OCG Bill Review — H.B. 1043 (Child Welfare County Performance and Accountability Initiative)

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Bill Review No. 010 · RL-2026-051 · 11/16/26 · Version 1.0

Bottom line: H.B. 1043 would grade every county's children services agency each month and tie part of its state funding to the grade. Counties rated green could receive incentive money. Counties that stay red for a full quarter could lose up to 10 percent of their state child protection allocation, but no withholding could begin until at least one year after DCY puts its scoring methodology in place. A county that loses funds would have to replace them from other sources. The bill also changes how abuse and neglect reports come in: every report would be recorded in the statewide system and linked to the child's existing records, including reports an agency decides not to pursue; some reports could never be dismissed; and mandated reporters such as teachers, nurses and social workers would have to report suspected abuse they learn about off the job.

The bill also repeals Ohio's "alternative response" pathway, the family-assessment track written into state law since at least 2011 for lower-risk reports. Every accepted report would become a fact-finding investigation, which does not mean a child is removed from the home. The title does not mention this change. The bill was filed in the final weeks of the 136th General Assembly; the committee first noticed its Nov. 17 hearing as an unnumbered draft. No LSC analysis or fiscal note had been posted as of this review, and no witness had testified. Section 7 identifies nine drafting issues; three are rated Medium.

Item	Detail
Bill	H.B. 1043, 136th General Assembly — "to establish the Child Welfare County Performance and Accountability Initiative to measure the performance of public children services agencies and to make other changes regarding child welfare"
Sponsor	Rep. Mark Johnson (R-92nd District)
Cosponsors	Reps. Phil Plummer and Riordan McClain
Status	Introduced November 2026. House Children and Human Services first noticed a hearing on the unnumbered draft ("Accountability and Performance Initiative; Child Welfare Intake Reform") for Tuesday, Nov. 17, 2026; a revised notice lists H.B. 1043 for an informal sponsor hearing at 10:45 a.m., Room 121 (Chair Andrea White)
Version reviewed	As Introduced (70 pages). No LSC bill analysis or LBO fiscal note available
Lame-duck flag	Yes. The General Assembly ends Dec. 31, 2026; the bill would need passage by both chambers before then
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1. What the bill does, in plain language

H.B. 1043 does five things.

1. **Grades county children services agencies monthly.** The Department of Children and Youth (DCY) would score each county on nine performance measures, compare each to the statewide median, and assign one of four levels: green, yellow, orange or red (new R.C. 5180.412).
2. **Ties state money to the grade.** Green counties share incentive funds. Orange counties get a corrective action plan. Counties that stay red for a full quarter lose part of their state child protection allocation, up to 10 percent, and must backfill it. Withholding cannot begin until one year after the scoring methodology is implemented.
3. **Sets intake rules.** Every report to a children services agency must be screened and either accepted or dismissed. Reports involving infants, children with developmental disabilities, or large families cannot be dismissed. Within one year, every report must be recorded in the statewide child welfare information system and linked to existing records (new R.C. 5180.408 to 5180.4013).
4. **Expands mandatory reporting.** Mandated reporters must report suspected abuse or neglect whether they learned of it on the job or off it. For clergy, the duty still applies only when the suspected abuser is another cleric or church leader. When a report is left by voicemail or email, the agency or officer receiving it must send the reporter a written confirmation within 12 hours; a reporter who gets none must follow up to satisfy the duty (R.C. 2151.421).
5. **Ends alternative response.** The bill repeals R.C. 2151.429 and removes "alternative response," "traditional response" and "differential response approach" from the definitions in R.C. 2151.011 and from the definition of "investigation" in R.C. 2151.421. Every accepted report would be handled through a fact-finding investigation. An investigation is not a removal; the bill does not change the standards for taking a child into custody.

Two uncodified sections direct DCY to submit recommended statewide screening standards to the General Assembly within 90 days, and to review the procedure for transferring cases between counties and report recommendations within 180 days.

