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Conference Committee Synopsis

Legislative Service Commission

Sub. S.B. 238 126th General Assembly

The Conference Committee recommends the bill as passed by the House of Representatives with the following changes:

Topic	Senate Version	House Version	Conference Committee Recommendation
Shared planning and financial responsibility for an unsuccessful adoption	No provision.	No provision.	<p>Requires an agency that had custody of a child prior to an adoption that subsequently fails to share in the planning and financial responsibility with the agency that assumes custody of the child after the unsuccessful adoption.</p> <p>Terminates the shared planning and financial responsibility on the first day of the 37th month after the child's adoption was finalized, and gives the custodial agency full planning and financial responsibility. (R.C. 5153.20(B).)</p>

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Information sharing prior to placement in the prospective adoptive home	No provision.	No provision.	<p>Requires an agency or attorney arranging an adoption to notify the county public children services agency (PCSA) where the prospective adoptive parent resides, within ten days after initiation of a home study. After notification, the agency or attorney and the PCSA must share relevant information regarding the prospective adoptive parent.</p> <p>Requires a second notification of an impending adoptive placement at least ten days prior to the placement of the adoptive child in the prospective adoptive home that includes a description of the special needs and age of the child and the name of the prospective adoptive parent and number of children that will be residing in the prospective adoptive home after placement. <i>(R.C. 3107.10.)</i></p> <p>Requires the Director of the Ohio Department of Job and Family Services (ODJFS) to define "relevant information."</p>



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Multiple children assessments	No provision.	No provision.	<p>Requires an assessor to complete a multiple children assessment, during the home study, if a person seeking to adopt a minor or foster child (other than a stepchild adoption) will have at least five children who permanently reside in the prospective adoptive home once the minor or child is placed in the home.</p> <p>Requires the assessor, in the multiple children assessment, to evaluate the ability of the person seeking to adopt in meeting the needs of the children that will be residing in the home. <i>(R.C. 3107.032.)</i></p>
Prospective adoptive home visits	No provision.	No provision.	<p>Requires an assessor, no later than seven days after a minor to be adopted is placed in the prospective adoptive home, to conduct a prospective adoptive home visit every 30 days until the court issues a final decree of adoption in order to evaluate the progression of the placement.</p> <p>Requires the assessor, during the prospective adoptive home</p>



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			visits, to make face-to-face contact with the prospective adoptive parent and the minor to be adopted, and requires contact with all other children or adults residing in the home as prescribed by administrative rule adopted by the Director of ODJFS. <i>(R.C. 3107.101.)</i>
Uniform Statewide Automated Child Welfare Information System (SACWIS) access and search	<p>Allows information contained in SACWIS to be accessed only (1) by ODJFS and a PCSA when the access is directly connected with assessment, investigation, or services regarding a child or family, or the access is permitted by state or federal law, or (2) by a person for use in a manner, to the extent, and for the purposes authorized by rules adopted by ODJFS <i>(R.C. 5101.132(A))</i>.</p> <p>No provision.</p>	<p>Specifies that access by ODJFS or a PCSA may be as permitted by state or federal law, <u>rule, or regulation</u> <i>(R.C. 5101.132(A))</i>.</p> <p>No provision.</p>	<p>Further requires ODJFS to adopt rules regarding a private child placing agency's (PCPA) or private noncustodial agency's (PNA) access, data entry, and use of information in SACWIS <i>(R.C. 5101.134(A))</i>.</p> <p>Requires a search of SACWIS to be conducted prior to a child's placement with a prospective adoptive parent or an association or institution (e.g., in foster care).</p>

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			Allows an adoption application or foster care certification to be denied, under certain circumstances, based on a summary report of the search of SACWIS. <i>(R.C. 3107.033, 3107.034, and 5103.18.)</i>
Falsification of adoption and foster care related documents	No provision.	No provision.	<p>Provides that a person seeking to adopt a minor who knowingly makes a false statement in an adoption application submitted to an adoption agency or attorney in order to obtain adoption services, or that is included in a home study, is guilty of falsification, a first-degree misdemeanor <i>(R.C. 3107.011(B) and 3107.031)</i>.</p> <p>Prohibits a home study containing a false statement from being filed with the court, and permits the court to strike from the court's records a home study containing such a false statement <i>(R.C. 3107.011)</i>.</p> <p>Provides that an institution or association that knowingly makes a false statement that is</p>



