
DEPARTMENT OF JOB AND FAMILY SERVICES

CHILD WELFARE

Continuous ODJFS licensure

- Eliminates renewal requirements for ODJFS licenses for institutions, associations, foster caregivers, and private nonprofit therapeutic wilderness camps, resulting in continuous licensure unless revoked.

Background checks

- Requires the ODJFS Director, rather than an agency director or association or institution as in current law, to request background checks, review them, and determine employment or certification eligibility for adoptive parents working with an adoption agency, foster caregivers, and association or institution employees or appointees.
- Recodifies, but (except as noted above) largely maintains the substance of, laws governing background checks for those individuals.
- 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 the ODJFS Director, a qualified organization that arranges temporary child housing, an attorney who arranges adoptions, or the appointing or hiring officer of an out-of-home care entity that is not an association or institution.

Electronic reporting of child abuse or neglect

- Allows an individual to make a report of child abuse or neglect to a public children services agency (PCSA) or peace officer electronically, in addition to the existing law options of making a report by telephone or in person.

Referrals for prevention services

- Requires a 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.

Child abuse or neglect report disposition appeal and registry

- 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 ODJFS to adopt rules to implement the above requirement, including the stages at which the PCSA must provide notification, the method for appeal, time limits for appeal and response, and sanctions.

- 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 expunge "substantiated" dispositions of abuse or neglect from the alleged perpetrator registry in SACWIS after ten years.

Definition of "abused child"

- 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 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.
- 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.

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 (OCWTP) changes

- 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 OCWTP.

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.
- Requires each council's regional prevention coordinator to select a council chairperson from among the county prevention specialists serving on the council.
- Requires members to elect a vice-chairperson at the first regular meeting of each year.
- Requires the chairperson to either preside over council meetings or call upon the vice-chairperson to do so.
- Specifies that the vice-chairperson functions as the chairperson and becomes a nonvoting member when presiding over council meetings.

Kinship Guardianship Assistance Program

- Regarding the Ohio Kinship Guardianship Assistance Program (KGAP), designates ODJFS the responsible party in entering into an agreement with a relative seeking assistance, instead of a PCSA as under current law.
- Requires the PCSA that had custody of the child before the court granted legal custody or guardianship to a relative to make specific eligibility determinations and authorizes the PCSA to make other eligibility determinations.
- Changes the frequency of review for a child's continuing need for services under the State Adoption Maintenance Subsidy Program and KGAP from annually to a frequency determined by ODJFS.

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.

CHILD CARE

Publicly funded child care – reimbursement rates

- Maintains the requirement that the ODJFS Director establish by rule in each odd-numbered year reimbursement rates for publicly funded child care providers, but also requires the Director to contract with a third-party entity to analyze child care price information for the subsequent even-numbered year.
- Authorizes the Director, based on the information analyzed, to adjust provider reimbursement rates for the even-numbered year and requires adjustments to be made by rule.
- Authorizes a third-party entity under contract with the Director, when analyzing child care price information, to consider the most recent market rate survey.

Child Care Advisory Council

- Increases the Council's membership by adding three voting and three nonvoting members.
- Removes unlicensed type B home providers and parents of children receiving child care in those homes from a list of providers and parents included on the Council.
- Expands the Council's duties to include advising the ODJFS Director about the approval of child day camps, publicly funded child care, and Step Up to Quality.

Child care licensure exemption – programs operated by nonchartered, nontax-supported schools

- 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.

Child care terminology

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

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.
- Eliminates statutory requirements for incorrectly completed acknowledgments of paternity received by ODJFS's Office of Child Support, and instead requires ODJFS to adopt rules on how to handle them, including a requirement that it provide a new form and a notice describing the errors to the parties.

Repeal 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.

Redirecting and issuing 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 the primary caregiver of a child.
- 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, if a CSEA determines that an existing support order should be redirected, requirements for notice, objection, and effective dates of redirection orders or recommendations.
- 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, including what to do in specified circumstances.
- 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, exempt from the regulatory restriction reduction requirements under Ohio law, to implement the redirection process required by the bill.
- Amends several 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 residential parent and legal custodian of the child, 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 that provides 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 under existing law that must be included in each support order or modification.
- Repeals law that generally provides 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 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.
- Replaces “fugitive felon” with “fleeing felon,” in a provision identifying categories of individuals who are ineligible for Ohio Works First.

- 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.

