

**As Passed by the Senate**

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**H. B. No. 142**

**Representatives Schuring, Heard**

**Cosponsors: Representatives Patmon, Grossman, Hackett, Brown, Burkley,  
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Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith,  
Tavares, Turner, Widener**

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**A B I L L**

To amend sections 3109.17, 3109.171, and 3109.18 of 1  
the Revised Code to permit a child abuse and child 2  
neglect prevention advisory board to submit a 3  
local allocation plan to the Children's Trust Fund 4  
Board on an annual, biannual, or multiple year 5  
basis, to permit two or more child abuse and child 6  
neglect prevention advisory boards to partner with 7  
each other to develop a comprehensive local 8  
allocation plan and to submit that plan on an 9  
annual, biannual, or multiple year basis, and to 10  
permit the Children's Trust Fund Board to send 11  
funds allocated to a county family and children 12

first council to the county or district children's 13  
trust fund in the county treasury or directly to 14  
the administrative agent of the county family and 15  
children first council. 16

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

**Section 1.** That sections 3109.17, 3109.171, and 3109.18 of 17  
the Revised Code be amended to read as follows: 18

**Sec. 3109.17.** (A) For each fiscal biennium, the children's 19  
trust fund board shall establish a biennial state plan for 20  
comprehensive child abuse and child neglect prevention. The plan 21  
shall be transmitted to the governor, the president and minority 22  
leader of the senate, and the speaker and minority leader of the 23  
house of representatives and shall be made available to the 24  
general public. The board may define in the state plan the term 25  
"effective public notice." If the board does not define that term 26  
in the state plan, the board shall include in the state plan the 27  
definition of "effective public notice" specified in rules adopted 28  
by the department of job and family services. 29

(B) In developing and carrying out the state plan, the 30  
children's trust fund board shall, in accordance with rules 31  
adopted by the department pursuant to Chapter 119. of the Revised 32  
Code, do all of the following: 33

(1) Ensure that an opportunity exists for assistance through 34  
child abuse and child neglect prevention programs to persons 35  
throughout the state of various social and economic backgrounds; 36

(2) Before the thirtieth day of October of each year, notify 37  
each child abuse and child neglect prevention advisory board of 38  
the amount estimated to be allocated to that advisory board for 39  
the following fiscal year; 40

(3) Develop criteria for county or district local allocation plans, including criteria for determining the plans' effectiveness;

(4) Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;

(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. In allocating funds to a county family and children first council that has been designated to serve as the child abuse and child neglect prevention advisory board under division (A)(1) of section 3109.18 of the Revised Code, the children's trust fund board may send those funds to the county or district children's trust fund in the county treasury or directly to the administrative agent of the county family and children first council designated pursuant to division (B)(5)(a) of section 121.37 of the Revised Code. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds and except as provided in section 3109.171 of the Revised Code, a minimum of ten thousand dollars per fiscal year for each county in the district. Funds shall be disbursed to the advisory boards twice annually. At least fifty per cent of the funds allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day

of September. The remainder of the funds allocated to the advisory 73  
board for that fiscal year shall be disbursed before the 74  
thirty-first day of March. 75

The board shall specify the criteria child abuse and child 76  
neglect prevention advisory boards are to use in reviewing 77  
applications under division ~~(F)(3)~~(G)(2) of section 3109.18 of the 78  
Revised Code. 79

(6) Allocate funds to entities other than child abuse and 80  
child neglect prevention advisory boards for the purpose of 81  
funding child abuse and child neglect prevention programs that 82  
have statewide significance and that have been approved by the 83  
children's trust fund board; 84

(7) Provide for the monitoring of expenditures from the 85  
children's trust fund and of programs that receive money from the 86  
children's trust fund; 87

(8) Establish reporting requirements for advisory boards; 88

(9) Collaborate with appropriate persons and government 89  
entities and facilitate the exchange of information among those 90  
persons and entities for the purpose of child abuse and child 91  
neglect prevention; 92

(10) Provide for the education of the public and 93  
professionals for the purpose of child abuse and child neglect 94  
prevention; 95

(11) Create and provide to each advisory board a children's 96  
trust fund grant application form; 97

