141.22, and 4141.43)

The act specifies that information maintained by the ODJFS Director or the Unemployment Compensation Review Commission (UCRC), or furnished to the ODJFS Director or UCRC by employers and employees under the Unemployment Compensation Law, is not a public record under the Ohio Public Records Act.⁹⁹ This is consistent with continuing law that the information is for the exclusive use and information of ODJFS and the UCRC and may not be disclosed unless an exception applies.

The act allows for the disclosure of unemployment compensation information if the disclosure is permitted by federal law under the following circumstances:

⁹⁸ R.C. 4141.30(C), not in the act.

⁹⁹ R.C. 149.43.

- The information is, or regards, appeal records and decisions or precedential determinations on coverage of employers, employment, and wages, provided that any Social Security numbers and personal health information have been removed.
- The information is about an individual or employer and is disclosed to that individual or employer.
- The information is about an individual or employer and is disclosed to the individual's or employer's agent, if the agent presents a written release from the individual or employer or another form of permissible consent if the agent demonstrates that a written release is impossible or impracticable to obtain.
- The information is disclosed to an elected official performing constituent services who presents reasonable evidence that an individual or employer has authorized a disclosure about that individual or employer.
- The information is about an individual or employer and is disclosed to an attorney who is retained for purposes related to unemployment compensation law and asserts that the attorney represents the individual or employer.
- The information is about an individual or employer and is disclosed to a third party who is not an agent, but is providing a service or benefit to the individual or employer or is carrying out administration or evaluation of a public program, if the third party obtains a written release from the individual or employer that is signed and does all of the following:
 - Specifically identifies the information to be disclosed;
 - States which files will be accessed to obtain the information;
 - Specifies the purpose for which the information is sought and that the information will only be used for that purpose;
 - Indicates all of the parties who may receive the information.
- The information is disclosed to a public official, or an agent or contractor of such an official, for use in the performance of official duties, including research related to the administration of those duties (the information may not be used for the purpose of solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or to a political party).
- The information is disclosed to the federal Bureau of Labor Statistics pursuant to a cooperative agreement with the Bureau.
- The information is disclosed in response to a subpoena or court order, provided the subpoena or order is properly served on the ODJFS Director or the UCRC, and a court has previously issued a binding precedential decision that requires disclosures of this type or an established pattern of prior court decisions requiring the type of disclosure exists.
- The information is disclosed to a local, state, or federal government official, other than a clerk of court on behalf of a litigant.

- The information is disclosed to a federal or state official for purposes of unemployment compensation program oversight and audits or to a federal agency that the U.S. Department of Labor (which administers federal unemployment law) has determined to have adequate safeguards to satisfy confidentiality and safeguard requirements under federal law.
- The disclosure of information is required by law.

The allowed disclosures discussed above replace former law that simply allowed the ODJFS Director to cooperate with departments and agencies in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The act also eliminates the following:

- The prohibition against information maintained by the ODJFS Director or the UCRC being used in any court or as evidence in any action, other than one arising under the Unemployment Compensation Law;
- The requirement that all information and records necessary or useful in a claim determination or necessary in verifying a charge to an employer's account must be available for examination and use by the employer and the employee involved or their authorized representatives in the hearing of those cases;
- Authorization for the ODJFS Director to employ, jointly with one or more agencies or departments, auditors, examiners, inspectors, and other employees necessary for the administration of the Unemployment Compensation Law and employment and training services.

The act eliminates the ODJFS Director's authority to adopt rules defining the requirements for the release of individual income verification information to a consumer reporting agency, and instead, defines what constitutes "wage information" that may be disclosed to a consumer reporting agency under continuing law. The act defines "wage information" to mean the name, Social Security number, quarterly wages paid to, and weeks worked by an employee, and the name, address, and state and federal tax identification number of an employer reporting wages under the Unemployment Compensation Law.

The act allows the following information to be disclosed to accredited colleges and universities, accredited educational institutions, nonprofit research organizations, and other organizations conducting research, if the disclosure is for the purpose of assisting in research or for use in providing or improving the provision of government services:

- Wage information as defined above;
- Whether an individual is receiving, has received, or has applied for unemployment benefits;
- The amount of unemployment benefits an individual is receiving or entitled to receive;
- An individual's current or most recent home address;

- Whether an individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay;
- Any other information contained in the records of the ODJFS Director which is needed by the requesting agency to verify eligibility for, and the amount of, benefits;
- Employment and training information;
- Employer information.