A HAND UP pilot program

- Requires ODJFS to establish a two-year pilot program known as the Actionable Help and New Dignity for Upward Progression (A HAND UP) pilot program to assist individuals transitioning to the workforce as they become ineligible for public assistance benefits.

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 Supplemental Nutrition Assistance Program (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.

Agreement with Ohio Association of Foodbanks

- Requires ODJFS to enter into 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.

Disclosure of public assistance recipient information

- Eliminates the general prohibition on a person using or permitting the use of public assistance recipients' information, and instead specifies that it is the responsibility of ODJFS and county departments of job and family services (CDJFSs) to keep that information confidential.
- Specifies that information that does not identify an individual may be released in summary, statistical, or aggregate form.
- Prohibits information regarding a public assistance recipient from being disclosed for solicitation of contributions or expenditures to or on behalf of a candidate for public office or a political party.
- Permits, instead of requires, ODJFS to share public assistance recipient information with public agencies for use in fulfilling their duties and with others for research purposes.
- Expands the list of entities with whom ODJFS may share such information.

- Expands ODJFS and county agency authority to release such information by permitting the release to anyone identified in writing by the recipient, instead of only to an authorized representative, a legal guardian, or the recipient's attorney.
- Eliminates the immunity granted to ODJFS, CDJFSs, and PCSAs and their officers and employees for injury, death, or loss to person or property that results from releasing such information.
- Clarifies that ODJFS, 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.

ODJFS disclosure definitions

- Replaces the current term "fugitive felon" with the new term "fleeing felon" in law pertaining to public assistance, and modifies the definitions of "law enforcement agency" and "public assistance."

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.
- Requires the Director to adopt rules to prescribe the manner in which an applicant must furnish proof of identity.

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

- Eliminates statutory exemptions from the prohibition on disclosure of information maintained by the ODJFS Director or the Unemployment Compensation Review Commission, and instead requires the Director to adopt rules to allow for these disclosures and additional disclosures that conform to federal law.

Participation in certain federal programs

- Specifies that a current law provision 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.

Office of the 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 as under current law.

CHILD WELFARE

Continuous ODJFS licensure

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

The bill 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 bill, 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 current law, when seeking renewal of the certificate).

Background checks

(R.C. 109.572, 2151.86, 3107.033, 5103.25 to 5103.259; conforming changes in numerous other R.C. sections; repealed R.C. 5103.037, 5103.0310, 5103.18, 5103.181, and 5103.51)

Under the bill, the ODJFS Director is required to (1) request the Bureau of Criminal Identification and Investigation (BCII) Superintendent to conduct a criminal records check, (2) search the Central Registry of Abuse and Neglect within the Uniform Statewide Automated Child Welfare Information System (SACWIS), and (3) inspect the Ohio Registry of Sex Offenders and Child Victim Offenders and the National Sex Offender Registry for all of the following:

- An administrator, president, officer, or member of a board of an ODJFS-certified association or institution;
- A prospective foster parent or an adult resident of the prospective foster parent's home, and a minor resident of the prospective adoptive parent's home once the minor turns 18;
- A prospective adoptive parent or an adult resident of the prospective adoptive parent's home, and a minor resident of the prospective adoptive parent's home once the minor turns 18;
- An employee, subcontractor, intern, or volunteer of an association or institution.

The bill requires the ODJFS Director to review the results of the criminal records check and registry searches and determine whether the individual is eligible to be a foster caregiver; adoptive parent; or an employee, appointee, subcontractor, intern or volunteer with an institution or association. Under current law, background check-related duties are conducted by the administrative director of the recommending agency for prospective and current foster and adoptive parents or the appointing or hiring officer of an out-of-home care entity that is an association or institution. Continuing law requires an attorney who arranges an adoption for a prospective adoptive parent to conduct background check-related duties.

The bill permits the ODJFS Director to delegate to any private or public entity any of the background check-related duties imposed on ODJFS by the bill. Additionally, the bill recodifies, but (except as discussed above) largely maintains the substance of, laws governing background checks for those individuals.

Under the bill, on receipt of a criminal records check request from the ODJFS Director, a qualified organization that arranges temporary child hosting, an attorney who arranges adoption, or the appointing or hiring officer of an out-of-home care entity that is not an association or institution, the BCII Superintendent must conduct a criminal records check in accordance with continuing law 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 bill 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.

Electronic reporting of child abuse or neglect

(R.C. 2151.421)

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

Referrals for prevention services

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

The bill 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 currently specifies 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 bill removes these goals under existing law and applies them to referrals for prevention services.

