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# COUNTY ADVISORY BULLETIN

**CAB**

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Bulletin 2025-06

April 2025

## REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR CHILDREN

**APPLICABLE LEGISLATION:** Substitute House Bill 315 (135<sup>th</sup> General Assembly)

**REVISED CODE SECTIONS AMENDED:** 109.57, 109.572, 109.71, 5103.0310, and 5103.0329.

**REVISED CODE SECTIONS ENACTED:** 109.7411, 2151.46, 2151.461, 2151.462, 2151.463, 2151.464, 2151.465, 2151.466, 2151.467, 2151.468, 2151.469, 2151.4610, 3301.95, 3313.6414, 5103.052, 5103.053, 5103.054, 5103.055, 5103.056, 5103.057, 5103.058, 5103.0510, 5103.0512, and 5103.0513.

**EFFECTIVE DATE:** April 3, 2025

### BACKGROUND

House Bill 583, sponsored by Rep. Andrea White and Rep. Phil Plummer, intended to increase accountability for group homes for youth in foster care, also called residential facilities. Montgomery County, especially Dayton, has a high concentration of group homes compared to the other metropolitan counties and the rest of the state. With a large number of youth placed at group homes, law enforcement, schools, and other partners noticed some increasing issues with respect to behavior, crime, and general safety concerns for the youth in these placements, prompting the representatives to propose legislation providing more oversight.

HB 583 passed the House Families and Aging Committee in December and was subsequently added to HB 315 during the final week of session in the 135<sup>th</sup> General Assembly.

Generally, the provisions enacted only apply to a residential facility that is operated by a public children services agency, private child placing agency, private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children. (R.C. 5103.05(D))

### DEFINITIONS

Residential facility\*: A group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility. (R.C. 5103.05(A)(8))

*\*The provisions of HB 315 impacting residential facilities only apply to those facilities operated by a PCSA, PCPA, private noncustodial agency, or superintendent of a county or district children's home for the placement of foster children. These are facilities certified by DCY.*

First responder: An EMT, EMT-basic, AEMT, EMT-I, paramedic, firefighter, or volunteer firefighter. (R.C. 2151.46(D); 5103.05(A)(5))

Law enforcement officer: a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper. (R.C. 2151.46(E); 5103.05(A)(7))

Volunteer firefighter: A duly appointed member of a fire department on either a nonpay or part-pay basis who is ineligible to be a member of the Ohio Police and Fire Pension Fund or whose employment does not qualify for a public pension, or a firefighter drafted, requisitioned, or appointed to serve in an emergency. (R.C. 146.01(B)(1); 5103.05(A)(II))

Community organization: An organization that provides services, including recreation, mental health care, and academic support, for a child placed in foster care. (R.C. 2151.46(A))

Emergency department: A hospital emergency department and freestanding emergency department. (R.C. 2151.46(B))

Freestanding emergency department: A facility that provides emergency care and is structurally separate and distinct from a hospital. (R.C. 3727.49)

At-risk youth: An individual who is under 21 years of age, resides in a state correctional institution, a Department of Youth Services institution, or a residential facility, and is an abused, neglected, or dependent child; delinquent or unruly child; or juvenile traffic offender; or is at risk of becoming one of those. (R.C. 109.71(L))

## **ACRONYMS**

Department of Children and Youth (DCY)

Public Children Services Agency (PCSA)

Private Child Placing Agency (PCPA)

Ohio Resilience Through Integrated Systems and Excellence (OhioRISE)

## **RESIDENTIAL FACILITY REQUIREMENTS FOR LOCAL PLANNING AND ZONING**

The bill requires a residential facility to certify in its licensing application to DCY that the facility meets all local planning and zoning requirements. If a license is granted, to remain in good standing, the residential facility must remain in compliance with all local planning and zoning requirements. (R.C. 5103.05(B))

Before a residential facility can begin operation, it must notify the townships trustees or legislative authority of the municipal corporation where the facility is located that it intends to operate. (R.C. 5103.05(C))

Under continuing law, within ten days after operations commence at any residential facility (not just those impacted by HB 315), the facility must provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

- Written notice that the facility is located and will be operating in the agency's or department's jurisdiction, including the facility's address, identification of the type of residential facility, and the facility's contact information;
- A copy of the facility's procedures for emergencies and disasters, medical emergency plan, and community engagement plan, in accordance with requirements that DCY has established by rule.
  - If any of these documents are updated, an updated copy must be provided to these entities within ten days of the changes.

