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## DEPARTMENT OF CHILDREN AND YOUTH

### I. Child Care

#### Publicly funded child care (PFCC)

##### Eligibility

- Raises the maximum amount of family income for initial PFCC eligibility from 145% to 160% of the federal poverty line, and from 150% to 160% for special needs child care, until June 30, 2027.
- Repeals provisions that allow an applicant to receive PFCC while a county department of job and family services (CDJFS) determines the applicant's eligibility.

##### Eligibility period for homeless child care

- Expands to 12 months (from a maximum of 90 days) the period for which a family is eligible for homeless child care.

##### Provider payment

###### Prospective payment

- Requires payment to PFCC providers to be made prospectively, by changing references from "reimbursement" to "payment" in the PFCC laws.

###### Payment rates

- Increases PFCC provider payments from the rate the provider customarily charges for providing child care to the payment rate established by the Department of Children and Youth (DCY) in rules for PFCC providers that customarily charge below the payment rate.

###### Adjustments to payment rates

- Requires DCY to contract with a third-party entity to analyze child care prices for purposes of adjusting payment rates for PFCC providers in even-numbered years.

##### Eligibility period for homeless child care

- Expands to 12 months (from a maximum of 90 days) the period for which a family is eligible for homeless child care.

##### In-home aide continuous certification

- Removes the requirement that an in-home aide be recertified every two years.

#### Child Care Choice Voucher Program

- Requires DCY to establish the Child Care Choice Voucher Program to provide vouchers to eligible families to assist them with child care costs.

## **Early Childhood Education Grant Program**

- Codifies the Early Childhood Education Grant Program and establishes it in the DCY, with the aim of supporting and investing in Ohio’s early learning and development programs.
- Establishes eligibility conditions for participation, including that an early learning and development program (1) satisfy quality standards specified by the DCY Director, and (2) provide early learning and development services to one or more preschool-aged children with family incomes not exceeding 200% of the federal poverty line.
- Generally requires funds appropriated to the program to be distributed to grant recipients, and prohibits more than 2% to be used for program support and technical assistance.
- Requires the DCY Director to adopt rules to administer the program, including rules addressing (1) eligibility conditions and other requirements, (2) standards, procedures, and requirements for applying for and distributing funds to grant recipients, and (3) methods by which DCY may recover any erroneous payments.

## **Transfer preschool reporting to DCY**

- Requires DCY alone, instead of with the Department of Education and Workforce, to provide consultation and technical assistance and in-service training to, and annually inspect and report on, each preschool and school child program operated by specified entities.

## **Ohio professional registry**

- Requires the DCY Director to contract with a third party to develop a registry information system to provide training and professional development opportunities to early learning and development program employees.

## **II. Child Welfare**

### **Summary suspension of the certificate of an institution or association**

- Allows DCY to suspend the certificate of an institution or association (defined generally under existing law as an entity or individual, such as a foster caregiver, receiving or caring for children for two or more consecutive weeks) without a prior hearing for specified reasons primarily related to the actual or risk of harm to a child under the care and supervision of the institution or association.

### **Regional wellness campuses**

- Requires DCY to assist with the establishment of regional child wellness campuses, entities serving children and youth who are in the custody of a public children services agency but not yet placed in a licensed residential setting.

## **Prevention services**

- Changes the beneficiary of prevention services from the child to the family in existing law provisions regarding referrals by a PCSA and the disclosure to a prevention services provider of confidential information discovered during an investigation.
- Specifies that if a family is determined to benefit from prevention services, the PCSA *may* make a referral to a provider, *if available* (instead of requiring referral).

## **Mandatory reporter of child abuse and neglect**

- Adds an employee of an entity providing home visiting services under the Help Me Grow program as a mandated reporter of child abuse and neglect.

## **Request for proposals to establish rate cards**

- Allows DCY to issue a request for proposals to establish statewide rate cards for placement and care of children eligible for foster care maintenance payments.
- Requires, if a request for proposals is issued, DCY to review and accept the reasonable costs to cover specified requirements for each child eligible for foster care maintenance payments.
- Allows, instead of requires as in current law, DCY to establish (1) a form for agencies or entities that provide placement services to children to report costs reimbursable under Title IV-E and Medicaid and (2) procedures to monitor the cost reports.

## **Benefits to children under the custody of a Title IV-E agency**

- Requires a Title IV-E agency that receives care and placement of a child to determine if the child is eligible for or receives certain benefits, including payments from the Social Security Administration and survivor benefits from the U.S. Department of Veterans Affairs and the state retirement systems.
- Prohibits a Title IV-E agency from using those benefits to pay for or reimburse the agency, county, or state for any cost of the child's care.

## **Foster care adoption waiting period removal**

- Removes the six-month waiting period from the current law requirement that a foster child reside in a foster caregiver's home for *at least six months* before a foster caregiver (1) may submit an application to adopt the child and (2) is exempt from adoption home study requirements.

## **Ohio Adoption Grant Program changes**

- Requires that grants be made to eligible applicants only to the extent state funds are available for this purpose.
- Requires the adoptive parent to be an Ohio resident at the time the adoption was finalized to be eligible for a grant.

- Specifies that a person who produces or submits false or misleading documentation or information to DCY for the purpose of receiving a grant is guilty of the crime of falsification, a first degree misdemeanor.
- Maintains confidentiality of records that are confidential under continuing federal or state law when they are provided to DCY as part of a grant application.

### **Removal of Kinship Support Program from state hearing rights**

- Removes the Kinship Support Program from a list of assistance programs for which a determination of denial or termination by DCY is subject to a state hearing.

