



Report: Placement of Ohio Children into Out-of-State Residential Centers

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I. Summary

Ohio children are denied protections that they are entitled to. Ohio law mandates requirements for agencies that serve children who have been abused, neglected, dependent, unruly, or delinquent. These children enter the custody of a county children services agency or juvenile court and are cared for in foster or kinship homes, or in public or private group homes or residential centers. For children who are placed into residential centers in Ohio, state law mandates supervision requirements for the custodial agency as well as a wealth of regulations for the center itself. These legal safeguards enable Ohio to possess one of the nation's highest quality networks of residential services available for vulnerable children. Unfortunately, these safeguards do not protect Ohio children who are placed in residential centers *located outside of Ohio's borders*.

State law can change to prohibit the placement of Ohio children into out-of-state residential centers that fail to meet our state's standards present in the Revised and Administrative Codes. This would ensure that our state's legal safeguards protect Ohio children, *wherever they are placed*.

Many states already address the out-of-state placement of children. Some enact laws to establish standards and regulations for out-of-state placements while others establish study commissions and oversight committees. These legislative undertakings address the following objectives:

- how to reduce the number of children who must be placed in out-of-state residential centers
- how to return children home who are placed in out-of-state residential centers
- how to improve the adequacy, capacity, availability, and use of existing in-state residential centers
- how to communicate in-state placement availability to sending counties
- how to ensure the safety of children who are placed in out-of-state residential centers, and
- how to certify or approve out-of-state residential centers to ensure that children receive high quality services consistent with the home state's standards.

We support these important goals and urge the General Assembly to pass legislation to address each of them.

II. Ohio Children Placed Out of State

Placement Frequency

Children may be placed out of state through the "placement", "commitment", or "detention holding" process. The following includes "placement" statistics, which are collected centrally by the Ohio Department of Job and Family Services (ODJFS). Data obtained from ODJFS shows that during SFY 2007-2008, 275 Ohio children were placed into out-of-state residential centers (127 in 2007; 138 in 2008). Placements occurred across 16 states, including states as far away as Oregon. States that receive most Ohio children are Indiana (91), Pennsylvania (62), and Utah (62). Slightly over 50% of Ohio children out-of-state are placed in a border state. It is unknown how many Ohio children in total are *currently* placed out-of-state.

Placement Process

Ohio children who have been adjudicated as abused, neglected, dependent, and/or delinquent can enter the legal custody of a county children services agency or a juvenile court. These custodial agencies assume responsibility for the children. For children who are unable to return home, the custodial agency may place them in a variety of settings, such as a foster home, kinship home, group home, or for children with intensive mental and/or behavioral health needs, a residential center.

Sometimes children experience difficulty adjusting to life in a substitute care setting. It is challenging to effectively manage and treat children with severe behavioral or emotional disorders, who are often past victims or witnesses of abuse. To address their needs, custodial agencies determine which placement settings are needed, and, if necessary, which specific residential centers in Ohio are a best match for the children. Occasionally, custodial agencies place children in residential centers located in other states. Length of stay at residential centers ranges from a few weeks to over twelve months. For out-of-state placements, the Interstate Compact on the Placement of Children (ICPC) laws apply, which includes required processes and procedures for placement of the children. ODJFS administers this law.

When out-of-state placements occur, the custodial agency in Ohio is still legally responsible for the child. Our state government and the citizens of Ohio expect that these children are cared for in safe and well-regulated residential centers with professional and credentialed staff, just as our state requires.

Ohio Standards Disappear

Unfortunately, Ohio law and regulations do not apply to an Ohio child's placement in another state. Although Ohio law may prohibit shackling of youth and solitary confinement within our borders, these laws do not apply when a child is placed across our border. Indiana state law, for example, allows children in their secure residential centers to be handcuffed and shackled¹, and placed in solitary confinement² for days. Coincidentally, most Ohio children who are placed out-of-state are placed in Indiana facilities.

In-State Resources

Over 100 Ohio children are placed out-of-state each year despite the fact that Ohio has a large capacity of beds for children in need of residential care. Residential centers are located throughout the state; in every major county and region. These programs serve boys and girls of all age ranges, as well as children with multiple types of mental and behavioral health needs. Programs include individual, group and family therapy, case management, pharmacological management, expressive arts, art and recreational therapy, psychiatric treatment, nursing care, and education through either an on-site school or individualized academic instruction. These services are designed to enhance the youth's strengths, teach functional behaviors and prepare youth to transition to an appropriate less restrictive level of care.