2. Provision by provision

Statute	Topic	Current law	H.B. 1043
5180.412 (new)	County scorecard	No statutory county scorecard; DCY may impose actions for missed performance standards under R.C. 5101.22 to 5101.24	Monthly rating on 9 measures plus any added by rule; green 75%+, yellow 50–74%, orange 25–49%, red 0–24% of measures at or above the statewide median
5180.412(E)–(H) (new)	Consequences	—	Green: incentive funds. Yellow: monitoring. Orange: formal warning and corrective action plan. Red: warning, intensive monitoring, and withholding after a full quarter, graduated, capped at 10% of the allocation
5180.412(H)(3)–(7) (new)	Withholding safeguards	—	No withholding until one year after the methodology is implemented; data audit and county review before withholding; emergency exceptions up to one year; county must maintain spending and replace withheld funds; DCY retains withheld funds to assist the county
5180.41	State child protection allocation	Quarterly distribution under a fixed formula	Distribution made "subject to" 5180.412
5180.413, 5180.414 (new)	Reporting	—	Quarterly county-by-county report to commissioners, agency directors and all legislators; evaluation one year after implementation

Statute	Topic	Current law	H.B. 1043
5180.408 (new)	Screening	Screening governed by DCY rules	Every report screened and accepted or dismissed; no dismissal for a child under 1, a child with a developmental disability, a home with 10+ children, or 4+ children under 5
5180.409 (new)	Logging	—	Within one year, every report logged in the statewide system regardless of screening result, and linked to prior records
5180.4010, 5180.4011 (new)	Compliance and reports	—	Annual DCY review of each agency's screening compliance; annual aggregate report to the General Assembly and governor
5180.4012 (new)	Training	—	Intake staff trained on the statewide system before screening and annually after; training "shall not be waived under any circumstance"
5180.4013 (new)	Screening reviews	—	Agencies must participate in DCY screening decision reviews; DCY may issue directives and corrective actions
2151.421(A)(1), (A)(4)	Who must report	Mandated reporters "acting in an official or professional capacity"	"Official or professional capacity" struck; new (A)(5) applies the duty regardless of how the reporter learned of the abuse. Clergy duty under (A)(4) still limited to abuse by another cleric or church leader; attorney-client, physician-patient and cleric-penitent exceptions retained
2151.421(C)	Electronic reports	—	Voicemail or email reports must include the reporter's email address; the receiving agency or officer must send written, non-automated confirmation within 12 hours; reporter's duty is satisfied only on confirmation or a follow-up contact within 12 hours after that deadline
2151.421(E)(1)	Police referrals	Officer refers report to the agency	Agency must also enter the referred report in the statewide system once it exists
2151.429	Response pathways	Differential response: traditional and alternative pathways	Repealed
2151.011, 2151.412, 2151.421(O)(3)	Definitions and case plans	Define alternative, traditional and differential response; case plans for alternative-response families	Definitions and alternative-response case plan provisions removed; divisions renumbered
2151.424, 2152.72	Cross-references	—	Updated for renumbering
Sections 4, 5 (uncodified)	Studies	—	DCY screening-standard recommendations in 90 days; case-transfer review with county associations in 180 days

3. Context

Alternative response. Ohio law currently requires each county agency's "differential response approach" to include two pathways. R.C. 2151.429 reserves the traditional pathway for the most serious reports, including physical abuse causing serious injury and sexual abuse. For other reports, alternative response "shall be the preferred response, whenever appropriate," under DCY rules.[1] On the alternative pathway, the agency assesses the family's safety, risks and needs and offers services without deciding whether abuse occurred. On the

[1] Ohio Rev. Code § 2151.429 (effective Jan. 1, 2025, as amended by H.B. 33, 135th General Assembly), https://codes.ohio.gov/ohio-revised-code/section-2151.429.

traditional pathway, it investigates and makes that finding. The statute has been in effect in some form since at least 2011 and was last amended by the 2023 budget bill, H.B. 33.[2] H.B. 1043 would eliminate the alternative pathway.

Failure to report is already a crime. A mandated reporter who fails to report under R.C. 2151.421(A)(1) commits a fourth-degree misdemeanor, or a first-degree misdemeanor in some circumstances.[3] The bill does not change the penalty, but by removing "acting in an official or professional capacity" it extends the duty, and the penalty, to what a mandated reporter learns outside work. Existing exceptions for attorney-client, physician-patient and cleric-penitent communications remain. Clergy are covered by a separate division, (A)(4), that applies only when the suspected abuser is another cleric or church leader; the bill removes the on-duty limit there too, but does not extend clergy reporting to abuse by others.