(12) Specify the information to be included in a semiannual 98  
and an annual report completed by a children's advocacy center for 99  
which a child abuse and child neglect prevention advisory board 100  
uses funds allocated to the advisory board under section 3109.172 101  
of the Revised Code, and each other person or entity that is a 102

recipient of a children's trust fund grant under division 103  
~~(K)~~(L)(1) of section 3109.18 of the Revised Code. 104

(C) The children's trust fund board shall prepare a report 105  
for each fiscal biennium that delineates the expenditure of money 106  
from the children's trust fund. On or before January 1, 2002, and 107  
on or before the first day of January of a year that follows the 108  
end of a fiscal biennium of this state, the board shall file a 109  
copy of the report with the governor, the president and minority 110  
leader of the senate, and the speaker and minority leader of the 111  
house of representatives. 112

(D) The children's trust fund board shall develop a list of 113  
all state and federal sources of funding that might be available 114  
for establishing, operating, or establishing and operating a 115  
children's advocacy center under sections 2151.425 to 2151.428 of 116  
the Revised Code. The board periodically shall update the list as 117  
necessary. The board shall maintain, or provide for the 118  
maintenance of, the list at an appropriate location. That location 119  
may be the offices of the department of job and family services. 120  
The board shall provide the list upon request to any children's 121  
advocacy center or to any person or entity identified in section 122  
2151.426 of the Revised Code as a person or entity that may 123  
participate in the establishment of a children's advocacy center. 124

**Sec. 3109.171.** (A) On receipt of a local allocation plan or a 125  
comprehensive local allocation plan from a child abuse and child 126  
neglect prevention advisory board or a group of child abuse and 127  
child neglect prevention advisory boards submitted pursuant to 128  
division (F)~~(1)~~ of section 3109.18 of the Revised Code, the 129  
children's trust fund board may do either of the following: 130

(1) Approve the plan; 131

(2) Require that the advisory board or advisory boards make 132  
changes to the plan and submit an amended plan to the board. 133

(B) If an advisory board or a group of advisory boards fails 134  
to submit to the children's trust fund board a local allocation 135  
plan or a comprehensive local allocation plan pursuant to division 136  
(F)~~(1)~~ of section 3109.18 of the Revised Code that is postmarked 137  
on or before the first day of ~~April~~ March preceding the fiscal 138  
year or years for which the plan is developed, if an advisory 139  
board or a group of advisory boards fails to submit an amended 140  
plan pursuant to division (A)(2) of this section, or if a plan or 141  
an amended plan submitted by an advisory board or a group of 142  
advisory boards is not approved by the children's trust fund 143  
board, the children's trust fund board may do either of the 144  
following for the fiscal year or years for which the plan was to 145  
have been developed: 146

(1) Deny funding to the advisory board or group of advisory 147  
boards; 148

(2) Allocate a reduced amount of funds to the advisory board 149  
or group of advisory boards, on a pro-rata daily basis. 150

(C) If an advisory board fails to submit to the children's 151  
trust fund board an annual report pursuant to division ~~(K)~~(L)(2) 152  
of section 3109.18 of the Revised Code not later than the 153  
fifteenth day of August following the year for which the report is 154  
written, the board, for the following fiscal year, may allocate a 155  
reduced amount of funds to the advisory board on a pro-rata daily 156  
basis. 157

**Sec. 3109.18.** (A)(1) A board of county commissioners may 158  
establish a child abuse and child neglect prevention advisory 159  
board or may designate the county family and children first 160  
council to serve as the child abuse and child neglect prevention 161  
advisory board. The boards of county commissioners of two or more 162  
contiguous counties may instead form a multicounty district to be 163  
served by a child abuse and child neglect prevention advisory 164

board or may designate a regional family and children first 165  
council to serve as the district child abuse and child neglect 166  
prevention advisory board. Each advisory board shall meet at least 167  
twice a year. 168

(2) The county auditor is hereby designated as the auditor 169  
and fiscal officer of the advisory board. In the case of a 170  
multicounty district, the boards of county commissioners that 171  
formed the district shall designate the auditor of one of the 172  
counties as the auditor and fiscal officer of the advisory board. 173