## **Ohio Children's Trust Fund**

### **Child abuse and child neglect regional prevention councils**

- Eliminates existing law dividing the state into eight child abuse and child neglect prevention regions and listing the counties encompassing each region and instead requires the Ohio Children's Trust Fund (OCTF) Board, in consultation with DCY, to determine the number of regions and the counties within each region.
- Reduces the term of each member of a child abuse and child neglect regional prevention council appointed by the OCTF Board from three years to two years.
- Allows a council member selected as chairperson of a council to be reappointed to a second term by the original appointing authority.
- Clarifies that the reappointment of a chairperson by a board of county commissioners is not considered to be an appointment under an existing law provision that allows a board of county commissioners to appoint up to two members to a council.
- Permits (instead of requires) the OCTF Board to select a regional prevention coordinator to oversee each child abuse and child neglect regional prevention council.
- Requires OCTF staff to serve as regional prevention coordinator for any region without a coordinator that has been selected by the Board.

### **Start-up costs for children's advocacy centers**

- Allows an entity seeking to establish a children's advocacy center to request a one-time payment of up to \$5,000 from the OCTF Board to be used towards start-up costs.

## **III. Councils**

### **County family and children first councils.**

- Removes the prohibition that an individual whose family receives or has received services from an agency represented on a county family and children first council cannot serve on the county council if the individual is employed by an agency represented on the council, but requires such an individual to complete a conflict of interest disclosure form and abstain from votes that involve the individual's employer.

- Permits (rather than requires) the number of county council members representing families to equal 20% of a council's membership.
- Authorizes district level administrative designees to serve on a council instead of the superintendent of the school district with the largest number of pupils in the county and another superintendent representing other districts.
- Permits (rather than requires) the administrative agent of a county council to send notice to specified persons when a member has been absent from a specified number of meetings.

### **Advisory councils consolidation**

- Requires the Governor to create and appoint members to the Children and Youth Advisory Council, replacing the Early Childhood Advisory Council, the Ohio Home Visiting Consortium, the Early Intervention Services Advisory Council, and the Child Care Advisory Council.
- States that the purpose of the Council is to advise the Governor regarding prenatal and child-serving systems and to serve as the state advisory council on early childhood education and care and the state interagency coordinating council required by federal law.
- Requires the Council to create topic-specific advisory groups addressing at least the following: early childhood education and care, children services, maternal and infant vitality, early childhood mental health services and supports, and early intervention services.

## **IV. DCY duties**

### **Autism services contracts**

- Requires DCY – when applicable – to contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities.
- Requires the DCY Director to give primary consideration to the Ohio Center for Autism and Low Incidence as the contracting entity.

### **Biennial summit on home visiting**

- Repeals law requiring DCY to facilitate, and allocate funds for, a biennial summit on home visiting.

### **DCY transfers, recodification, and conforming changes**

- Makes conforming changes and technical corrections to reflect the transfer of various duties and responsibilities to DCY in H.B. 133 of the 135<sup>th</sup> General Assembly.
- Removes obsolete language.

- Relocates and recodifies numerous Revised Code sections that relate to the duties and responsibilities of DCY to the DCY chapter of the Revised Code (Chapter 5180) and makes conforming changes as a result.
- Transfers or adds responsibility regarding certain programs to DCY.

## **I. Child Care**

### **Publicly funded child care (PFCC)**

#### **Eligibility**

(R.C. 5104.32, 5104.34, and 5104.38; Section 423.230)

First, the bill revises the law governing income eligibility for PFCC through June 30, 2027. Until then, the maximum amount of income that a family may have for initial eligibility must not exceed 160% of the federal poverty line. H.B. 33, the main operating budget for the FY 2024-FY 2025 biennium, set the maximum amount for initial eligibility at 145% until June 30, 2025.

For special needs child care, the bill specifies that the maximum amount of family income for initial eligibility must not exceed 160% of the federal poverty line. The limit set by H.B. 33 was 150%.

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

Second, the bill repeals law that allows an applicant to receive PFCC while a county department of job and family services (CDJFS) determines the applicant's eligibility. Existing law allows an applicant to do this once in a 12-month period. Included in this repeal are the following provisions:

- A requirement for a PFCC contract to specify that if the county department determines that an applicant is eligible for PFCC, a child care provider must be paid for all child care provided between the date the CDJFS receives the individual's completed application and the date the individual's eligibility is determined;
- If the county department determines that an applicant is not eligible for PFCC, a requirement for a provider to be paid for providing PFCC for up to five days after the determination, if the CDJFS received a completed application with all required documentation;
- The ability for a program to appeal a denial of payment from a CDJFS;
- A requirement for DCY to adopt rules to establish procedures for an applicant to receive PFCC while the county department determines eligibility and for a provider to appeal a denial of payment.

## **Eligibility period for homeless child care**

(R.C. 5104.41)

The bill expands the period for which a family is eligible for homeless child care to 12 months. Under current law a family otherwise ineligible for publicly funded child care is eligible for homeless child care for the lesser of the following: not more than ninety (90) days or the period of time they reside in an emergency shelter for homeless families or in which the county department determines they are homeless. This extension aligns Ohio law with the federal Child Care and Development Block Grant Act requirements that eligible families receive 12 months of child care assistance before eligibility is redetermined.<sup>16</sup>

## **Provider payments**

### **Prospective payment**

(R.C. 5104.30, 5104.32, 5104.34, and 5104.38)

The bill makes changes regarding PFCC payment. First, the bill requires payments to PFCC providers to be made prospectively by changing references from “reimbursement” to “payment” in the PFCC laws.

