

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 38

REPRESENTATIVES Metzger, Kearns, D. Miller, Calvert, Jerse, Schuring,
Salerno, Williams, Beatty, Willamowski, Callender, Britton, Hollister, Barrett,
Flowers, Coates, Womer Benjamin, Jones, Key, Wolpert

A B I L L

To amend sections 5153.16 and 6301.07 of the Revised Code and to enact sections 2151.81 to 2151.84 and 5111.0110 of the Revised Code to require the provision of independent living services, Medicaid, and work force development services and activities for certain children and young adults so they may become independent adults.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5153.16 and 6301.07 be amended and sections 2151.81, 2151.82, 2151.83, 2151.84, and 5111.0110 of the Revised Code be enacted to read as follows:

Sec. 2151.81. As used in sections 2151.282 to 2151.84 of the Revised Code:

(A) "Independent living services" means services and other forms of support designed to aid children and young adults to successfully make the transition to independent adult living. "Independent living services" include teaching skills to achieve emotional and economic self-sufficiency and may also include the provision of housing and other forms of support.

(B) "Young adult" means a person eighteen years of age or older but under twenty-one years of age who was in the temporary or permanent custody of, or was provided care in a planned permanent living arrangement by, a public children services agency or private child placing agency on the date the person attained age eighteen. 19 20 21 22 23 24

Sec. 2151.82. A public children services agency or private child placing agency that has temporary or permanent custody of, or is providing care in a planned permanent living arrangement to, a child who is sixteen or seventeen years of age, shall provide independent living services to the child. The services shall be included as part of the case plan established for the child pursuant to section 2151.412 of the Revised Code. 25 26 27 28 29 30 31

Sec. 2151.83. (A) A young adult may request that a public children services agency or private child placing agency enter into a contract for the provision of independent living services to the young adult. If the young adult does not appear to be eligible for services from one or more of the entities described in division (B) of this section, the agency shall enter into a contract with the young adult that obligates the agency to provide the services. 32 33 34 35 36 37 38 39

(B) If the young adult appears to be eligible for services from one or more of the following entities, the agency must contact the appropriate entity to determine eligibility: 40 41 42

(1) An entity, other than the agency, that is represented on a county family and children first council established pursuant to section 121.37 of the Revised Code; 43 44 45

(2) The rehabilitation services commission; 46

(3) A metropolitan housing authority established pursuant to section 3735.27 of the Revised Code. 47 48

If the young adult qualifies for services from an entity 49

described in this division, that entity and the agency to which
the young adult made the request for independent living services
shall enter into a contract with the young adult obligating the
entity and the agency to provide services. The contract shall
allocate the service responsibilities among the entities and
agency that signed the contract. If the young adult does not
qualify for services from an entity described in this division,
the agency to which the young adult made the request for services
shall enter into a contract with the young adult as described in
division (A) of this section.

50
51
52
53
54
55
56
57
58
59

Sec. 2151.84. The department of job and family services shall
establish model contracts to be used by public children services
agencies, private child placing agencies, and other entities
required to provide services under contract with a young adult
pursuant to section 2151.83 of the Revised Code. The model
contracts shall include provisions describing the specific
independent living services to be provided, the duration of the
services and the contract, duties of each party under the
contract, and grievance procedures regarding disputes that arise
regarding the contract or services provided under it.

60
61
62
63
64
65
66
67
68
69

To facilitate the provision of independent living services,
the department shall provide funds to meet the requirement of
state matching funds needed to qualify for federal funds under the
"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42
U.S.C. 677, as amended. The department shall seek controlling
board approval of any fund transfers necessary to meet this
requirement.