(R.C. 5103.05(E) and (F))

HB 315 adds a requirement that a residential facility operated by a PCSA, PCPA, private noncustodial agency, or superintendent of a county or district children's home also provide the above information, and any changes, to the board of township trustees or the legislative authority of the municipal corporation where the facility will be located. (R.C. 5103.05(G))

## **REVOCATION OF CONDITIONAL USE PERMIT BY LOCAL GOVERNMENTS**

The bill allows a county, township, or municipal corporation to revoke any conditional use permit that the local government entity issued regarding the real property used as a residential facility under two circumstances:

- If the facility operator fails to comply with the permit requirements; or
- If the facility operator has failed to fulfill the requirements of a corrective action plan that DCY issued for a finding of noncompliance.

The bill allows DCY to notify a county, township, or municipal corporation of the facility's failure to fulfill the requirements of a corrective action plan. (R.C. 5103.057(A))

The county, township, or municipal corporation must notify the permit holder of its intent to revoke a permit by certified mail or, if the local government entity has record of an email address<sup>1</sup>, by ordinary mail and email. The notice must also inform the holder of the right to a hearing before the local government entity within 30 days of the mailing of the notice if the holder requests one.

If a holder requests a hearing, the county, township, or municipal corporation must set a time and place and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If the holder does not request a hearing, the local government entity may revoke a permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning

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<sup>1</sup> The bill uses the term "internet identifier of record," which is defined in R.C. 9.312 as an email address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

enforcement provided under existing law. (R.C. 5103.057(B))

## **BACKGROUND CHECK REQUIREMENTS FOR RESIDENTIAL FACILITY APPLICANTS AND EMPLOYEES**

The following section outlines background check requirements for applicants and employees of residential facilities. If a PCSA operates a residential facility licensed by DCY, that facility is subject to these background check provisions. Many of these provisions are already in place for PCSAs.

### ***Background Check Requirements***

The bill requires any job candidate under final consideration of a residential facility to undergo a criminal records check through the Bureau of Criminal Identification and Investigation (BCII). If employed, the employee must undergo a background check once every four years thereafter. (R.C. 5103.053(A))

During the initial investigation, BCII must obtain information from the Federal Bureau of Investigation (FBI), including fingerprint-based checks of federal national crime information databases. After the initial investigation, the FBI information request is optional. (R.C. 5103.053(B)(1))

A residential facility is unable to hire or appoint a person if the person has previously been convicted of or pleaded guilty to any of the following: cruelty to animals, failure to report child abuse or neglect when required to do so, various violations related to children, various forms of murder or manslaughter, various forms of assault and other violent crimes (including domestic violence), various forms of menacing, patient abuse or neglect, kidnapping or abduction, human trafficking, sexual crimes, arson, traffic and vehicular crimes, crimes related to terrorism, various forms of robbery and burglary, identity fraud, violations involving weapons, and various violations related to drugs and harmful intoxicants. (R.C. 5103.053(C)(1))

DCY is given rulemaking authority to set rehabilitation standards that, if a person meets, a residential facility may still hire them. (R.C. 109.572(A)(4))

### ***Permissive Conditional Employment Federal Waiver and Procedures***

The bill directs DCY to seek a federal waiver to authorize the conditional appointment or employment of a person in a residential facility while a criminal records check regarding the person is pending. (Section 17)

If the waiver is approved, a facility may hire or appoint a person conditionally, so long as the background check was requested prior to conditional employment. A conditional hire may not have direct contact with, or access to, children during the period of conditional employment. (R.C. 5103.053(C)(2))

