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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 8  
133<sup>rd</sup> General Assembly

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsors:** Reps. Manchester and Galonski

**Effective date:** January 22, 2021

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UPDATED VERSION\*

### SUMMARY

- Eliminates the statutory minimum preplacement training hours for family foster homes and specialized foster homes in favor of rules adopted by the Department of Job and Family Services (ODJFS).
- Permits up to 20% of preplacement training to be provided online.
- Eliminates the statutory minimum continuing training hours for family foster homes and specialized foster homes in favor of rules adopted by ODJFS.
- Removes the statutory hour and training requirements for foster caregivers of a child under a temporary custody agreement in favor of requirements adopted in ODJFS rules.
- Requires planned permanent living arrangement (PPLA) caregivers to complete training as developed and implemented by ODJFS rules.
- Repeals statutory coursework and training requirements in favor of requirements adopted in ODJFS rules.
- Repeals statutory needs assessment and continuing training plan requirements in favor of requirements adopted in ODJFS rules.
- Requires compensation in the form of an allowance for the cost of training pursuant to the rules adopted by ODJFS.
- Requires ODJFS to adopt rules for compensating a recommending agency for a foster caregiver's foster home certification and recertification training that the private child

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\* This version updates the effective date.

placing agency or a private noncustodial agency requires, if it is in addition to the minimum continuing training required by ODJFS rules.

- Eliminates the statutory maximum number of children a foster home may receive in favor of rules adopted by ODJFS.
- Requires, at a frequency established by ODJFS rules, instead of every two years under former law, that an association or institution that receives, or desires to receive and care for children, or places children in private homes:
  - Be inspected and certified or recertified; and
  - Submit a report to ODJFS containing certain things, including information on its condition, management, and competency, if it desires certification or recertification.
- Provides that ODJFS certification of an association or institution that receives, or desires to receive and care for children, or places children in private homes, be valid for a length of time determined by ODJFS rules instead of every two years under former law.

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## **DETAILED ANALYSIS**

### **Overview of training changes**

The act makes several changes to the foster and planned permanent living arrangement caregiver training requirements. Generally, it removes the training requirements from statute and requires the Department of Job and Family Services (ODJFS) to adopt rules to establish those requirements. The act also makes other changes regarding the training reimbursement to a private child placing agency (PCPA) or a private noncustodial agency (PNA).

Continuing law defines the following terms:<sup>1</sup>

- “Foster home” is a private residence where children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training 24 hours a day.
- “Family foster home” is a foster home that is not a specialized foster home.
- “Specialized foster home” is a medically fragile foster home or a treatment foster home.
- “Treatment foster home” is a foster home that incorporates special rehabilitative services to treat the specific needs of the children in the foster home who are emotionally or behaviorally disturbed, chemically dependent, developmentally disabled, or otherwise have exceptional needs.
- “Medically fragile foster home” is a foster home that provides specialized medical services to meet the needs of children with intensive health care needs.

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<sup>1</sup> R.C. 2151.011(A)(38) and 5103.02, not in the act.

- “Planned permanent living arrangement” is an order of a juvenile court to which both of the following apply:
  - The court gives legal custody of a child to a public children services agency (PCSA) or a PCPA without the termination of parental rights; and
  - The order permits the PCSA/PCPA to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

### **Preplacement training**

The act eliminates the statutory hourly requirement for preplacement training that prospective foster caregivers must complete in order to receive a certificate for either a family foster home or a specialized foster home. Instead, ODJFS must establish the amount of training hours by rule. The act also permits up to 20% of the required preplacement training to be provided online. Under former law, the requirement for both a family foster home and a specialized foster home was 36 hours.<sup>2</sup>

### **Continuing training**

The act eliminates the statutory hourly requirements for continuing training that foster caregivers must complete in the preceding two-year certification period in order to renew a certificate for both a family foster home and a specialized foster home. Instead, ODJFS must establish the amount of training hours by rule. Under former law, for a family foster home, the requirement was 40 hours. For a specialized foster home, the requirement was 60 hours. Additionally, the act eliminates the following:

1. Ability to fulfill 20% of the continuing training requirement by teaching one or more training classes;
2. Ability of a PCSA, PCPA, or PNA to waive up to 8 hours of continuing training if certain requirements are met; and
3. Good cause policies for a caregiver’s failure to complete continuing training.<sup>3</sup>

### **Training regarding temporary custody agreement children**

The act eliminates the statutory hourly requirement for preplacement training that certain prospective foster caregivers (those who care for children in the temporary custody of a PCSA or PCPA under an agreement entered into when the child was under six months old) must complete in order to receive a certificate. Instead, ODJFS must establish the amount of training hours by rule. Additionally, the act requires continuing training to be in accordance with the

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<sup>2</sup> R.C. 5103.031 and 5103.316(D).