### **Payment rates**

(R.C. 5104.32 and 5104.38)

Additionally, the bill repeals law requiring a contract for PFCC to specify that the provider agrees to be paid for rendering services at the lower of: (1) the rate that the provider customarily charges for child care or (2) the reimbursement rate of payment established by DCY rules. The bill requires the contract to specify that the provider agrees to be paid for rendering services at the rate established by DCY rules. The result of this change is that a provider that customarily charges less than the payment rate established by DCY rules will receive the DCY rate for providing PFCC rather than the lower rate the provider customarily charges.

### **Adjustments to payment rates**

(R.C. 5104.30 and 5104.302 (primary))

While maintaining the current law requirement that the DCY Director establish by rule in each odd-numbered year payment rates for PFCC providers, the bill requires the Director to contract with a third-party entity to analyze child care price information for the subsequent even-numbered year. When analyzing the information, the third-party entity may consider DCY’s most recent market rate survey or alternative methodology developed and conducted in accordance with federal rules. Based on the information analyzed, the Director may then adjust the provider payment rates for the even-numbered year, with adjustments to be made in rule.

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<sup>16</sup> 42 United States Code (U.S.C.) 9858c(c)(2)(N)(i)(I) and 45 C.F.R. §98.21(a).

## **In-home aide continuous certification**

(R.C. 5104.12)

The bill removes the requirement for in-home aides to renew certification every two years. Continuous licensure is already available to other child care provider types. An in-home aide is a person who (1) is certified by a county director of job and family services to provide publicly funded child care in a child's own home and (2) does not reside with the child.

## **Child Care Choice Voucher Program**

(Section 423.190)

The bill requires DCY to establish and administer the Child Care Choice Voucher Program. Subject to available funds, the program is to provide support, in the form of vouchers, to eligible families to assist them with child care costs.

To be eligible to participate in the program, a family must meet all of the following conditions:

1. The caretaker parent is employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving child care;
2. The family does not meet the income conditions for initial eligibility under the publicly funded child care program administered by the Department, but the maximum amount of the family's income does not exceed 200% of the federal poverty line;
3. The family meets any other condition established by the Department.

In providing vouchers under this section, the program must utilize, not later than November 1, 2026, the payment rates established for the DCY's publicly funded child care program. DCY launched the Child Care Choice Voucher Program administratively in April 2024.

## **Early Childhood Education Grant Program**

(R.C. 5104.01, 5104.29, 5104.38, and 5104.60 (primary))

The bill codifies the Early Childhood Education Grant Program and establishes it in DCY, with the aim of supporting and investing in Ohio's early learning and development programs. For purposes of the bill, an early learning and development program includes a licensed child care center, licensed family child care home, and licensed preschool. Subject to available funds, grants are to be awarded to programs meeting the bill's eligibility conditions and in amounts that correspond to the number of eligible children served by the programs.

### **Eligibility**

To be eligible for a grant, an early learning and development program must demonstrate all of the following:

- That the program is rated through the Step Up to Quality Program at the ratings tier specified by the DCY Director in rules;



- That the program provides early learning and development services to one or more preschool-aged children, defined to mean children aged three or older but not yet enrolled, or eligible to enroll, in kindergarten;
- That the program meets any other eligibility condition specified by the Director in rules.

In addition to establishing eligibility conditions for early learning and development program eligibility, the bill also sets them for the preschool children receiving services from those programs. If a slot is available, a preschool child is eligible to participate in the grant program if the child's family income does not exceed 200% of the federal poverty line. Alternatively, a child is eligible – regardless of family income – if an individualized education program (IEP) has been developed for the child, the child is placed in foster or kinship care, or the child is homeless.

A preschool child also must be a U.S. citizen or qualified alien and meet any other eligibility condition set by the Director in rules.

### **Distribution of funds**

The bill generally requires funds appropriated to the program to be distributed to grant recipients, and prohibits more than 2% to be used for program support and technical assistance.

### **Rulemaking**

The Director is required to adopt rules to administer the program, including rules addressing:

- Eligibility conditions and other requirements for early learning and development programs, including the Step Up to Quality ratings tier, and for preschool children;
- Standards, procedures, and requirements for applying for and distributing funds to grant recipients;
- Methods by which DCY may recover any erroneous payments.

### **Transfer preschool reporting to DCY**

(R.C. 3301.57)

The bill transfers existing oversight obligations for preschool and school child programs from the joint responsibility of DCY and the Department of Education and Workforce to DCY alone. Transferred oversight obligations include:

1. Providing consultation and technical assistance to school districts, county boards of developmental disabilities, community schools, authorized private before and after school care programs, and eligible nonpublic schools operating preschool programs or school child programs;
2. Providing in-service training to staff members and nonteaching employees of those entities;
3. Inspecting each preschool program or licensed school child program at least once per year; and

4. Preparing an annual report on inspections and filing the report with the Governor, Senate President and Minority Leader, and Speaker and Minority Leader of the House of Representatives by January 1 of each year.

## **Ohio professional registry**

(R.C. 5104.60)

The bill requires the DCY Director to contract with a third-party entity to develop a registry information system to provide – on an ongoing basis – training and professional development opportunities to employees of early learning and development programs that are funded under the federal Child Care and Development Block Grant. The bill names the registry information system the Ohio Professional Registry.

The registry information system must comply with requirements set forth in the federal Child Care and Development Block Grant Act<sup>17</sup> and regulations adopted under it. The Director, when contracting with a third-party entity, must give primary consideration to the Ohio Child Care Resource and Referral Association (OCCRRA).