If the results of the background check indicate that the person has been convicted of or pleaded guilty to an offense listed above or are not obtained within 60 days of the request, the residential facility must terminate employment. A termination is not considered just cause for discharge for purposes of receiving unemployment benefits if the person attempts to deceive the facility about the person's criminal record. (R.C. 5103.053(C)(3))

### ***Background Checks as Public Records***

R.C. 5103.053(E)

A BCII conducted criminal records check is not a public record. The results are available to the following individuals:

- The person who is the subject of the criminal records check or the person's representative;
- The appointing or hiring officer requesting the criminal records check or the officer's representative;
- DCY, a county department of job and family services, or a PCSA;
- Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment.

### ***DCY Rulemaking***

R.C. 5103.053(F)

DCY is required to implement rulemaking around these background check provisions by September 29, 2025, including rehabilitation standards.

### **PCSA/PCPA VISITATION REQUIREMENTS**

R.C. 2151.467

The bill requires a PCSA or PCPA with custody of a child who is placed in a residential facility to conduct a monthly in-person visit to the facility to determine the child's well-being. The PCSA or PCPA must also report concerns about the child to DCY. DCY must adopt administrative rules regarding these reporting requirements by July 1, 2025.

Note: A PCSA is, under existing law, required to have visitation with any child in custody, regardless of the placement setting.

### **MANDATORY PLACEMENT REVIEWS**

R.C. 2151.468

The bill requires a PCSA or PCPA with custody of a child who is placed in a residential facility to review the child's placement 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; or
- During a monthly visit, the agency has determined that a review is necessary in accordance with rules that DCY adopts.

A review must include a determination of whether the residential facility is an appropriate setting and is providing a satisfactory level of care to the child. The agency must notify the residential facility operator of the review results and any action that the agency plans to take regarding the child.

By July 1, 2025, DCY must adopt administration rules to establish guidelines for review, including review criteria, circumstances that would require a change in the child's placement, and a timeline for conducting review and taking appropriate action.

## **24-HOUR EMERGENCY ON-CALL PROCEDURE**

R.C. 2151.469 and R.C. 5103.0510

The bill requires each PCSA, PCPA, and residential facility to establish a 24-hour emergency 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.

Note: PCSAs were required to have 24-hour on-call procedures prior to the passage of HB 315.

## **NOTIFICATION REGARDING PLACEMENT OF DELINQUENT CHILDREN**

R.C. 2151.466

Prior to a child's placement in a residential facility, or no later than 96 hours in the case of an emergency placement, the PCSA or PCPA with custody of a child shall inform the residential facility operator 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.

## **NOTIFICATION REQUIREMENTS**

### ***Medical Care Notification Requirements***

R.C. 2151.461 and R.C. 2151.462

The bill enacts notification and response requirements when a child is under a residential facility's care and supervision and presents to an emergency department or is admitted to a hospital for an injury or mental health crisis.

The emergency department or hospital must communicate with the PCSA or PCPA with custody of the child about the visit. Communication must include discussion of the child's medical treatment and a request to authorize care for the child but does not apply to medical services that a child may receive without parental consent under existing law and for which the child has given consent. The emergency department or hospital also must notify the PCSA or PCPA when the child is discharged.

A PCSA or PCPA is required to respond to the emergency department or hospital's communication regarding medical care within four hours after initial contact.

An emergency department or hospital must report a visit to the OhioRISE Program under the Department of Medicaid, if the child is participating in the program, and DCY, to the extent permitted by federal and state law regarding protected health information.

### ***Law Enforcement Notification Requirements***

R.C. 2151.463 and R.C. 2151.464

If a child that is under the care and supervision of a residential facility has an investigative interaction with a law enforcement officer, regardless of whether a police report is generated regarding the child, the law enforcement officer must notify the residential facility operator and the PCSA or PCPA with custody of the child of the interaction. If a police report is generated as a result of such an interaction, the residential facility must report the interaction and provide a copy of the police report to DCY.