The ODJFS Director may require recipients of unemployment compensation information to enter into a written agreement to receive the information. A recipient of that information, other than an individual or employer receiving information about that individual or employer, cannot re-disclose the information without approval to do so from the ODJFS Director and must safeguard the information against unauthorized access or re-disclosure. Failure to comply with the act's disclosure provisions may result civil or criminal penalties, including penalties for unauthorized disclosure of unemployment information under continuing law. Under continuing law, an unauthorized disclosure of unemployment information may result in a fine of \$100 to \$1,000, imprisonment of up to one year, or both.¹⁰⁰

For purposes of the act's disclosure of information provisions, "unemployment compensation information" means information maintained by the ODJFS Director or the UCRC, or furnished to the Director or the UCRC by employers or employees pursuant to the Unemployment Compensation Law, that pertains to the administration of the Unemployment Compensation Law. It includes a wage report collected under the Income and Eligibility Verification System established under continuing law only if it is obtained by ODJFS for determining unemployment compensation monetary eligibility or is downloaded to ODJFS's files as a result of a cross match.¹⁰¹ "Unemployment compensation information" does not include any of the following:

- Information in the New Hires Directory maintained by ODJFS¹⁰² or in the National Directory of New Hires, if the information has not been used in the administration of the unemployment compensation program;
- ODJFS personnel or fiscal information;
- Information that is in the public domain.

Participation in certain federal programs

(R.C. 4141.43)

The act specifies that the law requiring the ODJFS Director to take action as necessary to secure all advantages available under certain federal laws does not require the Director to

¹⁰⁰ R.C. 4141.99, not in the act.

¹⁰¹ R.C. 4141.162, not in the act.

¹⁰² R.C. 3121.894, not in the act.

participate in, nor preclude the Director from ceasing to participate in, any voluntary, optional, special, or emergency program offered by the federal government under federal laws or any other federal program enacted to address exceptional unemployment conditions.

Acceptable collateral from certain reimbursing employers

(R.C. 4141.241)

Continuing law requires a nonprofit employer wishing to be a reimbursing employer under the Unemployment Compensation Law to submit collateral to the ODJFS Director. The act makes surety bonds the only acceptable form of that collateral. Thus, it eliminates the ability to submit other forms of collateral, such as bonds and securities, that were acceptable under former law if the Director approved them.

Ohio's unemployment system has two types of employers: contributory employers and reimbursing employers. Employers who are assigned a contribution rate and make contributions to the Unemployment Compensation Fund are contributory employers. Most private sector employers are contributory employers. Certain employers are allowed to reimburse the fund after benefits are paid; they are known as "reimbursing employers."¹⁰³

Notification to exempt nonprofit employees

(R.C. 4141.02)

The act requires a nonprofit organization with fewer than four employees that is exempt from Ohio's Unemployment Compensation Law to notify its employees upon hiring that the organization and the employee's employment with the organization are exempt from the Law. Under continuing law, such a nonprofit organization is exempt from the Law but may elect to be covered.¹⁰⁴

OTHER PROVISIONS

Workforce report for horizontal well production

(Repealed R.C. 6301.12)

The act eliminates the requirement that the ODJFS Office of Workforce Development prepare an annual workforce report for horizontal well production. Under that requirement, the Office had to comprehensively review the direct and indirect economic impact of businesses engaged in the production of horizontal wells in Ohio and prepare the report annually by July 30.

¹⁰³ R.C. 4141.01(L), not in the act.

¹⁰⁴ R.C. 4141.01(A)(1)(a) and (4), not in the act.

Migrant Agricultural Ombudsperson

(R.C. 3733.471; repealed R.C. 3733.49 and 4141.031; conforming changes in R.C. 3733.41, 3733.43, 3733.431, 3733.45, 3733.46, 3733.47, and 5321.01)

The act eliminates the Office of the Migrant Agricultural Ombudsperson established under the ODJFS Director’s authority. The Ombudsperson was responsible for overseeing agricultural labor camps in Ohio, including receiving and referring complaints or questions. The prior law allowed a person to report a violation regarding agricultural labor camps – including a violation of the Minor Labor Law¹⁰⁵ or Minimum Fair Wage Standards Law¹⁰⁶ – to the Ombudsperson. The act requires the person to make the report to the State Monitor Advocate, who must forward the reports to the Attorney General for investigation and possible action, similar to continuing law.

Under federal law, the workforce development agency of each state (in Ohio, ODJFS) must appoint a State Monitor Advocate. The State Monitor Advocate’s duties include similar duties to the Migrant Agricultural Ombudsperson under former law, such as collecting and reviewing data regarding the living and working conditions of migrant and seasonal farmworkers and receiving complaints and referring alleged violations to enforcement agencies. The State Monitor Advocate also is responsible for oversight activities for migrant and seasonal farmworkers, including conducting on-site reviews and field visits, monitoring the provision of employment services, and promoting the Agricultural Recruitment System to connect job seekers to employers.¹⁰⁷

¹⁰⁵ R.C. Chapter 4109.

¹⁰⁶ R.C. Chapter 4111.

¹⁰⁷ 20 C.F.R. 653.108 and [Monitor Advocate System](#), which may be accessed by conducting a keyword “Monitor advocate” search on the U.S. Department of Labor website: dol.gov.