If selected as the third-party entity, OCCRRA may utilize the registry information system that it had established prior to the bill's effective date, but on the condition that the Director determines that that system's principal goals and mission are consistent with the federal Child Care and Development Block Grant Act and its regulations.

## **II. Child Welfare**

### **Summary suspension of the certificate of an institution or association**

(R.C. 5103.039)

The bill allows DCY to suspend the certificate of an institution or association, including a foster caregiver, without a prior hearing under certain circumstances. Existing law generally defines an institution or association as a public or private entity or a nonrelative individual (including the operator of a foster home) receiving or caring for children for two or more consecutive weeks.<sup>18</sup>

The bill specifies the following as circumstances for suspension:

- A child dies or suffers a serious injury while placed or residing with the institution or association, including a foster home.
- A public children services agency (PCSA) receives a report of abuse or neglect, and the person alleged to have inflicted the abuse or neglect and is the subject of the report is any of the following:

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<sup>17</sup> 42 U.S.C. 9857 to 9858r.

<sup>18</sup> R.C. 5103.02(A)(1).

- A principal of the institution or association;
- An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment;
- For a foster home, any person who resides in the home.
- One of the following individuals is charged by an indictment, information, or complaint with an offense relating to the death, injury, abuse, or neglect of a child:
  - A principal of the institution or association;
  - An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment.
- DCY, the recommending agency, a PCSA, or a CDJFS determines that a principal, employee, or volunteer of the institution or association, including a foster caregiver, or a resident of the foster home, created a serious risk to the health or safety of a child placed therein that resulted in or could have resulted in a child's death or injury.
- DCY determines that the owner of the institution or association or foster caregiver does not meet: (a) the criminal records check requirements for a person employed or appointed to be responsible for a child's care in out-of-home care, (b) the background check requirements for subcontractors, interns, or volunteers at an institution or association, or (c) the criminal records check requirements for a person to be appointed or employed in a residential facility.

The bill defines a principal as any of the following:

- The institution or association's administrator or director;
- The institution or association's owners or partners;
- Members of the institution's or association's governing body;
- A foster caregiver.

If DCY suspends a license without a prior hearing, the Department must comply with existing law notice requirements and a principal of an institution or association, including a foster caregiver, may request an adjudicatory hearing. Notice and hearing must be conducted pursuant to the Administrative Procedure Act. If a hearing is requested and DCY does not issue its final adjudication order within 120 days after the suspension, the suspension is void on the 121<sup>st</sup> day, unless the hearing is continued on agreement by the parties or for good cause.

A summary suspension remains in effect until any of the following occurs:

- The PCSA completes its investigation of the report of abuse and neglect and determines that all of the allegations are unsubstantiated.
- All criminal charges are disposed of through dismissal or a finding of not guilty.
- DCY issues a final order terminating the suspension in accordance with the Administrative Procedure Act.

The bill prohibits an institution or association from accepting the placement of children while a summary suspension remains in effect. Upon issuing the order of suspension, DCY must place a hold on the certificate or indicate that the certificate is suspended in the Statewide Automated Child Welfare Information System.

The bill allows the DCY Director to adopt rules in accordance with the Administrative Procedure Act to establish standards and procedures for the summary suspension of certificates. The bill also specifies that these provisions do not limit DCY's authority to revoke a certificate under existing law adjudication procedures.

## **Regional wellness campuses**

(Section 423.120)

The bill requires DCY to assist with the establishment of regional child wellness campuses. DCY must provide one-time funding to establish such campuses across the state to serve children and youth who are (1) in the custody of a public children services agency, (2) not yet placed in a licensed residential setting, and (3) spending one or more nights in an unlicensed setting.

For children in crisis, regional child wellness campuses must support them in or near the communities in which the children reside and must create additional capacity for short-term treatment.

DCY is to select entities to serve as regional wellness campuses after a competitive application. To be eligible, an entity must provide proof of local funding commitments that fulfill all necessary start-up costs as well as ongoing community commitments to ensure timely and appropriate delivery of services to meet the needs of the child, their family, and the community.

## **Prevention services**

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

The bill changes the intended beneficiary of prevention services and allows, instead of requires, a PCSA to make a prevention services referral. Under existing law, when a PCSA makes a report and determines after an investigation that a child is a candidate for prevention services, the PCSA must refer the report for assessment and services to an agency providing prevention services. This act fulfills a PCSA responsibility to make efforts to prevent neglect or abuse, enhance a child's welfare, and preserve the family unit intact. Existing law also allows a PCSA to disclose confidential information discovered during an investigation to any federal, state, or local government entity that needs the information to carry out its responsibilities to protect children from abuse or neglect. These governmental entities include any appropriate military authority or an agency providing prevention services to a child.

First, the bill specifies that prevention services are provided to the *family*, instead of just the child. The bill changes this specification in the law regarding referrals and the disclosure of confidential information to a prevention services provider.

Second, the bill allows, but no longer requires, PCSAs to make referrals for prevention services if a family is determined to benefit from those services. The bill also adds as a qualifier that a PCSA may make referrals if appropriate prevention services are available from a local

provider or other reasonable source. Because of this change, the bill also clarifies that an existing PCSA duty to enter into a contract with an agency providing prevention services applies only when referring a family for prevention services.

