

## Procedure Letter 14

**TO:** Children Services Stakeholders

**FROM:** Kara B. Wente, Director

**DATE:** May 1, 2025

**SUBJECT:** HB 315 Public Children Services Agency, Private Child Placing Agency, Residential Facilities New Requirements

### Background

On January 2, 2025, Governor Mike DeWine signed Amended House Bill 315 of the 135th General Assembly (HB 315), with an effective date of April 3, 2025. HB 315 amends numerous sections of the Ohio Revised Code (ORC) that impact public children services agencies (PCSA), private child placing agencies (PCPA), and residential facilities. HB 315 authorizes the Department of Children and Youth (DCY) to adopt rules detailing the requirements.

### Implementation

The purpose of this letter is to provide clarification regarding the responsibilities of a PCSA, PCPA, or residential facility related to the changes due to HB 315. As the law also made statutory changes to other entities that interact with youth in foster care, those requirements will also be detailed. The changes below were effective as of April 3, 2025.

#### **Educational stability of children in foster care**

Changes Ohio Revised Code (ORC) sections 3301.95, 3313.6414, and 5103.0513 regarding the educational stability of children in foster care, including requiring:

- The Department of Education and Workforce (DEW) is to annually provide all school districts with best practices to help ensure the educational stability of students who are in a PCSA's/PCPA's custody.
- A school district that enrolls a child placed at a residential facility is to assess the child's needs for appropriate services and interventions.
- The school district is to use all available assessments and the results of its assessments to make recommendations for services and interventions to the custodial PCSA/PCPA.
- The school district, to the extent permitted by law, is to share the recommendations with the custodial PCSA/PCPA and the residential facility.



- The custodial PCSA/PCPA is to complete the **DCY 01442 “Educational Information for Children Placed in Residential Facilities”** form for each child the agency places in a residential facility outside the child’s school district of residence.
- The custodial PCSA/PCPA is to verbally convey the information to the foster care liaison in the student’s new school district when the child is enrolled and must submit the written form to the district’s foster care liaison within five days after the child’s enrollment.

**Rule:** The following rule will be amended to incorporate all changes needed to comply with the law:

- 5180:2-42-90 Information to be provided to children, caregivers, school districts and juvenile courts.

### **Notification Requirements – Hospitals, Emergency Departments and Law Enforcement**

Changes Ohio Revised Code (ORC) sections 2151.46, 2151.461, 2151.462, 2151.463, 2151.464 and 2151.465 establishes notification and response requirements when a child is placed in a residential facility and presents to an emergency department, is admitted to a hospital for an injury or mental health crisis or has an investigative interaction with a law enforcement officer. Requirements include:

- The hospital or emergency department is to contact the custodial PCSA/PCPA to discuss the child’s medical treatment and request any authorization needed for care.
- The custodial PCSA/PCPA is to respond to the hospital or emergency department within four hours after the initial contact.
- The hospital or emergency department is also to contact the DCY at [help-desk-ocf@childrenandyouth.ohio.gov](mailto:help-desk-ocf@childrenandyouth.ohio.gov) and Ohio Resilience through Integrated Systems and Excellence (OhioRISE) if the child participates in OhioRISE.
- The hospital or emergency department also must notify the custodial PCSA/PCPA when the child has been discharged from its care.
- The law enforcement officer is to contact the custodial PCSA/PCPA and the residential facility.
- If a police report is completed, within 24 hours of the interaction, the residential facility is to report the interaction and provide a copy of the report to DCY at [help-desk-ocf@childrenandyouth.ohio.gov](mailto:help-desk-ocf@childrenandyouth.ohio.gov).

**Rule:** The following rules will be amended to incorporate all changes needed:

- 5180:2-9-38 Community engagement plan for residential facilities.
- 5180:2-42-66.1 Comprehensive health care for children in placement.



