

AN ACT

To amend sections 2101.01, 2101.11, 2151.86, 3107.012, 3107.12, and 3107.14; to enact section 3107.141 of the Revised Code; and to amend Section 67.05 of Am. Sub. H.B. 215 of the 122nd General Assembly to revise the law regarding adoption assessors, prefinalization assessments, and rehabilitation standards a person with a criminal background must meet to become an adoptive or foster parent, and the Department of Human Services' contracting with a vendor to develop a statewide automated child welfare information system.

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

SECTION 1. That sections 2101.01, 2101.11, 2151.86, 3107.012, 3107.12, and 3107.14 be amended and section 3107.141 of the Revised Code be enacted to read as follows:

Sec. 2101.01. A probate division of the court of common pleas shall be held at the county seat in each county in an office furnished by the board of county commissioners, in which the books, records, and papers pertaining to the probate division shall be deposited and safely kept by the probate judge. The board shall provide suitable cases or other necessary items for the safekeeping and preservation of the books, records, and papers of the court and shall furnish any blankbooks, blanks, and stationery, and any machines, equipment, and materials for the keeping or examining of records, that the probate judge requires in the discharge of official duties. The board also shall authorize expenditures for accountants, financial consultants, and other agents required for auditing or financial consulting by the probate division whenever the probate judge considers these services and expenditures necessary for the efficient performance of the division's duties. The probate judge shall employ and supervise all clerks, deputies, magistrates, and other employees of the probate division. The probate judge shall supervise all probate court investigators and assessors in the performance of their duties

as investigators and assessors and shall employ, appoint, or designate all probate court investigators and assessors in the manner described in ~~division~~ divisions (A)(2) and (3) of section 2101.11 of the Revised Code.

As used in the Revised Code, "probate court" means the probate division of the court of common pleas, and "probate judge" means the judge of the court of common pleas who is judge of the probate division. All pleadings, forms, journals, and other records filed or used in the probate division shall be entitled "In the Court of Common Pleas, Probate Division," but are not defective if entitled "In the Probate Court."

Sec. 2101.11. (A)(1) The probate judge shall have the care and custody of the files, papers, books, and records belonging to the probate court. ~~He~~ The probate judge is authorized to perform the duties of clerk of ~~his own~~ the judge's court. ~~He~~ The probate judge may appoint deputy clerks, stenographers, a bailiff, and any other necessary employees, each of whom shall take an oath of office before entering upon the duties of ~~his~~ the employee's appointment and, when so qualified, may perform the duties appertaining to the office of clerk of the court.

(2)(a) The probate judge shall provide for one or more probate court investigators to perform the duties that are established for a probate court investigator by the Revised Code or the probate judge. The probate judge may provide for an investigator in any of the following manners, as the court determines is appropriate:

(i) By appointing a person as a full-time or part-time employee of the probate court to serve as investigator, or by designating a current full-time or part-time employee of the probate court to serve as investigator;

(ii) By contracting with a person to serve and be compensated as investigator only when needed by the probate court, as determined by the court, and by designating that person as a probate court investigator during the times when the person is performing the duties of an investigator for the court;

(iii) By entering into an agreement with another department or agency of the county, including, but not limited to, the sheriff's department or the county department of human services, pursuant to which an employee of the other department or agency will serve and perform the duties of investigator for the court, upon request of the probate judge, and designating that employee as a probate court investigator during the times when the person is performing the duties of an investigator for the court.

(b) Each person appointed or otherwise designated as a probate court investigator shall take an oath of office before entering upon the duties of ~~his~~ the person's appointment. When so qualified, an investigator may

perform the duties that are established for a probate court investigator by the Revised Code or the probate judge.

(c) Except as otherwise provided in this division, a probate court investigator shall hold at least a bachelor's degree in social work, psychology, education, special education, or a related human services field. A probate judge may waive the education requirement of this division for a person the judge appoints or otherwise designates as a probate court investigator if the judge determines that the person has experience in human services work that is equivalent to the required education.