## **Mandatory reporter of child abuse and neglect**

(R.C. 2151.421)

The bill adds an employee of an entity providing home visiting services under the Help Me Grow program as a mandated reporter of child abuse and neglect. The Help Me Grow program is the state's evidence-based parent support program that encourages early prenatal and well-baby care and provides parenting education to promote the comprehensive health and development of children. The program provides home visiting services to families with a pregnant woman or child under five years of age that meet certain eligibility requirements.<sup>19</sup>

## **Request for proposals to establish rate cards**

(R.C. 5101.141 (5180.42) and 5101.145 (5180.422))

The bill allows DCY to issue a request for proposals to establish statewide rate cards for placement and care of children eligible for foster care maintenance payments. If a request for proposals is issued, DCY must review and accept the reasonable cost of covering the following under continuing law: (1) a child's food, clothing, shelter, daily supervision, school supplies, personal incidentals, and reasonable travel to a child's home for visitation, (2) liability insurance with respect to the child and services provided under any federal Title IV-E demonstration project, and (3) with respect to a child in a child-care institution, such as a group home, administration and operating costs.

Additionally, the bill allows (rather than requires as in current law) DCY to establish (1) a single form for the agencies or entities that provide placement services to children to report costs reimbursable under Title IV-E and Medicaid, and (2) procedures to monitor the cost reports submitted by the agencies or entities.

## **Benefits to children under the custody of a Title IV-E agency**

(R.C. 5103.09)

The bill requires a Title IV-E agency that receives care and placement of a child to determine if the child is eligible for or receives payments or survivor benefits administered by any of the following:

- The U.S. Social Security Administration;
- The U.S. Department of Veterans Affairs;
- The Ohio Public Employee Retirement System;
- The Ohio Police and Fire Pension Fund;

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<sup>19</sup> R.C. 5180.21.

- The State Teachers Retirement System of Ohio;
- The School Employees Retirement System of Ohio;
- The Ohio Highway Patrol Retirement System.

If the child is eligible for or receiving those benefits, the agency is prohibited from using the child's benefits to pay for or reimburse the agency, county, or state for any cost of the child's care. The bill allows DCY to adopt rules in accordance with R.C. 111.15 rulemaking provisions to implement these requirements, including the establishment of any new procedures that are necessary to assist a Title IV-E agency with compliance.

The bill adopts the existing law definition of a "Title IV-E agency," which is a public children services agency or a public entity with which JFS or DCY have a Title IV-E subgrant agreement in effect.<sup>20</sup>

## **Foster care adoption waiting period removal**

(R.C. 3107.012 and 3107.031)

The bill removes the six-month waiting period from the current law requirement that a foster child must reside in a foster caregiver's home for at least six months before the foster caregiver (1) may submit an adoption application for the foster child, and (2) is exempt from home study requirements for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt.

## **Ohio Adoption Grant Program changes**

(R.C. 2921.13, 5101.191 (5180.451), 5101.192 (5180.452), 5101.193 (5180.453), and 5101.194 (5180.454))

Continuing law requires that the DCY Director must provide *one, but not both* (changed to *either* by the bill), of the following one-time payments for an adopted child to the child's adoptive parent if specified requirements are satisfied regarding the child:

1. \$10,000;
2. \$15,000, if the parent was a foster caregiver for the child prior to adoption.

The bill specifies that the grant must be provided to all eligible applicants to the extent state funds are available for this purpose.

The bill adds the requirement that, to receive a grant, the adoptive parent must have been an Ohio resident at the time the adoption was finalized. Under continuing law, to be eligible to receive a grant, all of the following must be satisfied:

1. The adoptive parent cannot have previously received a grant from the program for the same child;

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<sup>20</sup> R.C. 5101.132, renumbered to 5180.402 in the bill.

2. The adoptive parent cannot claim a formerly available adoption tax credit for the adopted child;
3. The adoptive parent must apply for the grant within one year after the adoption is finalized;
4. The adoption cannot be a stepparent adoption; and
5. The adoption must have been finalized on or after January 1, 2023.

The bill prohibits any person from knowingly producing or submitting any false or misleading documentation or information to DCY in an effort to qualify for or obtain a grant. Whoever violates the prohibition is guilty of falsification, a first degree misdemeanor.

Continuing law allows the DCY Director to require one or both of the following, as necessary to administer the Grant Program: (1) the submission of court or other documents necessary to prove the adoption, (2) any department, agency, or division of the state to provide any document related to the adoption. The bill makes the following changes to those requirements:

1. Clarifies that any court or legal documents necessary to prove an adoption must be *certified copies*.
2. Adds that any court, in addition to any department, agency, or state division may be required to provide any document related to the adoption.

Additionally, the bill states that any document provided to DCY as part of a grant application remains confidential if it was confidential under any state or federal law before being provided.

## **Removal of Kinship Support Program from state hearing rights**

(R.C. 5101.1411 (5180.428))

The bill removes the option for a state hearing when DCY denies or terminates payments under the Kinship Support Program. Existing law, unchanged by the bill, generally requires that an individual who appeals a decision or order of an agency administering a family services program under federal or state law be granted a state hearing at the individual's request.<sup>21</sup> The bill, therefore, removes an individual's ability to appeal a determination regarding the Kinship Support Program. Other programs under this section that are still subject to a state hearing are foster care assistance, kinship guardianship assistance, and adoption assistance payments.

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<sup>21</sup> R.C. 5101.35.