The bill allows a PCSA to disclose confidential information discovered during an investigation to an agency providing prevention services to the child. Existing law, unchanged by the bill, 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 bill 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.

Child abuse or neglect report disposition appeal and registry

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

Investigation disposition notice and appeal

The bill establishes a five-business-day deadline for 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, 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 bill also requires ODJFS to adopt rules in accordance with R.C. Chapter 119 to implement a notice and appeal process for an alleged perpetrator of abuse or neglect. The rules must include all of the following:

- A requirement for the PCSA to provide an initial notification to the alleged perpetrator that: (1) the PCSA has received a good faith report that has been screened in for investigation that the person has been identified as an alleged perpetrator of abuse or neglect, (2) the PCSA has initiated an investigation of that report, (3) the person's name will be entered into the Statewide Automated Child Welfare Information System (SACWIS), and (4) the person will receive written notification of the investigation disposition and instructions on how to appeal the disposition, if the person chooses to do so.
- A requirement that the PCSA provide the person written notice of the investigation disposition and the right to appeal it, no later than five days after the disposition is issued.
- Procedures to ensure that the above two notification requirements are successfully provided to the person.

- The method and time limit for a person to file an appeal with the PCSA.
- A time limit for the PCSA to respond to a request for an appeal and issue a decision.
- Sanctions that may be applied against a PCSA for failing to take action within the required time limits.

The rules must be adopted no later than 180 days after the effective date of this provision. The rules are also exempt from the regulatory restriction reduction requirements under Ohio law.

SACWIS alleged perpetrator search

The bill 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."

Expungement of SACWIS alleged perpetrator records

The bill requires ODJFS to expunge from the SACWIS "Alleged Perpetrator" registry "substantiated" dispositions of child abuse or neglect that are older than ten years.

Definition of "abused child"

(R.C. 2151.031)

The bill 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 bill 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 bill 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 bill 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 bill 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.

Under existing law, these records are confidential and 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 executive director. The bill simply adds adults who were formerly in foster care to those who are allowed to inspect these records.

Each PCSA is required under existing law to prepare and keep written records of:

- 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) changes

(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 bill 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 PCSA caseworker or PCSA 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 bill 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 bill amends a regional training *staff's* (regional training *center's*, under current law) responsibility under continuing law to analyze the training needs of PCSA caseworkers and PCSA 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.¹⁰¹

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

¹⁰¹ R.C. 5103.30, not in Section 101.01 of the bill.

- Require the ODJFS Director to adopt rules for implementation of the OCWTP and that the training comply with ODJFS rules;
- 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 bill 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 bill removes the focus on select indicators and priorities in the indicators to measure child well-being. 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. Current law requires 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. The bill removes the requirement to focus on these specific indicators and priorities.

County council grant agreements

The bill 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. Current law only exempts agreements and contracts to purchase family and child welfare, child protection services, or other social or job and family services for children. The bill 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

Current 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 bill 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 bill allows the Cabinet Council to adopt rules governing the responsibilities of county councils.

Technical correction

The bill 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 bill 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 and 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 bill 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, OhioMHAS, and the Department of Developmental Disabilities.

Wellness Block Grant Program

(Repealed R.C. 121.371)

The bill repeals the inactive Wellness Block Grant Program that ended in 2009, which 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 bill repeals a requirement for the Ohio Family and Children First 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 Family and Children First Council website, at fcf.ohio.gov.

Children's Trust Fund Board

Membership

(R.C. 3109.15)

The bill 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 bill 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 bill 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 bill 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 bill 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. The Board is responsible for specifying the report's content.

The bill 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. Current law permits each board of county commissioners to appoint up to two county prevention specialists to the council representing the county. The bill adds parent advocates with relevant experience and knowledge of services in the region to the list of county prevention specialists who may be appointed.

Currently, the chairperson of a council is a nonvoting member who is a representative of the council's regional prevention coordinator. The bill removes the representative of the council's regional prevention coordinator from the council, and instead requires each council's regional prevention coordinator to select a chairperson from among the county prevention specialists serving on the council. The chairperson continues to be a nonvoting member, and presides over council meetings.

At the chairperson's discretion, the bill 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.