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			<p>included as part of its certification to receive and care for children is guilty of falsification (<i>R.C. 5103.03(B)(4)</i>).</p> <p>Prohibits ODJFS from certifying an institution or association that submits such false information (<i>R.C. 5103.03(B)(4)</i>).</p>
Access to nonidentifying adoption records	No provision.	No provision.	Extends the right of access to nonidentifying information in an adoption record to persons adopted between January 1, 1964, and September 18, 1996 (<i>R.C. 3107.66</i>).
Adoption of an adult	No provision.	No provision.	<p>Allows a consenting adult to be adopted if the adult was in the permanent custody of a PCSA or a PCPA at the time of the adult's 18th birthday.</p> <p>Specifies that such an adult adoption will not disqualify that adult from independent living services. (<i>R.C. 3107.02(B)(4)</i> and <i>(E)</i> and <i>3107.14(E)</i>.)</p>

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Children's crisis care facilities	No provision.	No provision.	<p>Replaces the licensure of type A and type B crisis nurseries with the certification of children's crisis care facilities.</p> <p>Expands the types of children who may be served by children's crisis care facilities, but limits the amount of time a pre-teen can be cared for in a children's crisis care facility.</p> <p>Authorizes ODJFS to apply to the United States Secretary of Health and Human Services for a federal grant under the federal "Child Abuse Prevention and Treatment Act" to assist children's crisis care facilities. <i>(R.C. 5103.13 and 5103.131.)</i></p>
Domestic Violence Option Task Force	No provision.	No provision.	<p>Creates the Task Force on Implementing the Federal Domestic Violence Option in the Ohio Works First Program.</p> <p>Requires the Task Force to prepare and submit a report by December 31, 2006, that must include recommendations on how to implement the federal domestic violence option within</p>



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			the Ohio Works First Program. Sunsets the Task Force after the report is submitted to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. <i>(Section 6.)</i>
Civil immunity for foster caregivers	No provision.	No provision.	Provides foster caregivers with qualified immunity from civil liability relating to actions or omissions performed under the Foster Care Law <i>(R.C. 5103.162)</i> .
Adoption assessor registry	No provision.	No provision.	Requires ODJFS to develop and maintain a registry of adoption assessors. Allows a PCSA, PCPA, PNA, court, or any other person to contact ODJFS to determine if an individual is listed in the registry. <i>(R.C. 3107.014(D).)</i>
PCSA caseworker and supervisor training	No provision. Requires that the first year training for a PCSA caseworker	No provision. No change.	Increases from 90 to 102 the number of hours of in-service training required of a caseworker hired by a PCSA. Adds courses in accepting reports of child abuse, neglect,



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	<p>must include courses on assessing "safety and risk" (as opposed to assessing "risks") and on the importance of and need for accurate data, preparation for court, and maintenance of case record information (R.C. 5153.122).</p> <p>Requires that a PCSA caseworker <i>supervisor</i> must complete 60 hours of in-service training during the first year of continuous employment (R.C. 5153.123).</p>	No change.	<p>and dependency, and in assessing child safety, to the list of required courses for a PCSA caseworker. (R.C. 5153.122.)</p> <p>Specifies that the in-service training for a PCSA caseworker <i>supervisor</i> must include courses on screening reports of child abuse, neglect, or dependency. (R.C. 5153.123.)</p>
Child abuse or neglect reporting	No provision.	No provision.	Adds persons performing the duties of an adoption assessor and employees of (1) respite care facilities or homes, (2) home health agencies, (3) entities that provide homemaker services, and (4) a third party employed by a PCSA to assist in providing child or family related services to the list of individuals that are required, under current law, to report knowledge or suspicion of child abuse or neglect (R.C. 2151.421(A)(1)(b)).



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Interstate Compact for the Placement of Children (ICPC)	No provision.	No provision.	Replaces the current ICPC provisions with provisions enacting the most recent ICPC (issued March, 2006) (<i>R.C. 5103.20, 5103.21, and 5103.22</i>).

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