Approximately 72% of Ohio children placed in residential centers in our state have a length of stay of less than 12 months. Another 17% have a length of stay of 1-2 years. 11% of children have lengths of stay ranging from 2 to 6 years.³

In Ohio, residential centers may be 1) licensed by ODJFS, or 2) licensed by the Ohio Department of Mental Health (ODMH), or 3) licensed by ODJFS and *certified* by ODMH.

¹ 465 Indiana Administrative Code 2-11-59

² 465 Indiana Administrative Code 2-11-58

³ Ohio Department of Mental Health. "[When Child Caring Agencies Share Data: Mental Health Service Use By Children and Adolescent in Out-of-Home Placement Between July 1, 2002 and June 30, 2008](#)".

There are currently 53 residential treatment programs for children licensed or certified by ODMH, which have a licensed capacity of approximately 1,030 beds.⁴ There are an additional 161 residential centers and group homes licensed by ODJFS, which have a licensed capacity of approximately 2,220 beds.⁵ Therefore, there are a total of 214 programs with an approximate 3,250 bed capacity for children in Ohio. According to a recent OACCA survey of residential centers in Ohio, approximately 30% of each agency's beds are available. Therefore, we estimate that only about 2,275 beds are utilized at any one time, leaving about 975 beds empty.

Many residential centers have run under capacity for so long that their programs have recently reduced in size, or have been eliminated all together. This is very unfortunate because it has taken decades for this high quality network of specialized care to develop. If Ohio children continue to be placed out-of-state at such high rates, Ohio's large capacity of beds will decline, and we will become increasingly reliant on services provided by out-of-state agencies.

III. Solutions

States have pursued multiple methods to ensure that children in need of residential care are placed in safe and well-regulated settings. This list is not exhaustive, but it does include important examples.

- **Certification and Approval**
 - Minnesota's Department of Human Services certifies out-of-state agencies.
 - West Virginia's Commission to Study Residential Placement of Children is charged with identifying methods to certify out-of-state agencies.
 - Connecticut's Department of Children and Families requires out-of-state agencies that receive CT children to meet the same licensure/certification requirements as in-state agencies.
 - Connecticut subjects all out-of-state agencies that receive CT children to inspection, evaluation, and approval by the CT Department of Human Services at any time.
 - Minnesota requires all out-of-state agencies that receive MN children to be inspected by the Licensing Division of the MN Department of Human Services.
- **Prohibition on Out-of-State Placements by Location**
 - Minnesota only permits out-of-state placements of MN children into nearby states.
- **Visitation and Contact Requirements**
 - Connecticut requires staff from their Department of Children and Families to make in-person visits for CT children placed in out-of-state agencies no less than once every two months.
 - Connecticut requires monthly written reports concerning the care and treatment of each child place out-of-state.
 - Kentucky requires caseworker visits annually for children in out-of-state placement.
 - Pennsylvania requires caseworker visits semi-annually for children in out-of-state placement.

⁴ According to the Ohio Department of Mental Health, as of October 20, 2009, there are 53 licensed and/or certified residential treatment programs for children operating within the State of Ohio. As of December 31, 2008, there were 1,036 Type I and II beds in these programs.

⁵ According to the Ohio Department of Job and Family Services, as of January 1, 2009, there are 161 licensed children's residential centers and group homes for children operating within the State of Ohio. As of January 1, 2009, there are 2,227 available beds in their licensed children's residential centers and group homes.

- **Requirement of State Agency to Submit Annual Report on Out-of-State Placement Statistics**
 - Georgia requires their state agency to submit an annual report their General Assembly on detailed out-of-state placement statistics.
- **Establishment of State Website That Shows Current Capacity of Children’s Residential Center Beds and Referral Information**
 - West Virginia’s Commission to Study Residential Placement of Children created a website called the [WV Child Placement Network](#), that not only includes information on residential centers in-state, but it includes real time information on the number of beds (by type, agency, and location) available.

IV. Conclusion

The care offered by Ohio providers is arguably better suited to the care of the children as Ohio providers are subject to all standards of care expected by the General Assembly, ODJFS, ODMH, counties, and the citizens of Ohio. The same cannot be said about out-of-state providers as they are not required by contract or Ohio law to meet or provide the same standards of care and well being to the children.

Hundreds of disadvantaged Ohio children are placed in out-of-state facilities that do not meet Ohio standards, despite the availability of vast resources within our own borders. We need to do everything we can to keep them close to their home, where their family, friends, and network of care are located.

We urge the General Assembly to prohibit the placement of Ohio children into out-of-state residential centers that are determined to not meet Ohio standards, as set forth in the Revised and Administrative Codes.

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