

## TO BE RESCINDED

5101:5-1-01 **Ohio children's trust fund.**

- (A) The Ohio children's trust fund (OCTF) consists of funds that are allocated to support child abuse and neglect prevention programs.
- (B) The OCTF board shall establish a biennial state plan for comprehensive child abuse and neglect prevention, which supports activities and programs with statewide significance as well as addresses diverse local needs and priorities.
- (C) Local prevention advisory boards administer children's trust fund monies at the county level.
- (1) The board of county commissioners may establish a local prevention advisory board or may designate the county family and children first (FCF) council to serve as the local prevention advisory board. The boards of county commissioners of two or more contiguous counties may instead form a multi-county district to be served by a district prevention advisory board or may designate a regional family and children first council to serve as the district prevention advisory board.
- (2) Except in the case of a county or regional family and children first council that is designated to serve as a prevention advisory board, each board shall consist of an odd number of members from both public and private sectors.
- (a) Required members include:
- (i) A representative of any agency responsible for the administration of children services in the county or district;
  - (ii) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;
  - (iii) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;
  - (iv) A representative of a board of mental retardation and developmental disabilities that serves the county or district; and
  - (v) A representative of the educational community appointed by the

superintendent of the school district with the largest enrollment in the county or multi-county district.

(b) Additional members may include:

- (i) Representatives of parent groups;
- (ii) Juvenile justice officials;
- (iii) Pediatricians, nurses, health department staff or others from the medical community;
- (iv) School personnel;
- (v) Counselors or social workers;
- (vi) Head start agencies;
- (vii) Child care providers
- (viii) Other persons with demonstrated knowledge in programs for children.

(c) Each member shall serve a term of three years and shall serve until the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(D) Distributions of funds for local programs and services.

- (1) Monies are allocated to each county based on its percentage of children under age eighteen in the state, according to the most recent census. By October thirtieth of each year, OCTF will notify all boards of county commissioners, and all local prevention advisory boards/councils of the projected allocation amounts for the next fiscal year.
- (2) In developing appropriations, each board of county commissioners should take into consideration the projected OCTF allocation to be utilized for child abuse or neglect prevention strategies at the direction of the local prevention advisory board/council, in accordance with the local allocation plan.

- (3) The local prevention advisory board/council shall identify and prioritize prevention needs within the county and shall use the criteria prescribed by OCTF to evaluate applications and determine what programs or services in their county will receive funding. The local prevention advisory board/council may add other criteria to the evaluation tool, with the approval of OCTF.
- (4) The auditor of a county that establishes a local prevention advisory board/council or, in a multi-county district, the county auditor who has been designated as the auditor and fiscal officer of the district prevention advisory board, shall establish a fund in the county treasury known as the county or district children's trust fund. The auditor shall deposit all funds received from OCTF into that fund, and shall distribute money from the fund at the request of the local prevention advisory board/council, in accordance with the local allocation plan.

(E) Requirements for utilization of funds

- (1) OCTF monies shall only be used for primary and secondary prevention strategies.
  - (a) Primary prevention strategies are activities and services designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.
  - (b) Secondary prevention strategies are activities and services that are provided to a specific population identified as having risk factors for child abuse and neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.
  - (c) OCTF monies shall not be used for tertiary prevention strategies which take place after abuse and neglect have occurred, including but not limited to protective intervention, remedial social services or treatment/therapy which are intended to prevent the re-occurrence of abuse or neglect.
- (2) Ohio children's trust fund monies shall not be authorized to supplant existing funding or for programs that target individuals or families that have an open case with the public children's services agency or its contracted case management providers.

- (3) Ohio children's trust fund monies may only be used to support services provided during the state fiscal year for which the funds are allocated.
- (4) Ohio children's trust fund monies distributed to service providers that will not be expended within the period specified by the agreement with the local prevention advisory board/council shall be returned to the county treasurer. During the same fiscal year of the allocation, the prevention board/council may re-distribute such funds to current providers or alternate applicants in accordance with prevention needs and priorities identified in the local allocation plan. Funds that are not fully expended or encumbered for activities conducted during that fiscal year must be returned to the treasurer of state.

(F) Program evaluation

- (1) Service providers receiving monies from OCTF are required to conduct two types of evaluation regarding funded services;
  - (a) Measuring customer satisfaction with services received; and
  - (b) Determining outcomes for individuals as a result of participation in services.
- (2) Service providers receiving OCTF monies are required to utilize evaluation tools approved by OCTF. Local providers shall report the resulting data to the OCTF county agent.

(G) Material rights requirement

- (1) Materials produced or developed with OCTF funds shall not be used for profit making. A statement identifying the OCTF as the funding source must be prominently displayed on all such materials.
- (2) The OCTF owns the copyright on all materials, including but not limited to print, tape and electronic, which are developed with trust fund monies. With the exception of state universities, such materials cannot be copyrighted by the developer. The OCTF board extends to the developer, at no cost, distribution rights for such materials during the current funding cycle only.