(d) Within one year after ~~his~~ appointment or designation, a probate court investigator shall attend an orientation course of at least six hours, and each calendar year after the calendar year of ~~his~~ appointment or designation, a probate court investigator shall satisfactorily complete at least six hours of continuing education.

(e) For purposes of divisions (A)~~(3)~~(4), (B), and (C) of this section, a person designated as a probate court investigator under division (A)(2)(a)(ii) or (iii) of this section shall be considered an appointee of the probate court at any time that the person is performing the duties established under the Revised Code or by the probate judge for a probate court investigator.

(3)(a) The probate judge may provide for one or more persons to perform the duties of an assessor under sections 3107.031, 3107.082, 3107.09, and 3107.12 of the Revised Code or may enter into agreements with public children services agencies, private child placing agencies, or private noncustodial agencies under which the agency provides for one or more persons to perform the duties of an assessor. A probate judge who provides for an assessor shall do so in either of the following manners, as the judge considers appropriate:

(i) By appointing a person as a full-time or part-time employee of the probate court to serve as assessor, or by designating a current full-time or part-time employee of the probate court to serve as assessor;

(ii) By contracting with a person to serve and be compensated as assessor only when needed by the probate court, as determined by the court, and by designating that person as an assessor during the times when the person is performing the duties of an assessor for the court.

(b) Each person appointed or designated as a probate court assessor shall take an oath of office before entering on the duties of the person's appointment.

(c) A probate court assessor must meet the qualifications for an assessor established by section 3107.012 of the Revised Code.

(d) A probate court assessor shall perform additional duties, including

duties of an investigator under division (A)(2) of this section, when the probate judge assigns additional duties to the assessor.

(e) For purposes of divisions (A)(4), (B), and (C) of this section, a person designated as a probate court assessor shall be considered an appointee of the probate court at any time that the person is performing assessor duties.

(4) Each appointee of the probate judge may administer oaths in all cases when necessary, in the discharge of ~~his~~ official duties.

(B)(1)(a) Subject to the appropriation made by the board of county commissioners pursuant to this division, each appointee of a probate judge under division (A) of this section shall receive such compensation and expenses as the judge determines and shall serve during the pleasure of the judge. The compensation of each appointee shall be paid in semimonthly installments by the county treasurer from the county treasury, upon the warrants of the county auditor, certified to by the judge.

(b) Except as otherwise provided in the Revised Code, the total compensation paid to all appointees of the probate judge in any calendar year shall not exceed the total fees earned by the probate court during the preceding calendar year, unless the board of county commissioners approves otherwise.

(2) The probate judge annually shall submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, those enumerated in section 5123.96 of the Revised Code, that the judge considers reasonably necessary for the operation of the court. The board shall conduct a public hearing with respect to the written request submitted by the judge and shall appropriate such sum of money each year as it determines, after conducting the public hearing and considering the written request of the judge, is reasonably necessary to meet all the administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, the costs, fees, and expenses enumerated in section 5123.96 of the Revised Code.

If the judge considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, ~~he~~ the judge shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed

by the probate judge over all cases pending on its docket. The burden shall be on the probate judge to prove that the appropriation requested is reasonably necessary to meet all administrative expenses of the court. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, the judge exercises ~~his~~ the judge's contempt power in order to obtain the sum of money in dispute, ~~he~~ the judge shall not order the imprisonment of any member of the board of county commissioners notwithstanding sections 2705.02 to 2705.06 of the Revised Code.

(C) The probate judge may require any of ~~his~~ the judge's appointees to give bond in the sum of not less than one thousand dollars, conditioned for the honest and faithful performance of ~~his~~ the appointee's duties. The sureties on the bonds shall be approved in the manner provided in section 2101.03 of the Revised Code.