## Ohio Children's Trust Fund

(R.C. 3109.171, 3109.172, 3109.173, and 3109.178; Section 731.10)

### **Child abuse and child neglect regional prevention councils**

The bill makes changes regarding child abuse and child neglect regional prevention councils, including the elimination of existing child abuse and child neglect prevention regions, changes to council member terms and appointments, and changes to the selection of a regional coordinator to a council. Under existing law, one of the duties of the Ohio Children's Trust Fund (OCTF) Board is to establish a strategic plan for child abuse and child neglect prevention. In developing and carrying out the plan, the Board must implement child abuse and neglect prevention programs.<sup>22</sup> The law establishes child abuse and child neglect prevention regions to administer this programming.<sup>23</sup> Each region must have a child abuse and child neglect regional prevention council. The OCTF Board and boards of county commissioners must appoint county prevention specialists as members to each council. These specialists include professionals who work in child welfare, health care, and other relevant areas that provide services to children.<sup>24</sup>

The bill eliminates existing law establishing eight child abuse and child neglect prevention regions and the counties encompassing each region. It instead requires the OCTF Board, in consultation with DCY, to determine the number of regions and the counties within each region. Each county in the state must be included in a region.

The bill reduces the term of a member of a child abuse and child neglect regional prevention council appointed by the OCTF Board from three years to two years. Under existing law, each board of county commissioners within a region may appoint up to two county prevention specialists representing the county, and the OCTF Board may appoint additional members at the Board's discretion. The bill maintains the two-year terms for council members appointed by a board of county commissioners. The bill also clarifies that, notwithstanding this reduction in term for OCTF Board-appointed members, a member serving on the council on the effective date of the bill may complete the member's term of office.

The bill clarifies that a council member selected as chairperson of a council is eligible to be reappointed by the original appointing authority, and that the reappointment of a chairperson by a board of county commissioners is not considered to be one of the two appointments that a board of commissioners is allotted. Under existing law, a chairperson must be selected by the council's regional prevention coordinator from among the county prevention specialists serving on the council.

Finally, the bill allows, rather than requires, the OCTF Board to select a regional prevention coordinator for a child abuse and child neglect regional prevention council through a competitive selection process. Under existing law, each regional prevention council must be

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<sup>22</sup> R.C. 3109.17, not in the bill.

<sup>23</sup> R.C. 3109.171.

<sup>24</sup> R.C. 3109.172.



under the direction of a regional prevention coordinator. The bill requires OCTF staff to serve as coordinator for any region for which the Board has not selected a regional coordinator through a competitive selection process.

### **Start-up costs for children's advocacy centers**

The bill allows an entity to request a one-time payment of up to \$5,000 from the OCTF Board for start-up costs to establish and operate a children's advocacy center that will serve at least one county. Existing law allows a child abuse and child neglect regional prevention council to request this money for each county within the council's region. In authorizing the entity seeking to establish the center to request the money instead of a regional prevention council, the bill also eliminates a requirement that a children's advocacy center must serve each county in the council's region or two or more contiguous counties within the region.

## **III. Councils**

### **County family and children first councils**

(R.C. 121.37)

The bill makes several changes to the membership requirements for county family and children first councils, the purpose of which is to streamline and coordinate existing government services for families seeking assistance for their children. It removes the prohibition that an individual whose family receives or has received services from an agency represented on a county council cannot serve on the council if the individual is employed by an agency represented on the council. However, the bill requires that if such an individual is employed by an agency represented on the council, the individual must complete a conflict of interest disclosure form and abstain from any vote that involves the individual's employer. County councils are allowed, rather than being required as in current law, to have 20% of its membership be members representing families, where possible. Finally, district-level administrative designees with decision making authority can be included as county council members. The designees are alternatives to the continuing law requirement that membership include (1) the superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the Department of Education and Workforce, and (2) a school superintendent representing all other school districts with territory in the county, as designated by the superintendents of those districts.

The bill also allows, rather than requires as in current law, a county council's administrative agent to send notice of a member's absence to the board of county commissioners and other persons or entities specified in continuing law if the member has been absent from either three consecutive meetings of the county council or a subcommittee or from 1/4 of such meetings in a calendar year, whichever is less.

## Advisory council consolidation

(R.C. 5104.39, 5104.50(5180.04), 5180.21, and R.C. 5180.22; repealed R.C. 5104.08, 5180.23, and 5180.34)

The bill requires the Governor to create the Children and Youth Advisory Council. The Council is responsible for advising the Governor on the availability, accessibility, affordability, and quality of services provided through the prenatal and child-serving systems. This includes fostering a continuum of care that promotes family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

The Council also fulfills two federal obligations. It serves as the state advisory council on early childhood education and care required for participation in Head Start, which promotes school readiness for young children from income-eligible families.<sup>25</sup> It also serves as the state interagency coordinating council for early intervention services, which provide services to infants and toddlers with disabilities or developmental delays.<sup>26</sup>

The Governor is responsible for appointing up to 25 members to the Council, including representatives from DCY, the Department of Medicaid, the Department of Job and Family Services (JFS), the Department of Behavioral Health, the Department of Education and Workforce (DEW), the Department of Health (ODH), the Department of Developmental Disabilities, and the Department of Youth Services (DYS). Membership of the Council must reasonably represent the population of the state. The Governor must appoint a chairperson, and the DCY Director will serve as co-chair.

The Council must create topic-specific advisory groups addressing a continuum of services, including (1) early childhood education and care, (2) children services, (3) maternal and infant vitality, (4) early childhood mental health services and supports, and (5) early intervention services. A representative of DCY may not serve as the chairperson for any topic-specific advisory group. The Governor may appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy federal requirements.

The Council is not subject to sunset review.

The bill eliminates four existing councils whose functions are largely absorbed by the Children and Youth Advisory Council. The four eliminated councils are (1) the Child Care Advisory Council, which provides advice and assistance regarding the administration and development of child care, (2) the Ohio Home Visiting Consortium, which ensures that home visiting services provided in Ohio are delivered through evidence-based or innovative, promising home visiting models, (3) the Early Intervention Services Advisory Council, which serves as the state interagency coordinating council for early intervention services, and (4) the Early Childhood

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<sup>25</sup> 42 U.S.C. 9837b(b)(1).