Kinship Guardianship Assistance Program administration

(R.C. 5153.163)

The bill specifies that ODJFS may enter into an agreement with a child's relative under which ODJFS may provide assistance as needed under the Kinship Guardianship Assistance Program (KGAP) on behalf of a child, when funds are available. Current law specifies that a

PCSA, instead of ODJFS, may enter into the agreement and provide assistance. Existing law, unchanged by the bill, includes the following eligibility requirements for KGAP:

- The relative has cared for the eligible child as a foster caregiver for at least six consecutive months;
- A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order;
- The relative has committed to care for the child on a permanent basis;
- The relative signed a kinship guardian assistance agreement before assuming legal guardianship or legal custody of the child.

The bill also requires the PCSA that had custody of a child before the court granted legal custody or guardianship to a relative to make specific eligibility determinations. Under current law, these determinations are additional requirements that must be met to be eligible for KGAP and are unchanged by the bill:

- The child was removed from home under a voluntary placement agreement or because of a judicial determination that staying in the home would be contrary to the child's welfare;
- Returning the child home or adoption are not appropriate permanency options;
- The child demonstrates a strong attachment to the relative and the relative has a strong commitment to permanently caring for the child;
- If the child is 14 or older, the child has been consulted on the KGAP arrangement;
- The child is not eligible for Title IV-E kinship guardianship assistance.

In addition to the above determinations that the PCSA is required to make, the PCSA also may determine the eligibility requirements provided in the first bulleted list above, as well as any relevant determination provided for in rules that ODJFS adopts.

Rulemaking

The bill requires ODJFS to adopt rules regarding the frequency that ODJFS must redetermine a child's continuing need for services under KGAP and payments under the State Adoption Maintenance Subsidy. Existing law requires ODJFS to make redeterminations annually. The rules are exempt from the regulatory restriction reduction requirements under Ohio law.

State Adoption Assistance Loan Fund

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

The bill 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 current law, money in the fund is used to make state adoption assistance loans to prospective adoptive parents who apply for them. The fund is established in the state treasury and is administered by ODJFS. ODJFS may approve or deny, in whole or in part, a loan to a prospective adoptive parent for up to \$3,000 if the child being adopted resides in Ohio, or up to \$2,000 if the child does not reside in Ohio. Loan recipients may use the disbursement only for adoption-related expenses.

Interstate Compact for the Placement of Children

(R.C. 5103.20)

The bill makes changes to the current 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, DC, 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.¹⁰²

Jurisdiction

(Article IV)

Under the existing ICPC, the sending state 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 bill 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 Placements**” (below) regarding private and independent adoptions;

¹⁰² “[ICPC FAQ’s](#),” The American Public Human Services Association, available at aphsa.org.

- In interstate placements in which the public child placing agency is not a party to a custody proceeding.

The bill 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 juridical officers and persons involved in the interstate process as permitted by their canons of judicial conduct and any rules promulgated by the IC.

Finally, the bill 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 bill 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 existing ICPC specifies 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. The bill repeals these requirements.

Second, the bill 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 bill requires that a public child placing agency in the receiving state must approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the IC rules. Current law does not require the approval of a provisional placement.

Finally, the bill 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 bill 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. Existing law also specifies 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 bill 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 bill 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. The existing ICPC simply requires for it to be conducted pursuant to the receiving state's administrative procedures.

State responsibility

(Article VII)

The bill repeals an existing 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

(Article XI, XII, and XVII)

The bill 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. The existing ICPC specifies that the rules have the force and effect of statutory law and supersede any conflicting state laws, rules, or regulations.

Participation by nonmembers

(Article XIV)

The bill 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. The ICPC currently specifies that governors may be invited.

Definitions

(Article II)

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

Changes to existing definitions

- Under the existing ICPC, “**approved placement**” means 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 bill 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 existing ICPC defines “**assessment**” as an evaluation of a prospective placement to determine whether it meets the individualized needs of the child. The bill 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 existing ICPC defines “**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 bill clarifies this to mean a determination made by the public child placing agency in the receiving state.
- The bill 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 bill defines “certification” to mean to attest, declare, or swear to before a judge or notary public.
- The bill 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 bill 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.

CHILD CARE

Publicly funded child care – reimbursement rates

(R.C. 5104.30 and 5103.302 (primary))

The bill maintains the requirement that the ODJFS Director establish by rule by July 1 of each odd-numbered year reimbursement rates for publicly funded child care providers. But, it also requires the Director to contract with a third-party entity to analyze child care price information for the subsequent even-numbered year.