The judge is personally liable for the default, malfeasance, or nonfeasance of any such appointee, but, if a bond is required of the appointee, the liability of the judge is limited to the amount by which the loss resulting from the default, malfeasance, or nonfeasance exceeds the amount of the bond.

All bonds required to be given in the probate court, on being accepted and approved by the probate judge, shall be filed in ~~his~~ the judge's office.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that employs any person responsible for a child's care in out-of-home care shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the entity for employment as a person responsible for a child's care in out-of-home care. The administrative director of any entity that designates a person as a prospective adoptive parent or as a prospective foster parent shall request the superintendent to conduct a criminal records check with respect to that person. If the applicant, prospective adoptive parent, or prospective foster parent does not present proof that the applicant or prospective adoptive or foster parent has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant or prospective adoptive or foster parent from the federal bureau of investigation in a criminal records check, the appointing or hiring officer or administrative director shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant, prospective adoptive

parent, or prospective foster parent presents proof that the applicant or prospective adoptive or foster parent has been a resident of this state for that five-year period, the appointing or hiring officer or administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant, prospective adoptive parent, or prospective foster parent a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, prospective adoptive parent, or prospective foster parent, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) Any applicant, prospective adoptive parent, or prospective foster parent who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's or prospective adoptive or foster parent's fingerprints. If an applicant, prospective adoptive parent, or prospective foster parent, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's or prospective adoptive or foster parent's fingerprints, the entity shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section and shall not consider the prospective adoptive parent or prospective foster parent as an adoptive parent or foster parent.

(B)(1) ~~Except as provided in rules adopted by the department of human services in accordance with division (E) of this section, no~~ no entity shall employ a person as a person responsible for a child's care in out-of-home care or permit a person to become an adoptive parent or foster parent if the person previously has been convicted of or pleaded guilty to any of the following, unless the person meets rehabilitation standards established in rules adopted under division (E) of this section:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11,

2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date,; a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses described in division (B)(1)(a) of this section.

(2) An out-of-home care entity may employ an applicant conditionally until the criminal records check required by this section is completed and the entity receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the entity shall release the applicant from employment.

(C)(1) The out-of-home care entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A)(1) of this section.

(2) An out-of-home care entity may charge an applicant, prospective adoptive parent, or prospective foster parent a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the entity pays under division (C)(1) of this section. If a fee is charged under this division, the entity shall notify the applicant, prospective adoptive parent, or prospective foster parent at the time of the person's initial application for employment or for becoming an adoptive parent or foster parent of the amount of the fee and that, unless the fee is paid, the entity will not consider the person for employment or as an adoptive parent or foster parent.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division

(A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant, prospective adoptive parent, or prospective foster parent who is the subject of the criminal records check or the applicant's or prospective adoptive or foster parent's representative; the entity requesting the criminal records check or its representative; the state department of human services or a county department of human services; and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant or the denial of consideration as an adoptive parent or foster parent.

(E) The department of human services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, ~~including. The rules specifying circumstances under which an out-of-home care entity may hire~~ shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (B)(1) of this section ~~but who meets standards in regard to rehabilitation set by the department must meet for an entity to employ the person as a person responsible for a child's care in out-of-home care or permit the person to become an adoptive parent or foster parent.~~

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment with an entity as a person responsible for a child's care in out-of-home care or the person's initial application for becoming an adoptive parent or foster parent, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position or if the person is to be given final consideration as an adoptive parent or foster parent.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care.

(2) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(3) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (G)(3)(a) of this section.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(5) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 3107.012. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.082, 3107.09, 3107.12, and 5103.152 of the Revised Code:

(1) The individual must be ~~employed in the employ of, appointed by,~~ or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A professional counselor or social worker licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a post-secondary degree who conducts assessor's duties under the supervision of a professional counselor or social worker licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code;

(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division ~~(E)(A)(5)~~ of section ~~4757.16~~ 4757.41 of the Revised Code.