<sup>26</sup> 20 U.S.C. 1441.

Advisory Council, which serves as the state advisory council on early childhood education and care and promotes family-centered programs and services.

## **IV. DCY duties**

### **Autism services contracts**

(R.C. 3323.32)

The bill requires DCY – when applicable – to contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The bill does not describe the circumstances that trigger this duty. This requirement mirrors existing law requiring DEW to contract with an entity to administer such programs and coordinate such services, though without using the phrase “when applicable.”

In contracting with an entity, the bill requires the DCY Director, like the DEW Director under current law, to give primary consideration to the Ohio Center for Autism and Low Incidence as the contracting entity.

### **Biennial summit on home visiting**

(R.C. 5180.24, repealed)

Beginning in FY 2026, DCY is required to facilitate, and allocate funds for, a biennial summit on home visiting services. The summit is intended to convene people and government entities involved with the delivery of home visiting services in Ohio and share the latest research on home visiting, discuss strategies regarding evidence-based home visiting models and tobacco use reduction, and present challenges and successes encountered by home visiting programs. The bill repeals this requirement.

### **DCY transfers, conforming changes, and recodification**

(R.C. Chapters 5101 and 5180; conforming changes in numerous other R.C. sections)

The bill makes numerous changes regarding the duties and responsibilities of DCY. Most of the changes are conforming, corrective, or technical. However, the bill also transfers or adds new responsibilities regarding specific programs to DCY.

The bill makes conforming changes and technical corrections to reflect the transfer of various responsibilities to DCY in H.B. 33, the main operating budget of the 135<sup>th</sup> General Assembly. In 2023, H.B. 33 established DCY to serve as the state’s primary children’s services agency. The bill adds references to DCY in sections of law where H.B. 33 transferred various duties, programs, and functions to the agency.

The bill also removes obsolete language related to deadlines to fulfill various duties that have already passed.

Finally, the bill relocates and recodifies numerous Revised Code sections that relate to the duties and responsibilities of DCY to Chapter 5180, the DCY chapter of the Revised Code. The following table outlines the recodification and includes a brief description of each section as well as sections in which cross-references to existing law sections were updated.

DCY recodification			
New R.C. section	Current R.C. section	Description	R.C. sections with cross-reference updates
5180.26	5101.76	Procurement of epinephrine autoinjectors for camps	3728.01, 4729.01, 4729.541, 4730.433, 4723.483, 4731.96
5180.261	5101.77	Procurement of inhalers for camps	4729.541
5180.262	5101.78	Procurement of glucagon for camps	4723.4811, 4729.01, 4729.541, 4730.437, 4731.92
5180.27	3738.01	Pregnancy-Associated Mortality Review Board (PAMR)	121.22, 149.43, 3738.09 (5180.278)
5180.271	3738.02	PAMR: review while criminal investigation is pending	3738.01 (5180.27)
5180.272	3738.03	PAMR: members, quorum, meetings	
5180.273	3738.04	PAMR: reduction of pregnancy-associated deaths	
5180.274	3738.05	PAMR: production of documents; family member participation	
5180.275	3738.06	PAMR: confidentiality	3738.09 (5180.278)
5180.276	3738.07	PAMR: immunity from civil liability	
5180.277	3738.08	PAMR: reports	149.43, 3738.06 (5180.275), 3738.09 (5180.278)
5180.278	3738.09	PAMR: rulemaking	3738.01 (5180.27), 3738.03 (5180.272), 3738.04 (5180.273)
5180.40	5101.13	Statewide Automated Child Welfare Information System (SACWIS): establishment	149.38, 1347.08, 2151.421, 3107.033, 3107.034, 5101.131 (5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 (5180.404), 5101.135 (5180.405), 5101.899, 5103.18

DCY recodification			
New R.C. section	Current R.C. section	Description	R.C. sections with cross-reference updates
5180.401	5101.131	SACWIS: confidentiality	
5180.402	5101.132	SACWIS: access	5101.131 (5180.401) 5101.133 (5180.403), 5101.134 (5101.404), 5103.18
5180.403	5101.133	SACWIS: use and disclosure	5101.134 (5180.404), 5101.99
5180.404	5101.134	SACWIS: rulemaking	5101.133 (5180.403)
5180.405	5101.135	SACWIS: notation of shaken baby syndrome	5180.14
5180.406	5101.136	SACWIS: request for search	
5180.407	5101.137	SACWIS: expungement	
5180.41	5101.14	Payments to counties for children services	
5180.411	5101.144	Children services fund	5101.14 (5180.41), 5101.141 (5180.42), 5705.14
5180.42	5101.141	Administering federal payments for foster care and adoption assistance	2151.45, 2151.451, 5101.141 (5180.42), 5101.145 (5180.422), 5101.146 (5180.423), 5101.1410 (5180.427), 5101.1413 (5180.4210), 5101.1416 (5180.4213), 5101.1417 (5180.4214), 5101.35, 5101.89, 5103.32, 5153.122, 5153.16, 5153.163
5180.421	5101.142	Conducting a demonstration project expanding Title IV-E eligibility	5101.141 (5180.42)
5180.422	5101.145	Rules on financial requirements for agencies that provide Title IV-E placement services	
5180.423	5101.146	Penalties for noncompliance with fiscal accountability procedures	5101.1410 (5180.427)