Existing performance law. DCY already has authority to set performance standards for county agencies and act when they are missed, under R.C. 5101.22 to 5101.24, amended in H.B. 33.[4] H.B. 1043 states that it does not limit that authority (5180.412(I)).

H.B. 635. The Child Protection Reform Act (Reps. Plummer and Young), on which Rep. Johnson is a cosponsor, also amends R.C. 2151.421 and amends R.C. 2151.429, the section H.B. 1043 repeals.[5] House Children and Human Services reported it as a substitute bill. Rep. Plummer cosponsors H.B. 1043.

Timing. The bill was filed in the final weeks of the 136th General Assembly. The committee first noticed the Nov. 17 hearing on an unnumbered draft; its 1st revision notice lists H.B. 1043 by number for an informal hearing with sponsor testimony. Bills not enacted by Dec. 31, 2026 die and must be reintroduced in the 137th General Assembly.

When	Event
Nov 2026	House Children and Human Services notices a hearing on the unnumbered draft for Nov 17
Nov 2026	Introduced as H.B. 1043; 1st revision notice lists it for an informal sponsor hearing
Nov 17, 2026	House Children and Human Services informal hearing, sponsor testimony, 10:45 a.m. (scheduled)
Dec 31, 2026	136th General Assembly ends

4. Who is for and against, and why

No witness has testified and no organization has stated a public position on H.B. 1043 as of this review.

Affected parties were not contacted for comment before this release. Positions reflect the public record as of November 16, 2026. Responses received later will be added in a revised version.

[2] Ohio Rev. Code § 2151.429 (effective Jan. 1, 2025, as amended by H.B. 33, 135th General Assembly), https://codes.ohio.gov/ohio-revised-code/section-2151.429.

[3] Ohio Rev. Code § 2151.99(C), https://codes.ohio.gov/ohio-revised-code/section-2151.99; Ohio Legislative Service Commission, *Liability for Child Abuse and Neglect Reporting and Investigation Failures*, https://www.lsc.ohio.gov/assets/organizations/legislative-service-commission/files/liability-for-child-abuse-and-neglect-reporting-and-investigation-failures.pdf.

[4] Ohio Rev. Code §§ 5101.22–5101.24 (effective Jan. 1, 2025, as amended by H.B. 33, 135th General Assembly), https://codes.ohio.gov.

[5] H.B. 635, 136th General Assembly, As Reported by the House Children and Human Services Committee, https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/hb635/01_RH/pdf/.

On the record

Witness	Hearing	Position	Stated reasons
Rep. Mark Johnson, sponsor	House Children and Human Services, informal hearing (scheduled Nov 17, 2026)	Sponsor	Testimony not yet available

Affected interests with no public position found

Interest	Provision affecting them
County public children services agencies and their directors	Monthly ratings, corrective action plans, screening rules, end of alternative response
Boards of county commissioners	Must replace withheld state funds and maintain child welfare spending
Public Children Services Association of Ohio; Ohio Job and Family Services Directors' Association	Named in the case-transfer review; members are the rated agencies
Mandated reporters: teachers, school staff, health care workers, social workers, child care staff and others; clergy as to abuse by church leaders	Duty to report extends to off-duty knowledge; electronic reporting confirmation rules
Families reported to children services	Every accepted report becomes a fact-finding investigation; all reports recorded in the statewide system and linked to existing records
Residential treatment, group home and foster care providers	Length-of-stay and placement-type measures affect county decisions
Kinship caregivers and foster families	Home-setting placement is a rated measure
Department of Children and Youth	New scoring, logging, training, review and reporting duties; no appropriation in the bill

5. Pros and cons by lens

These are the arguments each camp would likely make, not documented positions and not OCG positions.