The bill then authorizes the ODJFS Director – based on the information analyzed – to adjust provider reimbursement rates for the even-numbered year. Under the bill, any adjustment must be made by rule.

The bill also authorizes the third-party entity under contract with the ODJFS Director, when analyzing child care price information, to consider the most recent market rate survey. About every two years, ODJFS, or an entity under contract with ODJFS, surveys child care providers – across geographic locations and child care settings – to determine market rates throughout the state.

Child Care Advisory Council

(R.C. 5104.08)

The bill adds three nonvoting members to the Council: the Ohio Head Start Collaboration Director, a member appointed by the ODJFS Director representing child care, and a member appointed by the Director representing child welfare. It also adds three voting members to the Council: a member representing approved child day camps, a member representing Head Start programs, and a member representing PCSAs from a county department of job and family services (CDJFS) or county children services board. Unlicensed type B homes and parents of children receiving child care in those homes are removed as members represented on the Council.

The bill also expands the Council’s duties to include advising the ODJFS Director about the approval of child day camps, publicly funded child care, and Step Up to Quality.

Child care licensure exemption – programs operated by nonchartered, nontax-supported schools

(R.C. 5104.02)

The bill 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.

This replaces existing law with respect to such schools that exempts only the preschool programs that they operate.

The bill maintains existing law 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 care terminology

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

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

CHILD SUPPORT

Paternity acknowledgments

(R.C. 3111.23 and 3111.24, 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 bill 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. The bill retains the existing options to file in person or by mail. The bill also does not change the existing 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 bill allows each signature of a party to an acknowledgment of paternity to be witnessed by two adult witnesses, in addition to the existing 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 bill 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. Existing law requires these places only to provide a notary public. In addition, the bill 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, existing law only requires the contract to include a provision to require a notary public.

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

ODJFS rules – incorrectly filed acknowledgments

The bill repeals requirements for the Office of Child Support regarding acknowledgments that are completed incorrectly. The bill instead requires ODJFS to adopt rules regarding the management of an incorrectly completed acknowledgment. The rules must specify that ODJFS is to provide a new acknowledgment and a notice describing the errors to the parties who filed it. The rules must be adopted not later than 180 days after the effective date of this provision and are exempt from the regulatory restriction reduction requirements under Ohio law.

The repealed statutory requirements direct the Office to return the acknowledgment to the person or entity that filed it and provide a notice stating what needs to be corrected and that the person or entity has ten days to make the corrections and return the acknowledgment. Upon receiving a corrected acknowledgment, the Office must examine it again to ensure that it was correctly completed. If the acknowledgment is still incorrect or not returned on time, it is invalid, and the Office must return it to the person or entity and cannot enter it in the Office's birth registry. If the Office returns the acknowledgment a second time, it must state the errors and specify that the acknowledgment is invalid.

Information required for paternity determination

(Repealed R.C. 3111.40)

The bill 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.

Redirecting and issuing 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 bill 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 bill 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 under existing 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).

Filing a request

Under the bill, 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.

CSEA determination of whether a child support order exists

The bill 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 bill;
- 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 bill, 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

The bill provides that 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 existing 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 bill (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 existing 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 bill 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 bill'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 bill's provisions regarding redirection of child support orders.

Establishing parentage and bringing a child support action

The bill 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. 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. Section	Description
R.C. 3111.29	<p>Allows a caretaker to do the following once an acknowledgment of paternity becomes final:</p> <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	<p>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.</p>
R.C. 3111.381 and 3111.06	<p>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.</p>
R.C. 3111.48 and 3111.49	<p>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.</p> <p>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.</p>
R.C. 3111.78	<p>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:</p> <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 bill 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 bill 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 existing law, this provision applies when the child resides with a third party who is the legal custodian of the child.

The bill 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 bill 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 existing law, each support order or modification of an order must contain a notice to each party subject to a support 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 bill 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 bill repeals law which generally provides 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, CDJFS, PCSA, or any appropriate social agency.

Effective date

The bill's provisions regarding the redirection and issuance of child support to nonparent caretakers apply beginning six months after their effective date. During that six-month period, 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 bill specifies in the Revised Code 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 bill 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 bill 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 bill 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 current law, a pregnant woman must be at least six months pregnant and have a gross income less than 50% of the federal poverty level to be eligible for cash assistance under Ohio Works First.

Fleeing felons

(R.C. 5107.36)

The bill corrects a cross-reference to the definition of “fugitive felon” for purposes of the Ohio Works First program and updates the term to the bill’s new “fleeing felon” (described below in “**Definitions**”).