<sup>3</sup> R.C. 5103.032 and 5103.0316(D) and (F).

foster caregiver's needs assessment and continuing training plan which is developed and implemented by ODJFS rules adopted under the act.<sup>4</sup>

### **Planned permanent living arrangement (PPLA) caregiver**

The act requires PPLA caregivers to complete training as developed and implemented by ODJFS rules adopted under the act that apply to the foster caregiver's written needs assessment and continuing training plan.<sup>5</sup>

### **Preplacement and continuing training coursework**

The act repeals the statutory coursework requirements for preplacement and continuing training in favor of requirements adopted in ODJFS rules.<sup>6</sup>

### **Needs assessment and continuing training plans**

The act repeals the needs assessment and continuing training plan requirements for foster and PPLA caregivers. In its place, a PCSA, PCPA, or PNA must develop and implement a written needs assessment and continuing training plan for each caregiver in accordance with the rules adopted by ODJFS.<sup>7</sup>

### **Cost reimbursement for training foster caregivers**

The act provides that compensation paid to a PCPA or a PNA must be paid in the form of an allowance to reimburse the cost of preplacement and continuing training pursuant to ODJFS rules. ODJFS must adopt rules for the compensation of a recommending agency for a foster caregiver's foster home certification and recertification training that the PCPA or PNA requires if it is in addition to the minimum training required under the rules adopted by ODJFS.<sup>8</sup>

### **Limitations on number of children in foster home**

The act eliminates the statutory limitation that prohibited a foster home from receiving more than five children apart from their parents, guardian, or custodian. Instead, the ODJFS Director must adopt rules concerning the maximum number of children a foster home may receive and any exceptions to it. The eliminated statute made the following exceptions to its limit:

- To accommodate a sibling group or the remaining members of a sibling group;
- When the additional child or children are related to the foster caregiver by blood or marriage;

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<sup>4</sup> R.C. 5103.033 and 5103.0316.

<sup>5</sup> R.C. 2151.353 and 5103.0316.

<sup>6</sup> R.C. 5103.038, 5103.039, 5103.0311, and 5103.0316(E).

<sup>7</sup> R.C. 5103.035 and 5103.0316(F).

<sup>8</sup> R.C. 5103.0313, 5103.0314, and 5103.0316(B).

- When the additional child or children are foster children who previously resided in the foster home; or
- When the additional child or children are the child of a foster child who resides in the foster home.<sup>9</sup>

## Inspection and recertification frequency

The act requires ODJFS, at a frequency it must establish in rules, to pass upon the fitness of every institution and association that receives, desires to receive and care for children, or places children in private homes (except facilities under control of the Department of Youth Services, places of detention for children, and child day-care centers). ODJFS must issue to a compliant institution or association a certificate to that effect that is valid for a length of time determined in those rules. Further, each institution or association desiring certification or recertification must submit to ODJFS a report providing certain information, including information about its condition, management, and competency, required under continuing law on a frequency specified in those rules.

Former law required the following every two years:

- ODJFS to pass upon the fitness of institutions and associations and issue certification for compliance if ODJFS is satisfied; and
- Institutions and associations desiring certification or recertification to submit a report to ODJFS.<sup>10</sup>

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## HISTORY

Action	Date
Introduced	05-13-19
Reported, H. Health	06-05-19
Passed House (89-0)	06-06-19
Reported, S. Health, Human Services & Medicaid	09-02-20
Passed Senate (31-0)	09-02-20
House concurred in Senate amendments (93-0)	09-23-20

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<sup>9</sup> R.C. 5103.0317.

<sup>10</sup> R.C. 5013.03(A), (B), and (D).