(B) Each county that establishes an advisory board or, in a 174  
multicounty district, the auditor who has been designated as the 175  
auditor and fiscal officer of the advisory board, shall establish 176  
a fund in the county treasury known as the county or district 177  
children's trust fund. The auditor shall deposit all funds 178  
received from the children's trust fund board into that fund, and 179  
the auditor shall distribute money from the fund at the request of 180  
the advisory board. 181

(C) Each January, the board of county commissioners of a 182  
county that has established an advisory board or, in a multicounty 183  
district, the board of county commissioners of the county served 184  
by the auditor who has been designated as the auditor and fiscal 185  
officer for the advisory board, shall appropriate the amount 186  
described in division (B)(2) of section 3109.17 of the Revised 187  
Code for distribution by the advisory board to child abuse and 188  
child neglect prevention programs. 189

(D)(1) Except in the case of a county or regional family and 190  
children first council that is designated to serve as a child 191  
abuse and child neglect prevention advisory board, each advisory 192  
board shall consist of an odd number of members from both the 193  
public and private sectors, including all of the following: 194

(a) A representative of an agency responsible for the 195

administration of children's services in the county or district;	196
(b) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	197 198 199
(c) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	200 201 202
(d) A representative of a county board of developmental disabilities that serves the county or district;	203 204
(e) A representative of the educational community appointed by the superintendent of the school district with largest enrollment in the county or multicounty district.	205 206 207
(2) The following groups and entities may be represented on the advisory board:	208 209
(a) Parent groups;	210
(b) Juvenile justice officials;	211
(c) Pediatricians, health department nurses, and other representatives of the medical community;	212 213
(d) School personnel;	214
(e) Counselors and social workers;	215
(f) Head start agencies;	216
(g) Child care providers;	217
(h) Other persons with demonstrated knowledge in programs for children.	218 219
(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until the member's successor is appointed. All vacancies on the board	220 221 222 223 224

shall be filled for the balance of the unexpired term in the same 225  
manner as the original appointment. 226

(E) Each child abuse and child neglect prevention advisory 227  
board may incur reasonable costs not to exceed five per cent of 228  
the funds allocated to the county or district under section 229  
3109.17 of the Revised Code, for the purpose of carrying out the 230  
functions of the advisory board. 231

(F)(1) Except as provided in division (F)(2) of this section, 232  
each child abuse and child neglect prevention advisory board shall 233  
develop a local allocation plan for the purpose of preventing 234  
child abuse and child neglect and submit the plan on an annual, 235  
biannual, or multiple year basis as determined by the children's 236  
trust fund board. The board shall submit the local allocation plan 237  
to the children's trust fund board on or before the first day of 238  
March preceding the fiscal years for which the plan is developed. 239

(2) Two or more child abuse and child neglect prevention 240  
advisory boards may, with the approval of the children's trust 241  
fund board, partner with each other to develop a comprehensive 242  
local allocation plan for the purpose of preventing child abuse 243  
and child neglect. The advisory boards shall submit the 244  
comprehensive local allocation plan on an annual, biannual, or 245  
multiple year basis as determined by the children's trust fund 246  
board and shall submit the comprehensive local allocation plan to 247  
the children's trust fund board on or before the first day of 248  
March preceding the fiscal year or years for which the plan is 249  
developed. 250

(G) Each child abuse and child neglect prevention advisory 251  
board shall do all of the following: 252

~~(1) For each fiscal biennium, develop a local allocation plan~~ 253  
~~for the purpose of preventing child abuse and child neglect and~~ 254  
~~submit the plan to the children's trust fund board on or before~~ 255

~~the first day of April preceding the fiscal year for which the  
plan is developed;~~ 256  
257

~~(2)~~ Provide effective public notice, as defined by the 258  
children's trust fund board in the state plan or, if the board 259  
does not define the term in the state plan, as defined in rules 260  
adopted by the department of job and family services, to potential 261  
applicants about the availability of funds from the children's 262  
trust fund, including an estimate of the amount of money available 263  
for grants within each county or district, the date of at least 264  
one public hearing, information on obtaining a copy of the grant 265  
application form, and the deadline for submitting grant 266  
applications; 267