### ***DCY Rulemaking***

R.C. 2151.465

By July 1, 2025, DCY Director must adopt administrative rules to establish the following:

- A standardized procedure under which an emergency department or hospital notifies a PCSA or PCPA about a child that presents to an emergency department or is admitted to a hospital;
- A standardized procedure under which a law enforcement officer notifies a PCSA or PCPA and residential facility about a child's interaction with law enforcement;
- Time frames for an emergency department or hospital or residential facility to provide reports to DCY, as well as standards for DCY to track such reports.

### **SERVICES FROM COMMUNITY ORGANIZATIONS**

R.C. 2151.4610

A residential facility operator must notify a PCSA or PCPA with custody of a child of any service that a community organization provides or seeks to provide to a child under the facility's care and supervision. The PCSA or PCPA must provide prior approval for such services and document the services in the child's case plan.

### **DATA ON FACILITIES REGIONALLY AND INCENTIVES**

R.C. 5103.054

By September 29, 2025, DCY must adopt administrative rules with respect to these procedures. DCY will divide the state into regions. Then, it will determine an ideal number of residential facilities each region should have by reviewing the total number of children in foster care in the region requiring care in residential facilities in the past three years. The department shall then establish incentives to attract residential facilities to the regions that are underserved following DCY's previous determination.

The stated goal of this provision is to enable children to remain as close to their home county as possible.

### **FEEDBACK TO DEPARTMENT OF CHILDREN AND YOUTH**

R.C. 5103.055

By July 1, 2025, DCY must establish administrative rules establishing a procedure for individuals in the community in which a residential facility is located to communicate concerns, complaints, and other pertinent feedback regarding the facility to the department. The rules must include standards for tracking and retaining these communications.

## **DEPARTMENT OF CHILDREN AND YOUTH SITE VISITS**

### **R.C. 5103.058**

DCY is required to conduct a site visit of a residential facility at least annually to ensure certification compliance. The department is not required to provide advance notification to the residential facility of a site visit.

By September 29, 2025, DCY must establish, via administrative rule, criteria for when the department must conduct a site visit at a facility more than once per year. The rules must include a threshold for the following reports DCY may receive regarding a residential facility:

- When a child under the facility's care and supervision presents to the emergency department or is admitted to a hospital for an injury or mental health crisis;
- When a child under the facility's care and supervision has an interaction with a law enforcement officer that results in the generation of a police report;
- When concerns about a child arise out of the mandatory monthly visit by a PCSA or PCPA to determine the child's well-being;
- When a resident in a community in which a residential facility is located communicates concerns and complaints related to the facility.

Once a facility surpasses the threshold set in rule, DCY must conduct more than one site visit annually.

## **RESIDENTIAL FACILITY CORRECTIVE ACTION PLAN PROOF OF REMEDY**

### **R.C. 5103.056**

If DCY determines a residential facility has violated a requirement for certification, the department may issue a corrective action plan for the facility to remedy the violation. If a corrective action plan is issued, the residential facility must provide documentary evidence of the correction.

Self-attestation without such evidence is insufficient proof of the correction.

## **DCY SURVEY OF RESIDENTIAL FACILITIES, PCSAs, and PCPAs**

### **R.C. 5103.0512**

DCY is required to survey, annually, staff of all residential facilities and of PCSAs and PCPAs working with children under a residential facility's care regarding the status of these children. The survey must evaluate concerns regarding residential facility operations, the children who reside in the facilities, and the staff of the facilities. The first survey must be completed by April 2, 2026.



Annually, the director of DCY must:

- Review the results of the staff survey;
- Review various reports DCY will receive, including when: (1) a child presents to the emergency department or is admitted to a hospital for an injury or mental health crisis, (2) a child under a facility's care has an interaction with a law enforcement officer that results in the generation of a police report, and (3) concerns about a child arise out of the mandatory monthly visit by a PCSA or PCPA to determine the child's well-being;
- Review the Ohio Administrative Code to determine whether the existing training requirements are adequately responsive to the needs of residential facilities in the state, based on the above review, and adopt or modify administrative rules.

