

# AN ACT

To amend sections 2151.99 and 5101.143 and to enact section 2151.62 of the Revised Code to require a public or private entity that places a child who has been adjudicated a delinquent child for certain acts in a foster home to inform the foster caregivers about the child's background and, in certain circumstances, to conduct a psychological examination of the child and to revise the law governing generation of federal funding for foster care training.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 2151.99 and 5101.143 be amended and section 2151.62 of the Revised Code be enacted to read as follows:

Sec. 2151.62. (A) This section applies only to a child who is or previously has been adjudicated a delinquent child for an act to which any of the following applies:

(1) It is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 Of the Revised Code;

(2) It is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder;

(3) It would be a felony if committed by an adult and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm, as defined in section 2923.11 of the Revised Code, during the commission of the act for which the child was adjudicated a delinquent child.

(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a foster home until it provides

the foster caregivers with all of the following:

(a) A written report describing the child's social history;

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to section 2151.358 of the Revised Code;

(c) A written report describing any other violent act committed by the child of which the entity is aware;

(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. Of the Revised Code by an independent social worker, social worker, professional clinical counselor, or professional counselor licensed under that chapter. The entity shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers other than the substantial and material conclusions.

(2) Notwithstanding section 2151.358 of the Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to that section and an entity knows the records have been sealed, the entity shall provide the foster caregivers a written statement that the records of a prior adjudication have been sealed.

(C) The entity that places the child in a foster home shall conduct a psychological examination of the child, except that the entity is not required to conduct the examination if such an examination was conducted no more than one year prior to the child's placement. No later than sixty days after placing the child, the entity shall provide the foster caregiver a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the foster home.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section Of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2151.355 Of the Revised Code, to a public children services agency or private child placing agency, the court shall provide the agency the information described in division (B) of this section.

pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section. On receipt of the information described in division (B) of this section, the agency shall provide to the court written acknowledgment that the agency received the information. The court shall keep the acknowledgment and provide a copy to the agency. On the motion of the agency, the court may terminate the order granting temporary or permanent custody of the child to that agency, if the court does not provide the information described in division (B) of this section.

(3) If one of the following entities is placing a child in a foster home with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity shall provide the agency with the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section:

(a) The department of youth services if the placement is pursuant to any section Of the Revised Code including section 2151.38, 5139.06, 5139.07, 5139.38, or 5139.39 Of the Revised Code;

(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2151.355 Of the Revised Code;

(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division (B) of this section shall provide the entity described in division (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a foster home with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers unless the entity receives written acknowledgment that the agency provided the information.

(E) If a child is placed in a foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division (E)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the foster

home.

(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver shall provide to the entity that places the child in the foster caregiver's home a written acknowledgment that the foster caregiver received the information. The entity shall keep the acknowledgment and provide a copy to the foster caregiver.

(G) No person employed by an entity subject to this section and made responsible by that entity for the child's placement in a foster home shall fail to provide the foster caregivers with the information required by divisions (B) and (C) of this section.

(H) It is not a violation of any duty of confidentiality provided for in the Revised Code or a code of professional responsibility for a person or government entity to provide the substantial and material conclusions and recommendations of a psychiatric or psychological examination, or an examination to detect mental and emotional disorders, in accordance with division (B)(1)(d) or (C) of this section.

Sec. 2151.99. (A) Whoever violates division (D)(2) or (3) of section 2151.313 or division (A)(1) or (H)(2) of section 2151.421 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D)(1) of section 2151.313 of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates division (G) of section 2151.62 Of the Revised Code is guilty of a minor misdemeanor.

Sec. 5101.143. (A) As used in this section:

~~(1) "Government entity" means any government entity other than a public children services agency.~~

~~(2) "Private, "Private agency" means a private child placing agency or private noncustodial agency.~~

(B) Effective December 1, 1997, and subject A government entity or private agency may submit to the department of human services a request that the department determine what portion of an amount the government entity or private agency charges for foster care maintenance for a child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," 94 Stat. 510, 42 U.S.C.A. 670 (1980), as amended, qualifies for reimbursement under Title IV-E.

(C) As used in this division and division (D) of this section, "government entity" means any government entity other than a public children services agency.

Subject to initial and continued approval by the United States department of health and human services, a the department of human

~~services shall levy a special assessment on each private agency or government entity seeking foster care maintenance payments under Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, shall pay the department of human services an annual fee a rate determination under division (B) of this section.~~ The amount of the fee special assessment shall be the greater of three hundred dollars or fifteen cents times the number of days the private agency or government entity provided or arranged foster care in the preceding calendar year to or for each child the agency or entity provided or arranged foster care. The department shall not ~~distribute foster care maintenance payments to~~ perform a rate determination under division (B) of this section for a private agency or government entity that fails to pay the fee special assessment.

The department shall deposit all ~~fees~~ amounts collected under this ~~section~~ division into the child welfare training fund, which is hereby created in the state treasury. The department shall use money in the fund only to secure federal matching funds under Title IV-E to help defray costs private agencies and government entities incur in training staff and foster care parents and that the department determines are allowable and reasonable costs and to make payments to private and government entities to assist with those costs.

The department shall determine the amount of payments it will make to private agencies and government entities under this ~~section~~ division. The department may require a private agency or government entity that receives a payment under this ~~section~~ division to pay or help pay the cost of an adverse audit finding that the agency or entity causes or to which the agency or entity contributes. The department may require all private agencies and government entities that receive a payment under this ~~section~~ division to share in the cost of an adverse audit finding that a private agency or government entity no longer in existence caused or contributed to.

~~(C)(D)~~ The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include all of the following:

(1) Procedures for a private agency or government entity to pay the ~~fee~~ special assessment required by division (C) of this section and to request a payment from the department to help defray the cost of training staff and foster parents;

(2) Criteria for the department to determine whether training costs are allowable and reasonable;

(3) Any other requirements the department determines to be necessary to implement this section.

SECTION 2. That existing sections 2151.99 and 5101.143 of the Revised Code are hereby repealed.

---

*Speaker* \_\_\_\_\_ *of the House of Representatives.*

---

*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

---

*Governor.*

Am. Sub. H. B. No. 173

7

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

---

*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

---

*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_