DCY recodification			
New R.C. section	Current R.C. section	Description	R.C. sections with cross-reference updates
5180.424	5101.147	Notification of noncompliance with fiscal accountability procedures	
5180.425	5101.148	No unnecessary removal of children due to sanction	
5180.426	5101.149	No personal loans from children services fund	
5180.427	5101.1410	Certifying a claim to the Attorney General	
5180.428	5101.1411	Federal payments for foster care and adoption assistance for emancipated young adults (EYA) and adopted young adults (AYA)	2151.451, 2151.452, 2151.453, 5101.141 (5180.42), 5101.1412 (5180.429), 5101.1413 (5180.4210), 5101.1414 (5180.4211), 5101.1415 (5180.4212), 5101.1417 (5180.4214), 5101.802 (5180.52)
5180.429	5101.1412	Voluntary participation agreement for EYA care and placement	5101.1414 (5180.4211)
5180.4210	5101.1413	Payment of nonfederal share	5101.1414 (5180.4211)
5180.4211	5101.1414	Rulemaking EYAs	5103.30
5180.4212	5101.1415	Applicability of EYA/AYA provisions	
5180.4213	5101.1416	Kinship Guardianship Assistance (KGA): establishment	5101.141 (5180.42), 5101.1417 (5180.4214), 5153.163
5180.4214	5101.1417	Rules to carry out federal foster care, adoption, and KGA	5101.141 (5180.42)
5180.43	5101.1418	Post adoption special services subsidy payments	
5180.44	5101.15	Schedule of reimbursement for child welfare workers	

DCY recodification			
New R.C. section	Current R.C. section	Description	R.C. sections with cross-reference updates
5180.45	5101.19	Adoption grant program (AGP): definitions	5101.19 (5180.45), 5101.191 (5180.451)
5180.451	5101.191	AGP: creation	5101.192 (5180.452), 5101.193 (5180.453), 5747.01
5180.452	5101.192	AGP: eligibility	5101.191 (5180.451)
5180.453	5101.193	AGP: rules	5101.193 (5180.453), 5101.194 (5180.454)
5180.454	5101.194	AGP: public records	5101.19 (5180.45), 5101.191 (5180.451)
5180.50	5101.85	Kinship caregiver definition	124.1312, 2151.316, 2151.416, 2151.4115, 2151.424, 3107.01, 3310.033, 3317.022, 5101.802 (5180.52), 5101.88 (5180.53), 5103.02, 5103.0329
5180.51	5101.851	Statewide Kinship Care Navigator Program (KCNP)	5101.85 (5180.50), 5101.853 (5180.511)
5180.511	5101.853	KCNP: establishment of regions	5101.854 (5180.512)
5180.512	5101.854	KCNP: content	
5180.513	5101.855	KCNP: rulemaking	
5180.514	5101.856	KCNP: funding	5101.85 (5180.50)
5180.52	5101.802	Kinship Permanency Incentive Program	5101.80, 5153.16
5180.53	5101.88	Kinship Support Program (KSP): definitions	
5180.531	5101.881	KSP: creation	3119.01, 5101.88 (5180.53)
5180.532	5101.884	KSP: eligibility	5101.885 (5180.533), 5101.887 (5180.535)
5180.533	5101.885	KSP: payment amount	

DCY recodification			
New R.C. section	Current R.C. section	Description	R.C. sections with cross-reference updates
5180.534	5101.886	KSP: payment time limited	5101.887 (5180.535)
5180.535	5101.887	KSP: ceasing payment	
5180.536	5101.8811	KSP: rulemaking	5101.88 (5180.53)
5180.56	5101.8812	Inalienability of kinship benefits	
5180.57	5101.889	Foster care maintenance for kinship caregiver certified as foster home	
5180.70	5101.34	Ohio Commission on Fatherhood (OCF): creation	5101.805 (5180.704)
5180.701	5101.341	OCF: members and funding	5101.342 (5180.702)
5180.702	5101.342	OCF: state summits on fatherhood	
5180.703	5101.343	OCF: exemption from sunset review	
5180.704	5101.805	OCF: recommendations to DCY	5101.342 (5180.702), 5101.80, 5101.801
5180.71	5101.804	Ohio Parenting and Pregnancy Program	5101.80, 5101.801
5180.72	3701.65	“Choose Life” fund	4503.91
5180.73	5180.40	Communication re parenting education programs	
5180.99	3738.06(C) 5101.99(B)	Criminal penalties	



## **Transfer of additional responsibilities to DCY**

(R.C. 3107.062, 3701.045, 5101.33, 5101.892, 5101.899, 5103.021, 5123.191, 5139.05, 5139.08, 5139.34, 3738.01 (5180.27), 3701.045, 3701.65 (5180.72); conforming changes in numerous other R.C. sections)

The bill transfers or adds additional responsibilities related to various programs and entities to DCY. This includes oversight or responsibility regarding the following:

- Oversight of the Pregnancy-Associated Mortality Review Board (established in ODH under existing law);
- Oversight of the “Chose life” fund (controlled by ODH under existing law);
- Oversight of the Putative Father Registry (established by JFS under existing law);
- Oversight of child fatality review boards, with ODH (replaces Children’s Trust Fund Board, which currently oversees the boards with ODH under existing law);
- Oversight of scholars residential centers (overseen by JFS under existing law);
- Administration of electronic benefit transfers (adds DCY; existing law grants responsibilities to JFS only);
- Access to DCY records by the Youth and Family Ombudsmen Office (adds DCY; existing law grants access to JFS records only);
- Coordination with DYS regarding placement and oversight of children under DYS commitment;
- Providing technical assistance to a court-appointed receiver of a Department of Developmental Disabilities-licensed residential facility.

The bill also adds the DCY Director to a list of recipients of an annual report that the Youth and Family Ombudsmen Office is required to issue.