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Bill Analysis

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Version: As Reported by House Children and Human Services

Primary Sponsors: Reps. Plummer and Young

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SUMMARY

Crimes involving children and the elderly

- Expands the offense of endangering children to prohibit a person who is temporarily caring for a child from, without the express consent of the child's parent, guardian, or custodian, negligently placing the child in the care of an offender who has been convicted of or pleaded guilty to child endangerment.
- Expands aggravated murder to include purposefully causing the death of a person under 18 years of age, rather than 13 as in current law.
- Adds a mandatory ten-year prison term for victims of felonious assault who are under 18 or over 65 years of age and suffer permanent disabling harm.

Domestic violence reports by law enforcement

- Requires law enforcement agencies to report to the public children services agency (PCSA) all domestic violence incidents when law enforcement has reason to believe that a child resides in the home.

Child welfare agency requirements

- Requires PCSA case plans for children under three years old in temporary custody to require child and family participation in the Help Me Grow program and, if the child is eligible, in early intervention services under Part C of the federal Individuals with Disabilities Education Act (IDEA).
- Requires a PCSA to conduct generally, twice monthly in-person visits and once a week contact via videoconferencing for weeks the caseworker is not visiting in-person with any child in the PCSA's custody if the child is under five years old, has a developmental disability, or is a child in a treatment or medically fragile foster home.

- Increases the minimum frequency of PCSA visits with a child in a residential facility to twice monthly in-person visits, and once a week contact via videoconferencing for weeks the caseworker is not visiting in-person; requires the Department of Children and Youth (DCY) to monitor PCSAs for compliance; and makes PCSA access to specified funding dependent on compliance.
- Requires weekly in-person caseworker visits with children on in-home safety plans and weekly contact and every other week in-person visits with children on out-of-home safety plans.
- Requires additional oversight by a supervisory team decision process at specified key decision points.
- Requires a PCSA to report to DCY when children who are five or younger under an out-of-home safety plan are the subject of a second report of abuse or neglect.
- Requires a PCSA to enter into the uniform statewide automated child welfare information system (SACWIS) all domestic violence reports reported by law enforcement.
- Requires a PCSA that is investigating a report of child abuse or neglect or has filed a complaint alleging that the child is an abused, neglected, or dependent child to search SACWIS for previous reports of alleged domestic violence involving the child.
- Requires, if a PCSA receives a report of child abuse or neglect and the child resides in another county or in both the county served by the receiving PCSA and another county, the following:
  - The agency that receives the report to respond to and investigate the report and notify the other agency.
  - The agencies to work together to determine the lead agency.
- Requires a PCSA to use the traditional response for any physical abuse, rather than only for physical abuse that results in serious injury or creates a serious and immediate risk to a child's health and safety as in current law.
- Requires, for PCSA caseworker in-service training, a course on safety and risk assessment for youth with disabilities and specifies that the existing course requirement on interviewing persons must include interviewing individuals with disabilities; interviewing techniques using telephone, videoconferencing or any similar form of technology; and analytical skills to improve interviewing skills.

Child welfare whistleblower protections

- Prohibits an employer from taking any disciplinary or retaliatory action against an employee who shares information with a federal, state, or local government entity regarding a child to protect the child's welfare.

DCY child welfare electronic dashboard

- Requires DCY to develop a public electronic dashboard to publish, by county, specified child welfare data, publish it monthly, and submit a copy to each board of county commissioners monthly.

Child Protection Reform Act

- Names the bill the "Child Protection Reform Act."