### **24-hour emergency on-call procedure**

Changes Ohio Revised Code (ORC) sections 2151.469 and 5103.0510 require each PCSA, PCPA and residential facility to establish a 24-hour on-call procedure to respond to contact from emergency departments, hospitals, law enforcement officers and first responders regarding emergencies involving a child in the agency's custody or under the care and supervision of the residential facility, respectively.

**Rule:** The following rules will be amended to incorporate all changes needed:

- 5180:2-9-07 Emergency planning and preparedness.
- 5180:2-42-66 Administrative procedures for comprehensive health care for children in placement.

### **Monthly PCSA and PCPA visits**

Changes Ohio Revised Code (ORC) section 2151.467 requires a custodial PCSA/PCPA conduct in-person visits with children placed in residential facilities to determine the well-being of the child. The PCSA/PCPA is also to report any concerns about the placement to DCY at [help-desk-ocf@childrenandyouth.ohio.gov](mailto:help-desk-ocf@childrenandyouth.ohio.gov).

**Rule:** The following rules will be amended to incorporate all changes needed:

- 5180:2-42-65 Caseworker visits and contacts with children in substitute care.

The following rule will be developed as **new** and filed with the HB315 rule package:

- 5180:3-42-65.2 Visitation and placement review for children in residential facilities.

### **Mandatory review of the child's placement**

Changes Ohio Revised Code (ORC) section 2151.468 requires a PCSA/PCPA to conduct a mandatory review of the placement of a child in a residential facility if any of the following occur:

- The child presents to an emergency department or is admitted to a hospital for an injury or mental health crisis.
- A police report is generated with regard to the child.
- During a monthly visit, the agency has identified any of the following:
  - Unsafe or unsanitary conditions on the grounds of the residential facility.
  - Violations of the youth's rights by the residential facility or the residential facility staff.
  - Site and safety concerns.
  - Lack of discharge planning as outlined in 5180:2-9-42 of the Administrative Code.
  - Lack of service planning as outlined in 5180:2-9-12 of the Administrative Code.

- Any identified rule violation.

The review is to:

- Be conducted within two business days by the caseworker, and
- Include a determination of whether the residential facility is an appropriate setting for the child.

The custodial agency has five business days to determine if a placement change is needed. The PCSA/PCPA is to notify the residential facility of the results of the review, including any action the agency plans to take regarding the child.

The custodial agency is to report any potential violations of the residential facility as a result of the review to DCY at [help-desk-ocf@childrenandyouth.ohio.gov](mailto:help-desk-ocf@childrenandyouth.ohio.gov) within one business day of the conclusion of the review.

**Rule:** The following rule will be developed as new to incorporate all changes needed:

- 5180:3-42-65.2 Visitation and placement review for children in residential facilities.

### **Services from community organizations**

Changes Ohio Revised Code (ORC) section 2151.4610 requires the operator of a residential facility to notify the custodial PCSA/PCPA of any service a child placed is to or receives from a community organization. The residential facility is to receive prior approval from the custodial agency. The custodial agency is to document the services in the family case plan.

**Rule:** These requirements are already addressed in rules:

- 5180:2-9-12 Service plans.
- 5180:2-38-05 PCSA family case plan for children in custody or under protective supervision.
- 5180:2-38-06 Required contents of a PCPA case plan document.
- 5180:2-38-07 PCPA family case plan for children in custody or under court-ordered protective supervision.

### **Notification regarding placement of delinquent children**

Changes Ohio Revised Code (ORC) section 2151.466 requires a custodial PCSA/PCPA prior to or within 96 hours after an emergency placement or change to the case plan to notify the residential facility the child has been placed of any charges for which the child was adjudicated a delinquent child, including any former adjudication and any adjudication that resulted in the agency's current custody of the child.



**Rule:** This requirement is already addressed in rule:

- 5180:2-42-90 Information to be provided to children, caregivers, school districts and juvenile courts.