	Conservative lens	Liberal lens
Pros	Measures results and attaches consequences to public money. Gives county commissioners and legislators county-by-county performance reports every quarter. Logs every report so warning signs are not lost.	Protects the most vulnerable children with no-dismissal rules. Puts county outcomes in front of state and county officials. Rewards counties that keep children in family settings and out of institutions.
Cons	Expands state control over county agencies and requires counties to backfill withheld state money. Makes every accepted report a formal investigation, more state involvement in family life. Extends criminal reporting duties into private life.	Cutting funds to struggling counties may worsen services for children. Ending alternative response removes a less adversarial option for families in poverty. Off-duty reporting and logging of every report may increase reports involving poor families.
Likely split	Accountability and fiscal conservatives vs. local-control and family-autonomy conservatives	Child-safety advocates vs. family-preservation and anti-poverty advocates

Common ground in the record: the bill's cosponsors include a cosponsor of H.B. 635, another child protection bill from the same committee. **Points either lens could raise:** whether withholding money from a county agency is the right lever when the measured outcomes depend partly on local poverty, drug use and court practices outside the agency's control.

6. Process record

Metric	H.B. 1043
Hearings	1 scheduled: informal sponsor hearing, House Children and Human Services, Nov 17, 2026; first noticed as an unnumbered draft
Testimony	None yet
Bill analysis and fiscal note	Not posted as of Nov 16, 2026
Length	70 pages; amends 6 sections, enacts 9, repeals 1
Cosponsors	2 (Reps. Plummer and McClain)
Days left in General Assembly	About 45 calendar days from Nov 17 to Dec 31, 2026
Lame-duck or omnibus	Lame duck: yes. Omnibus: no; one subject (child welfare), several distinct policies
Comment requests	None sent before release (2026 lame-duck reviews; see section 4)

7. Drafting issues and implementation risks

Sections 3 and 7 reflect OCG's reading of the bill text and current law. They have not been reviewed by an attorney and are not legal advice.

The text raises nine drafting questions. Three are rated Medium. An issue describes what the text does or leaves open, not anyone's intent.

#	Issue (R.C.)	Type	What the text does	Interests affected	Severity
1	**Which direction is "good."** 5180.412(D)	Textual	Counties are rated by the share of measures on which they "meet or exceed the statewide median." For most measures (entry rate, re-entry rate, lengths of stay, residential placement share), a higher number is worse. Read literally, exceeding the median on those measures would raise a county's rating. The scoring methodology under division (C) could correct this, but the statute's own grading rule does not. Division (C) also calls for a weighted multi-measure evaluation, while (D) assigns levels by a simple share of measures; the bill does not say how the two fit together. With nine equally counted measures, a county would need seven to reach green.	County agencies; children in care	Medium
2	**Wrong cross-reference in the reporter safe harbor.** 2151.421(C)(4)(a), (b)	Textual	Both divisions refer to the written confirmation "required under division (C)(2)." The confirmation requirement is in (C)(3); (C)(2) requires the reporter's email address. Because the reporter's duty is "considered satisfied only if" one of these conditions occurs, and failure to report is a crime, the error affects criminal exposure.	Mandated reporters; prosecutors	Medium
3	**Conflict with H.B. 635.** 2151.429, 2151.421	Textual	H.B. 1043 repeals R.C. 2151.429; H.B. 635 amends it. Both amend 2151.421. If both advance, the texts would need to be reconciled.	County agencies; DCY	Medium

#	Issue (R.C.)	Type	What the text does	Interests affected	Severity
4	**Off-duty reporting.** 2151.421(A)(1), (A)(4), (A)(5)	Legal question	Strikes "acting in an official or professional capacity" for mandated reporters, including clergy. The duty and the misdemeanor penalty would reach knowledge gained in private life, such as a nurse at a neighbor's home. Existing exceptions for attorney-client, physician-patient and cleric-penitent communications remain; for clergy the duty still covers only abuse by another cleric or church leader. How the off-duty duty interacts with other confidentiality obligations is not addressed.	Mandated reporters; families	Low–Medium
5	**Withheld funds and backfill.** 5180.412(H)(6), (7)	Implementation	Counties must replace withheld funds from "other available sources" and hold spending at the prior year's level. DCY "retain[s]" withheld funds to assist the county. The bill sets no deadline or reporting for how DCY spends the retained funds, and names no source for the county's replacement money.	Counties; DCY	Low–Medium
6	**Missing division.** 5180.4013(B)	Textual	Refers to standards "established by the department under division (D) of this section." Section 5180.4013 has divisions (A) to (C) only.	DCY; county agencies	Low
7	**Inconsistent system name.** 2151.421(E)(1); 5180.409	Textual	One provision says "uniform statewide automatic child welfare system"; the other says "uniform statewide automated child welfare information system."	DCY	Low
8	**Automatic move to red.** 5180.412(G)(3)	Implementation	A county that fails to comply with its corrective action plan within the expected timeline "shall be assigned to the red level, regardless of its overall performance level." The bill sets no process for disputing whether a plan was met or a timeline was realistic before reassignment. The data review in (H)(3) applies before withholding, not before the red rating.	Counties	Low
9	**Clerical errors.** 5180.4012(A), 5180.4013(A), 5180.413(A), 5180.414; Sections 2, 3	Textual	"public children services employee" (missing "agency"); "department of children in youth"; two divisions numbered (2); "after implementing child welfare county performance" (missing "the"); R.C. 2151.429 repealed in both Section 2 and Section 3.	—	Low