DETAILED ANALYSIS

Crimes involving children and the elderly

Endangering children

The bill expands the offense of endangering children to prohibit a person who has been granted temporary care or supervision of a child by the child's parent, guardian, or custodian from, without the express consent of the child's parent, guardian, or custodian, negligently leaving the child in the care, custody, or control of another individual who has previously been convicted of or pleaded guilty to endangering children, a first degree misdemeanor.[1]

Minor victim of aggravated murder

The bill expands the offense of aggravated murder to include purposefully causing the death of another who is under the age of 18 at the time of the commission of the offense. Current law applies this prohibition to people under the age of 13.[2]

Additional sentence for felonious assault involving minor or elderly person

Under the bill, an offender will be sentenced to an additional mandatory ten-year prison term for victims of felonious assault who are under the age of 18 or over the age of 65 and suffer permanent disabling harm as a result of the offense.[3]

Domestic violence reports by law enforcement

The bill requires law enforcement agencies to submit to the PCSA all alleged incidents of domestic violence when law enforcement has reason to believe that a child resides in the home, including the address where the alleged offense occurred that the law enforcement agency responded to in the preceding week.[4]

[1] R.C. 2919.22.

[2] R.C. 2903.01.

[3] R.C. 2903.11, 2929.13(F)(21), 2929.14(B)(10), and 2941.1426.

[4] R.C. 2151.4235(A).

Child welfare agency requirements

Case plans for children under three years old

Under existing law, a PCSA or private child placing agency (PCPA) must prepare and maintain a case plan for any child to whom the agency is providing services. Case plans identify a family's strengths and concerns and list objectives and strategies to reduce risks that led to the family's involvement with the child welfare system. The bill adds that all case plans for children under three years old in temporary custody must require child and family participation in the Help Me Grow program and, if the child is eligible, participation in early intervention services under Part C of the federal Individuals with Disabilities Education Act (IDEA).[5]

The Help Me Grow program is Ohio's evidenced-based parent support program that encourages early prenatal and well-baby care, as well as parenting education to promote the comprehensive health and development of children. Part C of the IDEA provides early intervention services for infants and toddlers with disabilities and their families.[6]

Caseworker visitation requirements

Children under five, with a developmental disability, or in a treatment or medically fragile foster home

The bill requires a PCSA to conduct visits as follows with a child who is in the PCSA's custody if the child is under five years old, has a developmental disability, or is placed in a treatment foster home or medically fragile foster home:

- One face-to-face visit with the child and substitute caregiver within the substitute care setting during the first week of placement, not including the first day of placement;
- One face-to-face visit with the child and the substitute caregiver twice monthly, not within the same week;
- One visit with the child via videoconferencing or any similar form of technology at least once a week during the weeks when a face-to-face visit is not required, except the agency must arrange a visit between the child and a service provider involved in the child's case plan via telephone, videoconferencing, or any similar form of technology when a caseworker is unable to visit under this division.

A caseworker employed by the agency that has full responsibility for case planning and case management of the child's case must conduct at least one of the face-to-face biweekly visits. Any other visits may be conducted by a caseworker employed by another agency contracted by the responsible agency. The purpose of the visits is to determine the child's well-being.[7]

[5] R.C. 2151.412.

[6] R.C. 5180.21 and 5180.30, not in the bill.

[7] R.C. 5153.16(A)(25).

Children in residential facilities

The bill increases the minimum frequency of visits a PCSA or PCPA is required to make with a child in a residential facility. Under the bill, a PCSA or PCPA with custody of a child under the care or supervision of a residential facility must conduct visits as follows (rather than monthly in-person visits to the residential facility as in current law) to determine the child's well-being:

- One face-to-face visit with the child during the first week of placement, not including the first day of placement;
- One face-to-face visit with the child twice monthly, not within the same week;
- One visit with the child via videoconferencing or any similar form of technology a minimum of once a week during the weeks when a face-to-face visit is not required, except the agency must arrange a visit between the child and a service provider involved in the child's case plan via telephone, videoconferencing, or any similar form of technology when a caseworker is unable to visit.

A caseworker employed by the agency that has full responsibility for case planning and case management of the child's case must conduct at least one of the face-to-face biweekly visits. Any other visits may be conducted by a caseworker employed by another agency contracted by the responsible agency. The agency must report each visit, in addition to maintaining documentation of each visit and reporting concerns about the child as in continuing law.