(3) The individual must complete education programs in accordance with rules adopted under section 3107.013 of the Revised Code.

(B) An individual employed in the employ of, appointed by, or under contract with a court prior to ~~the effective date of this section~~ September 18,

1996, to conduct ~~home studies~~ adoption investigations of prospective adoptive parents may ~~conduct home studies~~ perform the duties of an assessor under ~~section~~ sections 3107.031, 3107.082, 3107.09, 3107.12, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section.

(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.

Sec. 3107.12. ~~An~~ (A) Except as provided in division (B) of this section, an assessor shall conduct a prefinalization assessment of a minor and petitioner before a court issues a final decree of adoption or finalizes an interlocutory order of adoption for the minor. On completion of the assessment, the assessor shall prepare a written report of the assessment and provide a copy of the report to the court before which the adoption petition is pending.

The report of a prefinalization assessment shall include all of the following:

~~(A)~~(1) The adjustment of the minor and the petitioner to the adoptive placement;

~~(B)~~(2) The present and anticipated needs of the minor and the petitioner, as determined by a review of the minor's medical and social history, for adoption-related services, including assistance under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of the Revised Code and counseling, case management services, crisis services, diagnostic services, and therapeutic counseling.

~~(C)~~(3) The physical, mental, and developmental condition of the minor;

~~(D)~~(4) If known, the minor's biological family background, including identifying information about the biological or other legal parents;

~~(E)~~(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;

~~(F)~~(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible;

~~(G)~~(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended.

The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment.

(C) The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code defining "counseling," "case management services," "crisis services," "diagnostic services," and "therapeutic counseling" for the purpose of this section.

Sec. 3107.14. (A) The petitioner and the person sought to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.

(B) The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition, and may examine the petitioners separate and apart from each other.

(C) If, at the conclusion of the hearing, the court finds that the required consents have been obtained or excused and that the adoption is in the best interest of the person sought to be adopted as supported by the evidence, it may issue, subject to division (B)(1) of section 2151.86, section 3107.064, and division (E) of section 3107.09 of the Revised Code, and any other limitations specified in this chapter, a final decree of adoption or an interlocutory order of adoption, which by its own terms automatically becomes a final decree of adoption on a date specified in the order, which, except as provided in division (B) of section 3107.13 of the Revised Code, shall not be less than six months or more than one year from the date of issuance of the order, unless sooner vacated by the court for good cause shown. In determining whether the adoption is in the best interest of the person sought to be adopted, the court shall not consider the age of the petitioner if the petitioner is old enough to adopt as provided by section 3107.03 of the Revised Code.

In an interlocutory order of adoption, the court shall provide for observation, investigation, and a further report on the adoptive home during the interlocutory period.

(D) If the requirements for a decree under division (C) of this section have not been satisfied or the court vacates an interlocutory order of adoption, or if the court finds that a person sought to be adopted was placed

in the home of the petitioner in violation of law, the court shall dismiss the petition and may determine the agency or person to have temporary or permanent custody of the person, which may include the agency or person that had custody prior to the filing of the petition or the petitioner, if the court finds it is in the best interest of the person as supported by the evidence, or if the person is a minor, the court may certify the case to the juvenile court of the county where the minor is then residing for appropriate action and disposition.

Sec. 3107.141. After an assessor files a home study report under section 3107.031, a social and medical history under section 3107.09, or a prefinalization assessment report under section 3107.12 Of the Revised Code, or the department of human services files a social and medical history under section 3107.091 Of the Revised Code, a court may do either or both of the following if the court determines the report or history does not comply with the requirements governing the report or history or, in the case of a home study or prefinalization assessment report, does not enable the court to determine whether an adoption is in the best interest of the minor to be adopted:

(A) Order the assessor or department to redo or supplement the report or history in a manner the court directs;

(B) Appoint a different assessor to redo or supplement the report or history in a manner the court directs.