(H) Local advisory board responsibilities

- (1) Each child abuse and neglect prevention advisory board/council functions as the OCTF county agent to administer prevention funding at the local level. Each board/council shall adhere to all of the following requirements.
  - (a) Meet as a body at least twice a year;
  - (b) Conduct biennial assessment to identify local needs for child abuse/prevention services and prioritize those needs;
  - (c) Assure that no local advisory board/council member participates in the development of a local allocation plan if it is reasonable to expect that the member's judgment could be affected by the member's own financial, business, property or personal interest or other conflict of interest. All members of the local prevention advisory board/council shall comply with the requirements of the Ohio ethics law, Chapter 102. of the Revised Code. Questions about the existence of a conflict of interest pertaining to section 2129.42 of the Revised Code shall be submitted to the local prosecuting attorney for resolution. Questions relating to the existence of a conflict of interest pertaining to Chapter 102. of the Revised Code shall be submitted to the Ohio ethics commission for resolution;
  - (d) Determine procedures required by the county for award and disbursement of funds, such as competitive bidding contracts, grant agreements, invoicing specifications, and assure that these are adhered to;
  - (e) Provide effective public notice by publishing a notice or advertisement in the daily newspaper with widest circulation in the county or district at least five days prior to a public hearing. The public hearing shall provide an estimate of the amount of money available for grants within the county or district; a description of local needs and priorities, an explanation of the local match requirement and the deadline for submitting grant applications;
  - (f) Make application forms prescribed by the trust fund board available to all interested parties;
  - (g) Evaluate applications based on local prevention priorities and guidelines in the current OCTF biennial state plan, determine award amounts, provide written notice to applicants regarding approval or disapproval of funding, and have in place an appeal process approved by OCTF;

- (h) Establish any reporting requirements for fund recipients beyond the written semi-annual grantee progress and fiscal report and annual grantee progress and fiscal report required by OCTF;
- (i) Establish procedures for monitoring to assure program/service effectiveness and fiscal accountability. Procedures may include site visits, record reviews, program presentations, conferences, interviews with service recipients and other monitoring approaches at the discretion of the local prevention advisory board/council;
- (j) Submit a local allocation plan for preventing child abuse and neglect to the OCTF board. The plan must be postmarked on or before the first day of April preceding the state fiscal year for which the plan is developed.
- (k) Monitor grantee compliance with program evaluation requirements specified by OCTF;
- (l) Direct the county auditor to return to the treasurer of state all OCTF funds that grantees did not fully expend or encumber for activities conducted during the state fiscal year;
- (m) Maintain records of services provided and financial expenditures for at least five years following the end of the state fiscal year, and make those records available for review by OCTF staff or designees;
- (n) Perform other duties as required by the trust fund board to assure effective services and fiscal accountability; and
- (o) Submit the annual program report and annual fiscal report to OCTF.

(I) Criteria for local allocation plans

(1) An allocation plan shall contain all of the following elements:

- (a) A broad representation from child and family serving systems in the process of identifying and prioritizing needs and in the evaluation of applications for funding;
- (b) Use of quantitative data from local sources to identify prevention needs;

- (c) Use of a rationale to prioritize prevention needs;
- (d) Defined units of service;
- (e) Specified number of service units to be delivered;
- (f) Reasonable numbers of service recipients are projected for dollars to be expended;
- (g) A timely appeal process;
- (h) A specific plan for monitoring delivery of services;
- (i) A specific plan for monitoring program evaluation;
- (j) A specific plan for monitoring fiscal accountability; and
- (k) A specific plan to address the technical assistance needs of grantees.

(J) Approval of local allocation plan by the OCTF.

- (1) If a local prevention advisory board does not submit a plan postmarked on or before the first day of April, OCTF may reduce the county allocation for that year on a pro-rata daily basis, according to the actual postmarked date.
- (2) Based on the adequacy of information provided by a child abuse and neglect prevention advisory board to address the criteria in paragraph (I) of this rule, OCTF may do either of the following:
  - (a) Approve the plan; or
  - (b) Disapprove the plan and require the local prevention advisory board to make changes and submit an amended plan by a specified date.
- (3) If the amended plan is not postmarked by the specified date, OCTF may reduce the county allocation for that year on a pro-rata daily basis. If the amended plan is disapproved by OCTF, funding to the local prevention advisory board may be denied for the upcoming state fiscal year.

- (4) If a local prevention advisory board does not submit an annual report to OCTF postmarked on or before the fifteenth day of August following the year for which the report is written, OCTF may reduce the county allocation for the upcoming state fiscal year on a pro-rata daily basis, according to the actual postmarked date.
- (K) If the amount of the county's allocation is reduced or denied by OCTF , the local prevention advisory board/council may submit an appeal. All appeals must be submitted in writing and be received by OCTF at its address of record within ten days of the local prevention board/council receiving notice of the reduced or denied allocation. The appeal must contain all the facts, arguments and documents the appellant wishes to be considered. Within thirty days after receiving an appeal, OCTF will consider the appeal, render a final decision and notify the local prevention advisory board/council in writing.
- (L) Service providers or grantees that receive OCTF monies shall;
- (1) Utilize trust fund monies to support only primary and secondary child abuse or neglect prevention programs and services;
  - (2) For local programs, secure a twenty per cent local match for monies requested from OCTF, with a minimum of ten per cent in liquid assets, not to include federal funds;
  - (3) Abide by copyright restrictions specified in paragraph (G) of this rule;
  - (4) Return monies which were not expended or encumbered during the state fiscal year for which they were awarded;
  - (5) Conduct program evaluation as specified in paragraph (F)(1) of this rule;
  - (6) Maintain records of services and financial expenditures for at least five years following the end of the state fiscal year;
  - (7) Make record of programs and services supported with trust fund monies available for inspection by OCTF staff and local prevention advisory board/council members or designees;
  - (8) File program and fiscal reports no later than the deadlines specified by the local prevention advisory board/council, but not less than twice a year; and



- (9) Abide by all other provisions detailed in the current OCTF state plan and statement of assurances by grantees.

Effective: 07/13/2009

R.C. 119.032 review dates: 04/21/2009

CERTIFIED ELECTRONICALLY

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Certification

06/26/2009

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Date

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