Additionally, DCY must monitor whether a PCSA or PCPA is complying with the bill's visitation requirements for children in residential facilities. DCY must submit a quarterly compliance report to the county commissioners of the county where the residential facility is located. If a PCSA or PCPA is compliant, the county is to receive access to funding appropriated from the General Revenue Fund to incentivize best practices. If a PCSA or PCPA is not in compliance, the county may not receive access to that funding.[8]

Children on safety plans

The bill codifies current DCY rules for minimum home visits with children on in-home and out-of-home safety plans. For a child on an in-home safety plan, the PCSA must conduct weekly home visits in which the PCSA makes face-to-face contact with each child identified in the safety plan and each parent, guardian, or custodian residing in the home. For a child on an out-of-home safety plan, the PCSA must have weekly contact with the children or persons responsible for the action steps to control active safety threats. For both children on in-home safety plans and those on out-of-home safety plans, the PCSA must complete an assessment of the active safety threats during each visit.[9]

[8] R.C. 2151.467, with conforming changes in R.C. 2151.468.

[9] R.C. 5153.16(A)(26) and (27).

Additional oversight by supervisory team decision process

The bill requires a PCSA to require additional oversight of a child abuse or neglect case by a supervisory team decision process, including a risk and vulnerability review, at the following key decision points:

- Screen decisions involving any of the following:
  - Infants under one year of age;
  - Children who are at least one year of age but less than five years of age and who have been the subject of a substantiated report of abuse or neglect;
  - Children or a sibling of a child who has experienced a substantiated or indicated near fatality.
- Prior to closing an investigation or assessment and prior to implementation of a reunification plan involving any of the following:
  - Children five years of age and younger;
  - Children with a known disability.
- On receipt of a new report of abuse or neglect involving a child with an open case plan.

DCY is permitted to adopt rules to broaden the types of children to whom the bill's additional oversight requirements apply.[10]

Report to DCY

The bill requires a PCSA to report to DCY when children five years of age or younger under an out-of-home safety plan are the subject of a second report of abuse or neglect. DCY is permitted to adopt rules to broaden the types of children to whom this requirement applies.[11]

SACWIS examination for domestic violence entries

Under the bill, a PCSA must enter into SACWIS all domestic violence incidents reported to the PCSA by law enforcement (see above, "**Domestic violence reports by law enforcement**"). Additionally, a PCSA that is investigating a report of child abuse or neglect or has filed a complaint with a juvenile court alleging that the child is an abused, neglected, or dependent child must examine SACWIS to determine if a law enforcement agency has previously documented any alleged domestic violence offense involving the child.[12]

[10] R.C. 5153.16(A)(28) and (D).

[11] R.C. 5153.16(A)(29) and (D).

[12] R.C. 2151.4235(B) and (C).

PCSA cooperation and information sharing

Dual jurisdiction and lead agency determination

Under the bill, if a PCSA receives a report of child abuse or neglect and the child resides in a county other than the county served by that PCSA or lives in both the county served by the PCSA that received the report and another county, all the following apply:

- The PCSA that received the report must immediately respond to and investigate the report;
- That PCSA must notify the PCSA served by the other county within 24 hours of receiving the report;
- The PCSAs must jointly determine which agency will serve as the lead agency. The PCSAs must make this determination within one business day; and
- The PCSAs must jointly investigate the report until they determine which agency will serve as the lead agency.[13]

Joint investigations

The bill requires a PCSA that jointly investigates a report of child abuse or neglect with another PCSA to share case information with the other agency as needed or requested, regardless of whether the PCSAs have determined which PCSA is to serve as the lead agency. If custody or supervision of a child transfers from one PCSA to another, the PCSA that previously had custody or supervision of the child must transfer all information regarding the child, including any case plan, to the other PCSA and share all information that is necessary to serve the child's well-being. The bill states that nothing in existing law prevents a PCSA from cooperating or sharing case management duties or other responsibilities with another PCSA as necessary.[14]

Differential response approach

Under continuing law, a PCSA, after categorizing a report as abuse or neglect, responds to each report using the differential response approach, in which it pursues either a traditional response or an alternative response. A traditional response encourages engagement with the family in (1) a comprehensive evaluation of the child's current and future safety needs and (2) a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. In contrast, an alternative response does not include a determination whether abuse or neglect occurred. In current law, a PCSA must use the traditional response under certain circumstances, including physical abuse that results in serious injury or creates a serious and immediate risk to a child's health and safety. Under the bill, any physical abuse requires a traditional response approach.[15]

[13] R.C. 2151.421(E)(2) and (3) and (G)(2).

