

HB 446/SB 142
Standards for Out-of-State
Placement of Ohio
Children

Stakeholder Meeting
April 6, 2010

OOS Placement Methods

3 Types of Out-of-State (OOS) Placement Methods

- Juvenile court “commitments” (ORC 2151.331, 2152.26, 2152.19)
- Juvenile court “detention holdings” (ORC 2152.41, 2152.26)
- Child welfare “placements” (ORC 2151.331, 5103)
 - Occurs through the Interstate Compact on the Placement of Children (ICPC) law, administered by ODJFS. Some of these youth *may* also be adjudicated delinquent.
 - Settings: group home, residential center, parent, relative, adoptive home

Child Welfare Placement Process

- OOS “placements” into residential centers and group homes are made by custodial agencies -- juvenile courts and public children services agencies (PCSA)
- PCSAs must have placements approved by the other state’s ICPC administrator
- Required paperwork: JFS 01661, JFS 02424, narrative, child information, child summary, reason for placement, case plan
 - For delinquent children placed in residential centers, documentation indicating placement is not available in the PCSA’s jurisdiction and the placement is in the best interest of the child and will not produce undue hardship on the child.

Source: OAC 2-52-04

Child Welfare Placement Monitoring

Requirements for the Ohio sending agency:

- Case planning
- Semiannual administrative reviews
- Visitation
 - Request an OOS agency to provide supervision and services and submit written supervisory reports monthly
 - Contact the placement setting within 10 days of placement and at least every other month thereafter
 - Conduct monthly face-to-face visits with the child within the substitute care setting. The sending agency **may request** the supervising agency in the other state to conduct these visits (OAC 2-52-04)
 - Sending agencies may enter into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision for children in placement. (ORC 5103.20 VII, A, 3)

Focus of Concern

Ohio children who are placed OOS into residential centers and group homes (i.e. child welfare placements pursuant to ORC 2151.331, 5103).

- Frequency: 275 placements during 2007-2008
- Location: Indiana (91), Pennsylvania (62), Utah (62), and across 13 other states (60)
 - 56% of placements occur in border states

Explanation of Concern

- ✓ Ohio children in OOS placement deserve to have Ohio's high quality level of standards protect them.
 - Key issues: mechanical restraint, chemical restraint, physical restraint, isolation, confinement
- ✓ Ohio law and regulations do not 'follow' children in OOS placement. Instead, the other state's laws apply, which usually offer less protections.
- ✓ While custodial agencies ***may*** stipulate in their contracts with OOS providers that all or some Ohio standards must apply to a child's placement, this practice is optional, and there is no state enforcement or monitoring of these special contract stipulations.

Purpose of HB 446

- ✓ Ensure that Ohio children who are placed in OOS residential centers and group homes are protected by Ohio law and regulation (i.e. “Ohio standards”)
 - The laws and regulations on children in substitute care settings are enforced by ODJFS, ODMH, and to a lesser extent, ODDD

HB 446 Provisions

1. ODJFS-ODMH Rule Making

The rules must establish:

- procedures for verifying if the OOS entity complies with Ohio standards;
- a list of eligible OOS entities that are in compliance;
- procedures for transferring a child back to Ohio if the OOS entity is determined to be out of compliance after the placement occurs;
- fee structure for the OOS entities that seek to receive Ohio children for placement (perhaps application & ongoing monitoring fees), and;
- any other procedure or requirement necessary.

HB 446 Provisions

2. Applicable Out-of-State Entities

Any “agency, home, school, camp, institution, or other entity or residential facility”. This could be interpreted to include **ALL** substitute care settings, even kinship and adoptive placements.

HB 446 Provisions

3. Applicable Child Placement Methods

- Juvenile court “commitments” (ORC 2151.331, 2152.26, 2152.19)
- Juvenile court “detention holdings” (ORC 2152.41, 2152.26)
- Child welfare “placements” (ORC 2151.331, 5103)
 - Occurs through the Interstate Compact on the Placement of Children (ICPC) law, administered by ODJFS. Some of these youth *may* also be adjudicated delinquent.
 - Settings: group home, residential center, parent, relative, adoptive home

Other States

- CT, TX, GA, MN, NY, NJ, WV, KY, & PA each address OOS placements differently. Some:
 - Require in-state visitation and contact standards to apply
 - Require monthly written progress reports
 - Require annual or semi-annual in-person caseworker visits by sending state
 - Limit OOS placements to border states
 - State agency director approval required
 - Require state agency to submit annual report of OOS placement statistics to state legislature
 - Certify that the receiving OOS entities meet in-state standards
 - Subject OOS entities to inspections, evaluation, and approval by the sending state
 - Establish an in-state real-time bed vacancy website

HB 446 Concerns

(See handout)