SECTION 2. That existing sections 2101.01, 2101.11, 2151.86, 3107.012, 3107.12, and 3107.14 of the Revised Code are hereby repealed.

SECTION 3. Section 2151.86 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 445 and Am. Sub. S.B. 269 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 4. That section 67.05 of Am. Sub. H.B. 215 of the 122nd General Assembly be amended to read as follows:

"Sec. 67.05. Transfer of Funds

The Ohio Department of Human Services shall transfer through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and Community-Based Services, in the Ohio Department of Mental Retardation and Developmental Disabilities. The sum of the transfers shall be equal to the amounts appropriated per fiscal year in line item 322-604, Waiver - Match. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both Departments.

The Ohio Department of Human Services shall transfer, through intrastate transfer ~~vouchers~~ vouchers, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Ohio Department of Aging. The sum of the transfers shall be equal to the amount appropriated per fiscal year in line item 490-610, PASSPORT/Residential State Supplement. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Day Care for Foster Parents

Of the foregoing appropriation item 400-527, Child Protective Services, not more than \$1,400,000 in fiscal year 1998 and not more than \$1,400,000 in fiscal year 1999, may be used to reimburse counties for child day care services purchased in behalf of children in foster care. Such funds may be used as matching funds for federal funds that may be available for this purpose. The Department of Human Services shall adopt rules, in accordance with section 111.15 of the Revised Code, establishing reimbursement procedures and conditions to be followed by counties.

Transfer from the Children's Trust Fund to the Wellness Block Grant Fund

The Director of Budget and Management shall transfer \$1,000,000 in fiscal year 1998 and \$1,000,000 in fiscal year 1999 from Fund 198, Children's Trust Fund, to Fund 4N7, Wellness Block Grant, within the Department of Human Services' budget.

Foster Care Liability Coverage

On behalf of public children services agencies and in consultation with the Department of Insurance and the Office of State Purchasing, the Department of Human Services may seek and accept proposals for a uniform and statewide insurance policy to indemnify foster parents for personal injury and property damage suffered by them due to the care of a foster child. Premiums for such a policy shall be the sole responsibility of each public children services agency that agrees to purchase the insurance policy.

Protective Services Incentive Funding

Notwithstanding the formula in section 5101.14 of the Revised Code, from the foregoing appropriation item 400-527, Child Protective Services, the Department of Human Services may use no more than \$2 million in fiscal year 1999 as incentive funding for public children services agencies to promote innovative practice standards and efficiencies in service delivery. The department shall develop a process for the release of these funds and may adopt rules in accordance with section 111.15 of the Revised Code governing the distribution, release, and use of these funds.

Day Care/Head Start Collaborations

The Department of Human Services and the county departments of human services shall work to develop collaborative efforts between Head Start and child care providers. The Department of Human Services may use the foregoing appropriation items 400-413, Day Care Match/Maintenance of Effort, and 400-617, Day Care Federal, to support collaborative efforts between Head Start and child day care centers.

Day Care Funding for Latchkey Children

The Department of Human Services shall use not less than \$5,000,000 in fiscal year 1998 and not less than \$5,000,000 in fiscal year 1999 of the Child Care Development Block Grant moneys to support low-income families who need assistance in the provision of before-school and after-school care for their children. The Department of Human Services shall establish rules determining eligibility for these dollars adopted in accordance with section 111.15 of the Revised Code.

Evening and Night Time Child Care

When the Department of Human Services adopts rules establishing a procedure for determining the rates of maximum reimbursement for publicly funded child care, the department shall adopt an enhanced rate to encourage the development of child care for parent(s) who work nontraditional hours.

Human Services Staff Reduction

From staffing levels that existed on January 1, 1997, the Department of Human Services is required to reduce its full-time equivalent positions by 150 by July 1, 1999. At least thirty-nine positions must be eliminated by January 1, 1998. The remaining positions must be eliminated by July 1, 1999.