[14] R.C. 2151.4211.

[15] R.C. 2151.429.

In-service caseworker training

The bill makes changes to existing law governing PCSA in-service caseworker training during a caseworker's first year of employment. In addition to the training courses required by continuing law, the bill requires a course on safety and risk assessment for youth with disabilities. The bill also specifies that the existing course requirement on interviewing persons must include interviewing individuals with developmental, communication, and other disabilities; interviewing techniques using telephone, videoconferencing, or any similar form of technology; and analytical skills to improve interviewing skills.[16]

Disclosure of child welfare information by various entities

Under the bill, within four business days of receipt of a report of abuse or neglect, at the request of a PCSA or peace officer or when the disclosure is necessary to ensure a child's safety, the following entities must provide relevant information to the PCSA or peace officer concerning a report of child abuse or neglect without a subpoena:

- Another PCSA;
- Another peace officer or law enforcement agency;
- A health care professional or health care facility;
- Notwithstanding Ohio law governing student confidentiality and to the extent permissible under the federal "Family Educational Rights and Privacy Act of 1974" (FERPA),[17] a school district.

The bill states that the disclosure of protected health information by a covered entity is deemed permissible under the HIPAA Privacy Rule and Ohio law that mirrors federal HIPAA law. Under federal law, the HIPAA Privacy Rule allows covered entities, including health care providers, to disclose protected health information to government entities who receive child abuse and neglect reports.[18]

Child welfare whistleblower protections

The bill prohibits an employer from taking any disciplinary or retaliatory action against an employee who shares information with a federal, state, or local government entity regarding a child in accordance with state or federal law to protect the child's welfare. Disciplinary or retaliatory action by the employer includes doing any of the following:

- Removing or suspending the person from employment;

[16] R.C. 5153.122.

[17] R.C. 3319.321 and 20 United States Code 1232g, not in the bill.

[18] R.C. 2151.421(E)(4) and 2151.423; 45 Code of Federal Regulations 164.512(b)(1)(iii) and R.C. Chapter 3798, not in the bill.

- Withholding from the person salary increases or employee benefits to which the person is otherwise entitled;
- Transferring or reassigning the person;
- Denying the person a promotion that the person otherwise would have received;
- Reducing the person in pay or position.

If an employer takes any disciplinary or retaliatory action against a person who shares such information, the person may bring a civil action for appropriate injunctive relief in a court of common pleas in accordance with the Rules of Civil Procedure. In rendering a judgment for the person, the court may order, as it determines appropriate, reinstatement of the person to the same position the person held at the time of the disciplinary or retaliatory action, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these remedies. The court also may award the prevailing party all or a portion of the costs of litigation. If the person who brought the action prevails in the action, the court may award the prevailing person reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate.

The bill defines the following terms:

- "Employee" is any person who performs a service for wages or other remuneration for an employer.
- "Employer" is any governmental entity that employs one or more employees, including the state or any agency or instrumentality of the state, and any municipal corporation, county, township, school district, or any agency or instrumentality thereof.[19]

Child welfare electronic dashboard

The bill requires DCY to develop a public electronic dashboard to publish, by county, the following data reported to DCY:

- The number of children residing in the county;
- The number of children in the custody of a PCSA or PCPA;
- The number of children in each placement type, including children who are placed in another state;
- The average length of stay for a child in each placement type.

The bill prohibits DCY from publishing data, including data in the aggregate, if the number of children in a category is fewer than ten children. DCY must publicly publish the data monthly and submit a copy of the data to each board of county commissioners monthly.[20]

[19] R.C. 2151.89.

[20] R.C. 5180.09.

Child Protection Reform Act

The bill is named the "Child Protection Reform Act."[21]

HISTORY

Action	Date
Introduced	12-23-25
Reported, H. Children & Human Services	06-09-26

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[21] Section 4.