## **SCHOOL DISTRICT ASSESSMENTS AND OTHER ROLES**

The bill enacts several provisions regarding the educational stability of foster children.

### ***Best Practices***

R.C. 3301.95

At least annually, the Department of Education and Workforce (DEW) is required to provide all school districts with best practices to help ensure the educational stability of students who are in a custody of a PCSA or PCPA.

### ***School District Assessment of Children Placed in Residential Facilities***

R.C. 3313.6414

A school district in which a child who is under a residential facility's care and supervision is enrolled must assess the child's needs for appropriate services and interventions. To avoid any duplicative assessments and minimize the potential negative impact of an assessment on a child, the bill requires the school district to utilize all available existing assessments regarding the child.

Using the assessment results, the school district must make recommendations for services and interventions for the child to the PCSA or PCPA with custody of the child. To the extent permitted by state and federal law, the school district must share the recommendations for services and interventions for the school to implement with the PCSA or PCPA with custody of the child and to the residential facility.

### ***Educational/School District Notification Requirements***

R.C. 5103.0513

By May 2, 2025, DCY and DEW will create a standard form to be used by a PCSA and PCPA to convey information necessary to support the child's education. A PCSA or PCPA with custody of a child must complete this form for each child the agency places in a residential facility outside the county of the child's school district of residence. The agency must 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.

## PEACE OFFICER TRAINING REGARDING AT-RISK YOUTH

R.C. 109.7411

The bill requires the Attorney General, in consultation with the Ohio Peace Officer Training Commission and DCY, to adopt rules governing the training of peace officers in identifying and interacting with at-risk youth. The rules may be adopted in accordance with the Administrative Procedure Act or existing provisions that specifically authorize the Attorney General to adopt and promulgate rules and regulations. The Ohio Peace Officer Training Academy must provide this training to peace officers.

## STUDY COMMITTEE TO EVALUATE THE PLACEMENT OF DELINQUENT CHILDREN IN RESIDENTIAL FACILITIES

(Section 16)

The bill creates The Study Committee to Evaluate the Placement of Delinquent Children in Residential Facilities.

Appointments to the committee must be made within 30 days of the effective date of the bill. The committee must issue a report to the General Assembly and the Governor on its findings nine months following the appointment deadline. Following the submission of the report, the committee will cease to exist.

The committee shall do all of the following regarding children who are alleged to be or have been adjudicated delinquent and are in the custody of a public children services agency or private child placing agency:

- Evaluate the placement of such children in residential facilities;
- Evaluate the existing system, resources, and services used to support such children;
- Identify gaps in the availability of appropriate residential facilities, resources, and services to serve such children;
- Make recommendations for changes to meet the needs of such children.

The Senate President and the Speaker of the House shall each appoint one of the members of the Senate and one of the members of the House of Representatives serving on the committee, respectively, to serve as the committee's co-chairpersons.

The members of the committee include:

Appointed by Agency	Appointed by the Speaker of the House	Appointed by the Senate President
Director of Department of Children and Youth, or designee	One director of a PCSA	One director of a PCSA
Director of the Department of Youth Services, or designee	One juvenile court judge	One juvenile court judge

<b>Appointed by Agency</b>	<b>Appointed by the Speaker of the House</b>	<b>Appointed by the Senate President</b>
Director of the Department of Mental Health and Addiction Services, or designee	City council member or township trustee	County commissioner
Public Defender from the Office of the Public Defender	Representative of residential facility serving 6 or fewer children who are alleged to be or have been adjudicated delinquent	A representative of a residential facility serving more than six children who are alleged to be or have been adjudicated delinquent children
	Representative of the Overcoming Hurdles in Ohio Youth Advisory Board	County sheriff or chief of police
	Three House members, no more than two from the same political party	Three Senate members, no more than two from the same political party