Child Protective Services Information System

(A) From the foregoing appropriation item 400-416, Computer Projects, the Department of Human Services shall expend at least \$6,000,000 in fiscal year 1998 and at least \$6,000,000 in fiscal year 1999 to ~~implement a statewide automated child welfare information system (SACWIS) to be used~~

~~by the 88 county public children service agencies.~~

~~These designated moneys shall be used to contract with a vendor to develop a statewide automated child welfare information system (SACWIS) and support the 88 county public children services agencies' implementation of a statewide automated child welfare information system which is currently operational in another state once Ohio's right to use the system has been secured through the SACWIS. The department shall select a vendor by using a competitively bid request for proposal process. For a vendor to be eligible to contract with the department, all of the following must apply:~~

~~(1) The vendor must have developed a SACWIS for another state and assisted that state with the successful implementation of the SACWIS;~~

~~(2) The vendor must be able to do either of the following:~~

~~(a) Revise the SACWIS developed for the other state to comply with Ohio and federal law and successfully interface with the Support Enforcement Tracking System (SETS) and Client Registry and Information System-Enhanced (CRIS-E);~~

~~(b) Develop a new SACWIS that complies with Ohio and federal law and successfully interfaces with SETS and CRIS-E;~~

~~(3) The vendor must be able to have the SACWIS operational in all 88 public children services agencies by June 30, 1999.~~

~~(A) If applicable, the (B) The Department of Human Services shall do both of the following:~~

~~(1) Make the necessary revisions to the transferred system in order to enable the system to comply with Ohio law;~~

~~(2) Develop and distribute the revised software to the 88 county public children services agencies for their use;~~

~~(3) Provide training and system support for the county employees who will use the system SACWIS;~~

~~(4)(2) Provide for the maintenance and general upkeep of the system SACWIS.~~

~~(B) The system shall be operational in all 88 counties by June 30, 1999;~~

~~(C) The system shall be designed to successfully interface with the Support Enforcement Tracking System (SETS) and the Client Registry and Information System-Enhanced (CRIS-E).~~

Adoption Assistance

Of the foregoing appropriation item 400-528, Title IV-E and State Adoption Services, not more than \$3,700,000 in fiscal year 1998 and not more than \$3,700,000 in fiscal year 1999 shall be used in support of post finalization adoption services offered pursuant to section 5153.163 of the Revised Code. The Department of Human Services shall adopt rules and

procedures pursuant to section 111.15 of the Revised Code to set payment levels and limit eligibility for post finalization adoption services as necessary to limit program expenditures to the amounts set forth in this section, based on factors, including but not limited to, any or all of the following: type, or extent, of the adopted child's disability or special need; and resources available to the adoptive family to meet the child's service needs.

Social Service Block Grant (SSBG) Earmark for Day Care Services

Of the foregoing appropriation item 400-620, Social Services Block Grant, no less than \$15,000,000 in fiscal year 1998 and \$15,000,000 in fiscal year 1999 shall be used for child day care services. The remainder of the SSBG funding may be used to provide social services as authorized in section 5101.465 of the Revised Code, including adult day care.

Child Support Collections/TANF MOE

The foregoing appropriation item 400-658, Child Support Collections, shall be used by the Department of Human Services to meet the TANF Maintenance of Effort requirements of Pub. L. No. 104-193. After the state has met the maintenance of effort requirement, the Department of Human Services may use funds from line item 400-658 to support public assistance activities.

Transfer of Unspent Funds from Fiscal Year 1998 to Fiscal Year 1999

Upon the request of the Department of Human Services, the Controlling Board may transfer any remaining unspent fiscal year 1998 funds from appropriation item 400-410, TANF State, to appropriations for fiscal year 1999 so that the state of Ohio will be able to meet the Maintenance of Effort requirements for the Temporary Assistance for Needy Families Block.