~~(3)~~(2) Review all applications received using criteria 268  
specified in the state plan adopted by the board under section 269  
3109.17 of the Revised Code; 270

~~(4)~~(3) Consistent with the local allocation plan or 271  
comprehensive local allocation plan developed pursuant to division 272  
(F)~~(1)~~ of this section, make grants to child abuse and child 273  
neglect prevention programs; ~~i~~ 274

~~(5)~~(4) Establish any reporting requirements for grant 275  
recipients, in addition to those specified by the children's trust 276  
fund board, and for children's advocacy centers for which funds 277  
are used in accordance with section 3109.172 of the Revised Code. 278

~~(G)~~(H) A member of a child abuse and child neglect prevention 279  
advisory board shall not participate in the development of a local 280  
allocation plan or a comprehensive local allocation plan under 281  
division (F)~~(1)~~ of this section if it is reasonable to expect that 282  
the member's judgment could be affected by the member's own 283  
financial, business, property, or personal interest or other 284  
conflict of interest. For purposes of this division, "conflict of 285  
interest" means the taking of any action that violates any 286

applicable provision of Chapter 102. or 2921. of the Revised Code. 287  
Questions relating to the existence of a conflict of interest 288  
pertaining to Chapter 2921. of the Revised Code shall be submitted 289  
by the advisory board to the local prosecuting attorney for 290  
resolution. Questions relating to the existence of a conflict of 291  
interest pertaining to Chapter 102. of the Revised Code shall be 292  
submitted by the advisory board to the Ohio ethics commission for 293  
resolution. 294

~~(H)~~(I) Each advisory board shall assist the children's trust 295  
fund board in monitoring programs that receive money from the 296  
children's trust fund and shall perform such other duties for the 297  
local administration of the children's trust fund as the 298  
children's trust fund board requires. 299

~~(I)~~(J) A children's advocacy center for which a child abuse 300  
and child neglect prevention advisory board uses any amount out of 301  
the funds allocated to the advisory board under section 3109.172 302  
of the Revised Code, as start-up costs for the establishment and 303  
operation of the center, shall use the moneys so received only for 304  
establishment and operation of the center in accordance with 305  
sections 2151.425 to 2151.428 of the Revised Code. Any other 306  
person or entity that is a recipient of a grant from the 307  
children's trust fund shall use the grant funds only to fund 308  
primary and secondary child abuse and child neglect prevention 309  
programs. Any grant funds that are not spent by the recipient of 310  
the funds within the time specified by the terms of the grant 311  
shall be returned to the county treasurer. Any grant funds 312  
returned that are not redistributed by the advisory board within 313  
the state fiscal year in which they are received shall be returned 314  
to the treasurer of state. The treasurer of state shall deposit 315  
such unspent moneys into the children's trust fund to be spent for 316  
purposes consistent with the state plan adopted under section 317  
3109.17 of the Revised Code. 318

~~(J)~~(K) Applications for grants from the children's trust fund 319  
shall be made to the advisory board on forms prescribed by the 320  
children's trust fund board. 321

~~(K)~~(L)(1) Each children's advocacy center for which a child 322  
abuse and child neglect prevention advisory board uses any amount 323  
out of the funds allocated to the advisory board under section 324  
3109.172 of the Revised Code, as start-up costs for the 325  
establishment and operation of the center, and each other person 326  
or entity that is a recipient of a children's trust fund grant 327  
from an advisory board shall file with the advisory board a copy 328  
of a semi-annual and an annual report that includes the 329  
information required by the children's trust fund board. 330

(2) Each advisory board shall file with the children's trust 331  
fund board, not later than the fifteenth day of August following 332  
the year for which the report is written, a copy of an annual 333  
report regarding the county or district local allocation plan that 334  
contains the information required by the children's trust fund 335  
board, and regarding the advisory board's use of any amount out of 336  
the funds allocated to the advisory board under section 3109.172 337  
of the Revised Code as start-up costs for the establishment and 338  
operation of a children's advocacy center. 339

**Section 2.** That existing sections 3109.17, 3109.171, and 340  
3109.18 of the Revised Code are hereby repealed. 341