70
71
72
73
74
75
76

Sec. 5111.0110. The director of job and family services shall
submit to the United States secretary of health and human services
an amendment to the state medicaid plan to make an individual
receiving independent living services pursuant to sections 2151.81

77
78
79
80

to 2151.84 of the Revised Code eligible for medicaid. If approved 81
by the United States secretary of health and human services, the 82
director of job and family services shall implement the medicaid 83
plan amendment submitted under this section. 84

85

Sec. 5153.16. (A) Except as provided in section 2151.422 of 87
the Revised Code, in accordance with rules of the department of 88
job and family services, and on behalf of children in the county 89
whom the public children services agency considers to be in need 90
of public care or protective services, the public children 91
services agency shall do all of the following: 92

(1) Make an investigation concerning any child alleged to be 93
an abused, neglected, or dependent child; 94

(2) Enter into agreements with the parent, guardian, or other 95
person having legal custody of any child, or with the department 96
of job and family services, department of mental health, 97
department of mental retardation and developmental disabilities, 98
other department, any certified organization within or outside the 99
county, or any agency or institution outside the state, having 100
legal custody of any child, with respect to the custody, care, or 101
placement of any child, or with respect to any matter, in the 102
interests of the child, provided the permanent custody of a child 103
shall not be transferred by a parent to the public children 104
services agency without the consent of the juvenile court; 105

106

(3) Accept custody of children committed to the public 107
children services agency by a court exercising juvenile 108
jurisdiction; 109

(4) Provide such care as the public children services agency 110
considers to be in the best interests of any child adjudicated to 111

be an abused, neglected, or dependent child the agency finds to be	112
in need of public care or service;	113
(5) Provide social services to any unmarried girl adjudicated	114
to be an abused, neglected, or dependent child who is pregnant	115
with or has been delivered of a child;	116
(6) Make available to the bureau for children with medical	117
handicaps of the department of health at its request any	118
information concerning a crippled child found to be in need of	119
treatment under sections 3701.021 to 3701.028 of the Revised Code	120
who is receiving services from the public children services	121
agency;	122
(7) Provide temporary emergency care for any child considered	123
by the public children services agency to be in need of such care,	124
without agreement or commitment;	125
(8) Find certified foster homes, within or outside the	126
county, for the care of children, including handicapped children	127
from other counties attending special schools in the county;	128
(9) Subject to the approval of the board of county	129
commissioners and the state department of job and family services,	130
establish and operate a training school or enter into an agreement	131
with any municipal corporation or other political subdivision of	132
the county respecting the operation, acquisition, or maintenance	133
of any children's home, training school, or other institution for	134
the care of children maintained by such municipal corporation or	135
political subdivision;	136
(10) Acquire and operate a county children's home, establish,	137
maintain, and operate a receiving home for the temporary care of	138
children, or procure certified foster homes for this purpose;	139
	140
(11) Enter into an agreement with the trustees of any	141
district children's home, respecting the operation of the district	142

children's home in cooperation with the other county boards in the 143
district; 144

(12) Cooperate with, make its services available to, and act 145
as the agent of persons, courts, the department of job and family 146
services, the department of health, and other organizations within 147
and outside the state, in matters relating to the welfare of 148
children, except that the public children services agency shall 149
not be required to provide supervision of or other services 150
related to the exercise of companionship or visitation rights 151
granted pursuant to section 3109.051, 3109.11, or 3109.12 of the 152
Revised Code unless a juvenile court, pursuant to Chapter 2151. of 153
the Revised Code, or a common pleas court, pursuant to division 154
(E)(6) of section 3113.31 of the Revised Code, requires the 155
provision of supervision or other services related to the exercise 156
of the companionship or visitation rights; 157

(13) Make investigations at the request of any superintendent 158
of schools in the county or the principal of any school concerning 159
the application of any child adjudicated to be an abused, 160
neglected, or dependent child for release from school, where such 161
service is not provided through a school attendance department; 162

(14) Administer funds provided under Title IV-E of the 164
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 165
amended, in accordance with rules adopted under section 5101.141 166
of the Revised Code; 167

(15) In addition to administering Title IV-E adoption 168
assistance funds, enter into agreements to make adoption 169
assistance payments under section 5153.163 of the Revised Code; 170

(16) Implement a system of risk assessment, in accordance 171
with rules adopted by the director of job and family services, to 172
assist the public children services agency in determining the risk 173

of abuse or neglect to a child; 174

(17) Enter into a plan of cooperation with the board of 175
county commissioners under section 307.983 of the Revised Code and 176
comply with the partnership agreement the board enters into under 177
section 307.98 of the Revised Code and contracts the board enters 178
into under sections 307.981 and 307.982 of the Revised Code that 179
affect the public children services agency; 180