Upon the request of the Department of Human Services, the Controlling Board may transfer any remaining unspent fiscal year 1998 funds from appropriation item 400-413, Day Care/Maintenance of Effort, to appropriations for fiscal year 1999 so that the state of Ohio will be able to meet the Maintenance of Effort requirements for the Child Care Development Block Grant.

Upon the request of the Department of Human Services, the Controlling Board may transfer any remaining unspent fiscal year 1998 funds from individual county consolidations from appropriation item 400-527, Child Protective Services, to appropriations for fiscal year 1999 so that the counties may meet the obligations for services funded through that line item.

Upon the request of the Department of Human Services, the Controlling Board may transfer any remaining unspent fiscal year 1998 funds from the Post Finalization Special Adoption Services portion of appropriation item

400-528, Adoption Services, to appropriations for fiscal year 1999 so that counties may meet the obligations for services funded through that portion of the line item.

Upon the request of the Department of Human Services, the Controlling Board may transfer any remaining unspent fiscal year 1998 funds from appropriation item 400-409, Wellness Block Grant, to appropriations for fiscal year 1999 so that the counties may meet the obligations for services funded through that line.

Private Child Care Agencies Training

The foregoing appropriation item 400-615, Private Child Care Agencies Training, shall be used by the Department of Human Services to provide the state match for federal Title IV-E training dollars for private child placing agencies and private noncustodial agencies. Revenues shall consist of moneys derived from fees established under section 5101.112 of the Revised Code and paid by private child placing agencies and private noncustodial agencies.

Funding for Emergency Food Distribution Programs

Of the foregoing appropriation item 400-610, Food Stamps and State Administration, \$1.5 million in fiscal year 1998 and \$1.5 million in fiscal year 1999 shall be used by the Department of Human Services to purchase commodities and distribute those commodities to supplement the emergency food distribution programs. Agencies receiving commodities under this program shall provide reports in accordance with rules developed by the Department of Human Services.

Transfers for Lead Assessments

Of the foregoing appropriation item 400-525, Health Care/Medicaid, \$77,790 (state share only) in fiscal year 1998, and \$111,477 (state share only) in fiscal year 1999 shall be used to transfer funds from the General Revenue Fund to the General Operations Fund (Fund 142) of the Department of Health. Transfer of the funds shall be made through intrastate transfer vouchers pursuant to an interagency agreement for the purpose of performing environmental lead assessments in the homes of Medicaid Healthcheck recipients.

Transfer IMD/DSH Cash

The Director of Budget and Management may transfer cash from the Disproportionate Share Fund (3P8) in the Department of Human Services to the OhioCare Fund (4X5) in the Department of Mental Health, the Behavioral Health Medicaid Services Fund (4X4) in the Department of Alcohol and Drug Addiction Services, and the Medicaid Program Support Fund - State (5C9) in the Department of Human Services and shall transfer

cash in the amount of \$14,800,000 to the Health Services Fund (5E1) in the Department of Health.

Interagency Agreement on Specified Medicaid Services

Based on an interagency agreement, the Department of Human Services may delegate authority to the Department of Alcohol and Drug Addiction Services and the Department of Mental Health to administer specified Medicaid services. Monthly reimbursement shall be made by intrastate transfer voucher from the Department of Human Services' appropriation items 400-525, Health Care/Medicaid, and 400-655, Interagency Reimbursement, to the Department of Drug and Alcohol Addiction Services' Behavioral Health Medicaid Services Fund (4X4) and the Department of Mental Health's OhioCare Fund (4X5).

Medicaid Program Support Fund-State

The Department of Human Services' Medicaid Program Support Fund-State (5C9) is hereby created in the state treasury. The Fund shall be used to receive earned federal reimbursement generated by the Institutions for Mental Diseases/Disproportionate Share Hospital Program. The foregoing appropriation item 400-671, Medicaid Program Support, may be used for the following purposes: to pay for Medicaid services to eligible children under age nineteen, whose family income does not exceed 150 per cent of the federal poverty level; to pay for a new Medicaid home and community-based waiver program for non-aged persons with chronic, long-term disabilities; and, to make residual payments associated with the specified Medicaid services transferred to the Department of Alcohol and Drug Addiction Services and the Department of Mental Health.