### **Residential facility certification**

Changes Ohio Revised Code (ORC) sections 5103.0310, 5103.0329, 5103.05, 5103.055, 5103.056, 5103.057 and 5103.058 to make numerous changes regarding certification requirements for residential facilities, including that new and currently certified residential facilities are to:

- Demonstrate it meets all applicable local planning and zoning requirements prior to and while certified to remain in good standing.
- Provide the local board of township trustees or the legislative authority of the municipal corporation where the facility is located with notification the facility will be in operation.
- Provide the local board of township trustees or the legislative authority of the municipal corporation where the facility is located with:
  - General information about the facility including its location and function,
  - A copy of the facility's procedures for emergencies and disasters,
  - A copy of the facility's medical emergency plan, and
  - A copy of the facility's community engagement plan.
- Update their community engagement plan with information regarding the **DCY 00053 “It Takes A VILLAGE”** flyer on how to communicate concerns, complaints or other pertinent information to DCY regarding the facility.
- Provide documentary evidence of any/all corrections as a result of DCY issuing the facility a corrective action plan regarding any/all violations.
- Notify DCY if a county, township or municipal corporation revokes any conditional use permit issued to the facility.
- Comply with any DCY site visits.

**Rule:** The following rules will be amended to incorporate all changes needed:

- 5180:2-9-34 Building approval.
- 5180:2-9-37 Information to be provided by residential facilities.
- 5180:2-9-38 Community engagement plan for residential facilities.

### **Criminal records check for employment or appointment**

Changes Ohio Revised Code (ORC) sections 5103.052 and 5103.053 clarify criminal background checks of all applicants, appointees and staff of a residential facility.

**Rule:** The following rule will be amended to incorporate all changes needed:

- 5180:4-5-09.1 Background checks for college interns, subcontractors, volunteers, employees, board presidents, officers, administrators and foster caregivers.

### **Conditional hiring**

Changes Ohio Revised Code (ORC) sections 5103.052 and 5103.053 require DCY to request a waiver from the federal government to allow conditional appointment or employment at a residential facility prior to the person's criminal background check results being received by the facility as long as the checks have been requested.

A facility that conditional hires a person is to ensure the person:

- Has completed all required background checks and the agency has processed the checks.
- Has a work location that is a different address than the child care institution.
- Has no direct contact with or access to children during the period of conditional appointment or employment.
- Does not have access to any children's records.
- Is terminated from appointment or employment if:
  - The BCI results are not received within 60 days after the request is made.
  - The results exclude the person from being permitted to work at the facility per federal or state law or the Ohio Administrative Code.
  - The person tried to deceive the facility about their criminal record.

The Title IV-E agency may only claim Title IV-E foster care maintenance payments on behalf of a child placed in a child care institution if, during the period the Title IV-E agency claims Title IV-E foster care maintenance payments, the results of the criminal record checks have been received by the licensed placement provider for all of the adults working in the child care institution.

**The DCY submitted a waiver request to the Children's Bureau at the Administration of Children and Families on April 17, 2025.**

### **Contact**

Please contact the Family and Consumer Support Center at [help-desk-ocf@childrenandyouth.ohio.gov](mailto:help-desk-ocf@childrenandyouth.ohio.gov) or 1-844-234-5437, option 1, if you have any questions.

### **Reminder**

The DCY rules in the Ohio Administrative Code (OAC) were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135<sup>th</sup> General Assembly. For organizational reasons, as DCY amends rules, they are being rescinded and adopted under a new number.

This table identifies which rules will be rescinded and renumbered along with any additional changes.

<b>OAC Rules</b>	
<b>Rescind</b>	<b>New</b>
5180:2-9-07	5180:4-9-07
5180:2-9-34	5180:4-9-34
5180:2-9-37	5180:4-9-37
5180:2-9-38	5180:4-9-38
5180:2-42-65	5180:3-42-65
5180:2-42-66	5180:3-42-66
5180:2-42-66.1	5180:3-42-66.1
5180:2-42-90	5180:3-42-90
	5180:3-42-65.2
<b>DCY Forms</b>	
00053	It Takes A VILLAGE
01442	Educational Information for Children Placed in Residential Facilities