Work Experience Program (WEP)

(R.C. 5107.54)

Current 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 bill 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.

A HAND UP pilot program

(Section 307.240)

The bill requires ODJFS to establish a two-year pilot program known as the Actionable Help and New Dignity for Upward Progression (A HAND UP) pilot program to assist program participants in transitioning into the workforce as they become ineligible for public assistance benefits. In establishing the pilot program, ODJFS must select four counties in which to operate the pilot program: one metropolitan county; one midsize county; and two rural counties, one of which is in the state's Appalachian region.

ODJFS must have the pilot program fully operational not later than 180 days after the bill's effective date. In setting up the pilot program, ODJFS must do all of the following:

- Establish eligibility criteria for individuals participating in the pilot program;
- Establish conditions for continued participation in the pilot program;
- Establish a competitive application process for employers seeking participation in the pilot program;
- Identify existing subsidized employment programs and provide training to program operators seeking to participate in the pilot program;
- Establish an assessment tool to determine the success of employers participating in the pilot program;
- Establish processes by which pilot program participants are connected with employers participating in the program;
- Establish a mentorship program that connects pilot program participants with program mentors;
- Identify and establish a financial literacy program for pilot program participants.

Eligible individuals may participate in the pilot program for an initial one-year period. After completing this initial period, ODJFS must evaluate a participant's progress in meeting the goals of the pilot program. Following the evaluation, it may permit a participant to continue participating in the pilot program for successive six-month periods. Following each six-month interval, ODJFS must conduct an evaluation to determine whether the participant may continue in the pilot program.

The pilot program must (1) provide participants with a stipend, provided on a sliding scale, to pay health care insurance premiums and deductibles or child care expenses, and (2) provide employers participating in the pilot program subsidies for employing pilot program participants. Additionally, if a county selected to participate in the pilot program has established an individual development account program under existing law, ODJFS must seek a waiver from the U.S. Department of Health and Human Services to allow pilot program

participants to use individual development account funds for purposes other than those specified in federal regulations.¹⁰³

Rulemaking

To assist in the implementation of the pilot program, the bill requires ODJFS, not later than 180 days after the bill's effective date, to adopt rules as necessary to implement the pilot program. To further assist in the implementation and operation of the pilot program, the bill requires ODJFS to establish, in collaboration with the Office of InnovateOhio, a digital application that does the following:

- Calculates a pilot program participant's income based on the individual's benefits received and income earned;
- Connects program participants with pilot program resources;
- Provides educational and motivational resources to pilot program participants;
- Connects participants with mentors or pilot program case workers.

Study and report

ODJFS must study program participants once they have completed participation. The study must examine (1) whether a former participant is employed, (2) the type of employment in which the former participant is engaged, (3) the amount of compensation the former participant is receiving, (4) whether the former participant's employer provides health insurance, (5) whether and how often the former participant has received public assistance benefits since completing participation in the pilot program, and (6) whether the former participant is self-sufficient.

Beginning one year after the bill's effective date, ODJFS must submit a report to the General Assembly specifying the outcomes of the pilot program, including data indicating the ways in which the pilot program is assisting participants in transitioning from public assistance benefits to the workforce. The report also must include the results of the required study of former program participants described above. After submitting the initial report, ODJFS must submit subsequent reports at the end of each year in which the pilot program operates.

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 bill 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.

¹⁰³ See 42 C.F.R. 263.22.

SNAP and WIC benefit trafficking

(R.C. 2913.46)

The bill expands the conduct that constitutes the illegal use of Supplemental Nutrition Assistance Program (SNAP) benefits or WIC benefits, which is a felony under existing law, with the degree dependent on the value of the benefits involved. Specifically, the bill 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.

Agreement with Ohio Association of Foodbanks

(Section 307.43)

The bill requires ODJFS to enter into 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 the cost of storage, transportation, and processing; and an evaluation of the success in achieving expected performance outcomes.

Disclosure of public assistance recipient information

(R.C. 5101.27 and 5101.30; repealed R.C. 5101.272)

The bill eliminates the prohibition on any person or government entity sharing information regarding a public assistance recipient for any purpose not directly connected with the program's administration, unless expressly permitted by law. It instead requires ODJFS and CDJFSs to keep public assistance recipient information confidential and accessible only to employees, unless disclosure is approved by ODJFS or a judge of a court of record. Information that does not identify an individual does not have to be kept confidential and may be released in summary, statistical, or aggregate form. Information may not be disclosed for solicitation of contributions or expenditures to or on behalf of a candidate for public office or a political party.