The foregoing appropriation item 400-672, Medicaid Services, may be used by the Department of Human Services to pay for Medicaid services or to transfer moneys by intrastate transfer voucher to the Department of Mental Health's OhioCare Fund (4X5) in accordance with an interagency agreement which delegates authority from the Department of Human Services to the Department of Alcohol and Drug Addiction Services and the Department of Mental Health to administer specified Medicaid services.

Medicaid Program Support Fund-Federal

The Department of Human Services' Medicaid Program Support Fund-Federal (3P7) is hereby created in the state treasury. The foregoing appropriation item 400-668, Medicaid Program Support, may be used to pay for Medicaid services to eligible children under age nineteen, whose family income does not exceed 150 per cent of the federal poverty level; and for a new Medicaid home and community-based waiver program for non-aged persons with chronic, long-term disabilities. Funds also may be used for

residual payments associated with the specified Medicaid services transferred to the Department of Alcohol and Drug Addiction Services and the Department of Mental Health.

The foregoing appropriation item 400-672, Medicaid Services, may be used by the Department of Human Services to pay for Medicaid services and contracts.

OhioCare Start-up Fund Name Change

The name of the Department of Human Services' OhioCare Start-up Fund (3P7) is hereby changed to the Medicaid Program Support Fund-Federal.

Rural Medicaid Managed Care Pilot Programs

The Director of Human Services may contract with one or more organizations to develop and/or implement Medicaid Managed Care Pilot Programs in rural sections of Ohio.

Medicaid Managed Care Reimbursement Study Committee

The Medicaid Managed Care Reimbursement Study Committee shall meet by August 1, 1997, to begin reviewing the appropriateness of the negotiated Medicaid reimbursement rates paid to managed care organizations for services provided to Medicaid recipients in fiscal year 1998. By November 1, 1997, the Committee must report its findings and/or recommendations concerning the fiscal year 1998 rates to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

Medicaid Managed Care for Individuals with MR/DD

In preparing the budget for medical assistance for state fiscal years 2000 and 2001, as it pertains to services provided to individuals with mental retardation and developmental disabilities, the Office of Budget and Management and the Department of Human Services shall review the results of any study regarding the use of a managed care system that is prepared and submitted to it by the Hattie Larlham Foundation, the Ohio Department of Mental Retardation and Developmental Disabilities Action Committee, the Ohio Private Residential Association, the Ohio Coalition for Services to Persons with Mental Retardation and Developmental Disabilities, or any other entity.

Transfer Lapsed Funds in Fund 4A6 to GRF

The Department of Human Services shall certify the cash balance of Fund 4A6 to the Director of Budget and Management who shall transfer the remaining unexpended, unobligated balance in Fund 4A6 to the General Revenue Fund.

Holding Account Redistribution Group

The foregoing appropriation items 400-643 and 400-644, Holding

Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

Agency Fund Group

The foregoing appropriation items 400-646, 400-601, and 400-642, Agency Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are directed to the appropriate governmental agency other than the Department of Human Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.

State Special Revenue Fund Group

The foregoing appropriation items that appear in the Department of Human Services' State Special Revenue Fund Group shall be used to collect revenue from various sources and use the revenue to support programs administered by the Department of Human Services. If it is determined that additional appropriations are necessary, the department shall notify the Director of Budget and Management on forms prescribed by the Controlling Board. If the director agrees that the additional appropriation is necessary in order to perform the functions allowable in the appropriation item then such amounts are hereby appropriated. The Director of Budget and Management shall notify the Controlling Board at their next regularly scheduled meeting as to the action taken."

SECTION 5. That existing section 67.05 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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 _____