(18) Make reasonable efforts to prevent the removal of an 181
alleged or adjudicated abused, neglected, or dependent child from 182
the child's home, eliminate the continued removal of the child 183
from the child's home, or make it possible for the child to return 184
home safely, except that reasonable efforts of that nature are not 185
required when a court has made a determination under division 186
(A)(2) of section 2151.419 of the Revised Code; 187

(19) Make reasonable efforts to place the child in a timely 188
manner in accordance with the permanency plan approved under 189
division (E) of section 2151.417 of the Revised Code and to 190
complete whatever steps are necessary to finalize the permanent 191
placement of the child; 192

(20) Provide independent living services pursuant to sections 193
2151.81 to 2151.84 of the Revised Code. 194

(B) The public children services agency shall use the system 195
implemented pursuant to division (B)(16) of this section in 196
connection with an investigation undertaken pursuant to division 197
(F)(1) of section 2151.421 of the Revised Code and may use the 198
system at any other time the agency is involved with any child 199
when the agency determines that risk assessment is necessary. 200

(C) Except as provided in section 2151.422 of the Revised 201
Code, in accordance with rules of the director of job and family 202
services, and on behalf of children in the county whom the public 203
children services agency considers to be in need of public care or 204

protective services, the public children services agency may do	205
the following:	206
(1) Provide or find, with other child serving systems,	207
specialized foster care for the care of children in a specialized	208
foster home, as defined in section 5103.02 of the Revised Code,	209
certified under section 5103.03 of the Revised Code;	210
(2)(a) Except as limited by divisions (C)(2)(b) and (c) of	211
this section, contract with the following for the purpose of	212
assisting the agency with its duties:	213
(i) County departments of job and family services;	214
(ii) Boards of alcohol, drug addiction, and mental health	215
services;	216
(iii) County boards of mental retardation and developmental	217
disabilities;	218
(iv) Regional councils of political subdivisions established	219
under Chapter 167. of the Revised Code;	220
(v) Private and government providers of services;	221
(vi) Managed care organizations and prepaid health plans.	222
(b) A public children services agency contract under division	223
(C)(2)(a) of this section regarding the agency's duties under	224
section 2151.421 of the Revised Code may not provide for the	225
entity under contract with the agency to perform any service not	226
authorized by the department's rules.	227
(c) Only a county children services board appointed under	228
section 5153.03 of the Revised Code that is a public children	229
services agency may contract under division (C)(2)(a) of this	230
section. If an entity specified in division (B) or (C) of section	231
5153.02 of the Revised Code is the public children services agency	232
for a county, the board of county commissioners may enter into	233
contracts pursuant to section 307.982 of the Revised Code	234

regarding the agency's duties.

235

Sec. 6301.07. (A) Every workforce policy board, with the agreement of the chief elected officials of the local area, and after holding public hearings that allow public comment and testimony, shall prepare a workforce development plan and incorporate that plan into and attach that plan to the partnership agreement required under section 6301.05 of the Revised Code. The plan shall accomplish all of the following:

236

237

238

239

240

241

242

(1) Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills necessary to obtain those opportunities;

243

244

245

(2) Identify the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the workforce policy board;

246

247

248

249

(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;

250

251

252

253

254

(4) Give priority to youth receiving independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code when determining distribution of workforce development resources and workforce development activity funding;

255

256

257

258

(5) Review the minimum curriculum required by the state workforce policy board for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area;

259

260

261

262

263

~~(5)~~(6) Establish performance standards for service providers

264

that reflect local workforce development needs;	265
(6) (7) Describe any other information the chief elected officials of the local area require.	266 267
(B) A workforce policy board may provide policy guidance and recommendations to the chief elected officials of a local area for any workforce development activities.	268 269 270
(C) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a workforce policy board, except that a workforce policy board cannot contract with itself for the direct provision of services in its local area. A workforce policy board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.	271 272 273 274 275 276 277 278 279
Section 2. That existing sections 5153.16 and 6301.07 of the Revised Code are hereby repealed.	280 281
Section 3. Section 5153.16 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General Assembly. 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 on January 1, 2001.	282 283 284 285 286 287 288 289