To government and research entities

The bill eliminates the requirement that ODJFS, to the extent permitted by federal law, release public assistance recipient information to government entities responsible for administering a public assistance program, law enforcement agencies, and entities administering public utility services programs, and instead permits the disclosure. It also adds the following additional entities that may receive the information: (1) a government entity for use in the performance of its official duties, including research, or a contractor as permissible, (2) any U.S. agency charged with administering any public assistance program, and any state or federal official responsible for overseeing and auditing public assistance programs, and (3) the following, for research purposes:

1. Individuals;
2. Public and private entities, agencies, and institutions;
3. Private companies or organizations, partnerships, business trusts, or other business entities or ventures;
4. Research organizations; or
5. Combinations of any of the preceding entities.

To the public assistance recipient

The bill permits information regarding a public assistance recipient to be shared with that recipient or any other person or entity the recipient identifies in writing. Current law permits information to be shared with the recipient or the recipient's "authorized representative," legal guardian, or attorney. It requires authorization to be made on a form and specifies the information to be included on it. The bill removes both ODJFS's authority to define "authorized representative" and the required form, but permits ODJFS to adopt rules as needed that contain guidelines regarding disclosure of public assistance information.

To law enforcement

(R.C. 5101.28)

Under continuing law, ODJFS, CDJFSs, and PCSAs must share information regarding public assistance recipients with law enforcement agencies.

The bill eliminates the civil immunity granted to ODJFS, CDJFSs, PCSAs, and their officers and employees from liability for harm that results from releasing such information, while retaining general provisions of law regarding civil immunity.

The bill 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 bill, 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.

Definitions

(R.C. 5101.26 and 5101.28)

In continuing law that requires a law enforcement agency to provide, on request of ODJFS, a CDJFS, or a PCSA, information to enable them to determine whether a public assistance recipient is a "fugitive felon," the bill replaces "fugitive felon" with "fleeing felon." It broadens the term's meaning to include not only someone fleeing to avoid prosecution or custody after conviction for a felony, but also custody before conviction and violating a condition of probation or parole. Note that under Ohio's Criminal Sentencing Law, individuals convicted of a misdemeanor, as well as those convicted of a felony, may be sentenced to probation. The bill authorizes ODJFS to adopt rules regarding the verification of fleeing felon status.

The bill broadens the definition of "law enforcement agency" to mean the office of a sheriff, the Ohio State Highway Patrol (OSHP), 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. It also broadens the definition of "public assistance" to mean a program financed with federal, state, or local funds to provide money or vendor payments for families or individuals on the basis of need and other eligibility conditions, rather than listing Revised Code chapters under which ODJFS-administered public assistance is provided.

UNEMPLOYMENT

Identity verification

(R.C. 4141.28)

The bill requires an individual filing an application for determination of benefit rights for unemployment compensation to furnish proof of identity at the time of filing in the manner prescribed by the ODJFS Director. The Director must adopt rules to prescribe the manner in which an applicant must furnish the proof of identity.

Under continuing law, determining eligibility for unemployment benefits is a two-phase process. In the first phase, an individual files an initial application for a determination of benefit rights, which generally examines whether the individual worked and earned enough to be

eligible for benefits (“monetary eligibility”). This application is used to establish the individual’s benefit year, which is the 52-week period during which the individual may file claims for benefits based on satisfying the monetary eligibility requirements. After filing a valid initial application and establishing a benefit year, an individual enters the second phase of the process. In the second phase, the individual must file a claim for benefits each week the individual seeks benefits during the benefit year. At this point, the individual must satisfy “nonmonetary requirements.” The nonmonetary requirements concern filing appropriate paperwork, the reason why the individual is unemployed, and work search requirements.¹⁰⁴

Benefit reductions based on receiving certain pay

(R.C. 4141.31)

The bill requires a claimant’s unemployment benefits for any week of unemployment be 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 bill 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 amount 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 amount of remuneration is less than the claimant’s weekly benefit amount, continuing law requires the amount of remuneration that exceeds 20% of the claimant’s weekly benefit to be deducted for that week. Under current law, holiday pay and bonuses are considered remuneration and the amount of those forms of remuneration that exceeds 20% of the claimant’s weekly benefit is deducted for that week.¹⁰⁵

Disclosure of information

(R.C. 4141.21 and 4141.43)

The bill specifies that information maintained by the ODJFS Director or the Unemployment Compensation Review Commission (UCRC) or furnished to the Director or UCRC by employers and employees under the Unemployment Compensation Law is not a public record under the Ohio Public Records Act.¹⁰⁶ This is consistent with law that specifies that the information is for the exclusive use and information of ODJFS and the UCRC and may not be disclosed unless an exception applies.