Type: *Textual* = confirmed in the bill's text or official documents. *Implementation* = depends on rules or practice not yet written. *Legal question* = depends on how a court would apply other law. **Severity:** *High* = a demonstrated conflict affecting public property, statutory rights or public money at scale. *Medium* = fraud, accountability, liability or coordination exposure the text leaves open. *Low* = administrative.

8. Open questions

1. **What will the bill cost?** No fiscal note has been posted. Costs include the logging system, monthly scoring, training and the workload of converting alternative-response cases to investigations.
2. **How many reports go through alternative response today?** The share of accepted reports on that pathway would show how many families the repeal would affect. The bill and the public record do not say.

3. **Why was the hearing noticed before the bill had a number, and why file now?** With about six weeks left in the General Assembly, the sponsor's office has not said whether the goal is passage this session, a placeholder for the 137th General Assembly, or language for another bill.
4. **How does the scorecard relate to DCY's existing performance authority** under R.C. 5101.22 to 5101.24?
5. **Is the version heard Nov 17 the same as the introduced text?**
6. **How long will dismissed reports be kept, and can families correct them?** The bill requires every report to be recorded and linked but sets no retention, correction or access rule of its own; existing law and DCY rules may govern.
7. **Will the quarterly county reports be posted publicly?** R.C. 5180.413 requires delivery to commissioners, agency directors and legislators but does not require public posting.

About this review

What this is. OCG Bill Reviews are Research Center publications. They describe what a bill does, who has taken a position on it, and how it has moved through the General Assembly. Ohio Common Ground does not endorse or oppose legislation, candidates or parties. Nothing in this review is a recommendation to vote for or against this bill.

Version and date. This review covers H.B. 1043 As Introduced, as of November 16, 2026. Bills change through substitutes and amendments, so a later version may differ. Updates are posted at ohiocommonground.com.

Sources. Figures and statements of law come from primary government sources: bill text, analyses from LSC's Office of Research and Drafting, Legislative Budget Office fiscal notes, committee records, minutes and votes, and court decisions. Statements in testimony are reported as the witness's statement. A figure that cannot be traced to a primary source is left out.

Method. Each review follows the OCG Legislative Review Standard:

1. Plain-language summary and provision-by-provision comparison against current law.
2. Context: earlier versions, related bills, recent law and litigation.
3. Positions on the record, from committee testimony and public statements. Interests affected by a provision are listed separately; being affected is not treated as support or opposition.
4. Lens analysis: the arguments conservative and liberal observers would likely make. These are hypothetical, attributed arguments, not documented positions and not OCG positions.
5. Process record: measurable facts about hearings, testimony, timing and sponsorship.
6. Drafting issues: places where the text is ambiguous, incomplete or leaves discretion unchecked, each tied to a section of the Revised Code and labeled by type. An issue describes what the text does or leaves open, not anyone's intent.
7. Open questions the public record does not yet answer.

Not legal advice. This review is not legal advice. Anyone with a legal question should contact an attorney.

Corrections. Report errors through ohiocommonground.com. Corrections made before release are logged in the working draft. Substantive changes after release are issued as a new version.

Sources

Primary

- H.B. 1043, 136th General Assembly, As Introduced
- R.C. 2151.429; R.C. 2151.99; R.C. 2151.421 and 5101.22 to 5101.24 as currently in effect
- H.B. 635, As Reported by House Children and Human Services

- House Children and Human Services Committee notices for Nov 17, 2026 (original and 1st revision)

Revision history

Version	Date	Change
1.0	11/16/26	Initial release.