¹⁰⁴ R.C. 4141.28 and R.C. 4141.01 and 4141.29, not in the bill.

¹⁰⁵ R.C. 4141.30(C), not in the bill.

¹⁰⁶ R.C. 149.43.

The bill eliminates the following exemptions from the prohibition on disclosure and instead allows the ODJFS Director to adopt rules to allow for these disclosures that conform to federal law requirements:

- The release of information pursuant to the continuing law Income and Eligibility Verification System;¹⁰⁷
- The release of information and records necessary or useful in a claim determination or necessary in verifying a charge to an employer's account for examination and use by the employer and the employee involved or their authorized representatives in the hearing of these cases;
- The release of information in statistical form for the use and information of the public or an agency or other entity;
- The release of information to a consumer reporting agency.

Additionally, the bill allows the ODJFS Director to adopt rules to allow for disclosure of information that conform to federal law requirements, including rules that allow for the following new exceptions to the general disclosure prohibition:

- The release of information by the ODJFS Director's or UCRC's consent;
- The release of information in accordance with an order of a judge of a court of record (current law prohibits such disclosure unless the action arises under the Unemployment Compensation Law);
- The release of information in accordance with law that applies to a state agency that maintains a personal information system;¹⁰⁸
- The release of information about an individual or employer to that individual or employer, or the individual's or employer's authorized representative, on request;
- The release of information to federal or state public official, or an agent or contractor of such an official, for use in performance of official duties, including research related to those duties;
- The release of information pursuant to a subpoena issued by a local, state, or federal government official, other than a clerk of court on behalf of a litigant;
- The release of information to a prosecuting authority, law enforcement officer, or law enforcement agency if the ODJFS Director determines that providing the information is in the best interests of the public and does not interfere with the efficient administration of ODJFS;

¹⁰⁷ R.C. 4141.162, not in the bill.

¹⁰⁸ R.C. 1347.08, not in the bill.

- The release of information pursuant to a federal law requirement.

The bill's allowance for disclosures in accordance with the ODJFS Director's rules replaces law that simply allows the Director to cooperate with departments and agencies in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The bill also eliminates the ODJFS Director's authority 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 bill prohibits disclosure of information maintained by the ODJFS Director or UCRC 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. This prohibition appears to be consistent with current law.

Participation in certain federal programs

(R.C. 4141.43)

The bill 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 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 bill makes surety bonds the only acceptable form of that collateral. Thus, it eliminates the ability to submit other forms of collateral approved by the Director, such as bonds and securities.

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."¹⁰⁹

¹⁰⁹ R.C. 4141.01(L), not in the bill.

Notification to exempt nonprofit employees

(R.C. 4141.02)

The bill 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.¹¹⁰

OTHER PROVISIONS

Workforce report for horizontal well production

(Repealed R.C. 6301.12)

The bill eliminates the requirement that the Office of Workforce Development within ODJFS prepare an annual workforce report for horizontal well production. Under that law, the Office must 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.

Office of the 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 bill eliminates the Office of the Migrant Agricultural Ombudsperson established under the authority of the ODJFS Director. Current law requires the Migrant Agricultural Ombudsperson to oversee agricultural labor camps in Ohio, including collecting and disseminating information regarding housing for migrant agricultural laborers and agricultural labor camps, becoming familiar with state and federal laws and programs concerning migrant agricultural laborers and agricultural labor camps, receiving and referring complaints or questions, and preparing an annual report regarding migrant agricultural labor conditions and recommendations for change.

Current law also allows a person to report a violation regarding agricultural labor camps – including a violation of the Minor Labor Law¹¹¹ or Minimum Fair Wage Standards Law¹¹² – to the Ombudsperson. The bill instead 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.

¹¹⁰ R.C. 4141.01(A)(1)(a) and (4), not in the bill.

¹¹¹ R.C. Chapter 4109.

¹¹² R.C. Chapter 4111.

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, 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.¹¹³

¹¹³ 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](#).