

AN ACT

To amend sections 117.45, 124.11, 124.30, 125.13, 127.16, 176.05, 302.18, 307.01, 307.12, 307.441, 307.851, 319.16, 329.01, 329.02, 329.03, 329.04, 329.043, 329.05, 329.051, 329.06, 329.09, 2151.011, 2151.10, 2151.31, 2151.421, 2301.03, 2301.35, 2301.351, 2301.357, 2301.36, 2301.37, 2301.372, 2329.66, 2715.041, 2715.045, 2716.13, 2901.30, 2921.13, 2951.02, 3101.01, 3107.01, 3109.051, 3111.09, 3111.20, 3111.23, 3113.06, 3113.07, 3113.21, 3113.215, 3113.216, 3113.217, 3113.218, 3115.24, 3301.0719, 3313.64, 3317.023, 3317.10, 3317.14, 3701.503, 3727.17, 4115.04, 4117.01, 4123.27, 4141.16, 4141.162, 4141.163, 4141.28, 5101.02, 5101.06, 5101.07, 5101.071, 5101.10, 5101.14, 5101.141, 5101.15, 5101.16, 5101.161, 5101.18, 5101.181, 5101.183, 5101.20, 5101.21, 5101.31, 5101.323, 5101.35, 5101.36, 5101.37, 5101.46, 5101.54, 5101.544, 5101.58, 5101.59, 5101.82, 5101.83, 5101.91, 5101.92, 5101.93, 5101.97, 5101.99, 5103.02, 5103.154, 5104.01, 5104.011, 5104.03, 5104.04, 5104.081, 5104.11, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38, 5104.39, 5104.42, 5107.01, 5107.02, 5107.031, 5107.04, 5107.041, 5107.05, 5107.07, 5107.071, 5107.10, 5107.12, 5107.13, 5107.15, 5107.18, 5107.19, 5107.21, 5107.22, 5107.23, 5107.24, 5107.25, 5107.26, 5107.30, 5107.31, 5107.32, 5107.36, 5107.37, 5111.01, 5111.013, 5111.017, 5111.023, 5111.09, 5115.01, 5115.03, 5115.04, 5115.05, 5119.22, 5119.65, 5119.68, 5122.39, 5123.93, 5139.18, 5149.03, 5153.01, 5153.08, 5153.09, 5153.091, 5153.10, 5153.11, 5153.111,

5153.12, 5153.13, 5153.131, 5153.14, 5153.16, 5153.161, 5153.162, 5153.163, 5153.164, 5153.165, 5153.17, 5153.18, 5153.19, 5153.20, 5153.21, 5153.22, 5153.23, 5153.25, 5153.26, 5153.27, 5153.28, 5153.29, 5153.30, 5153.31, 5153.32, 5153.33, 5153.34, 5153.35, 5153.36, 5153.49, 5153.53, 5502.13, 5709.64, 5709.66, 5733.04, and 5747.01; to amend for the purposes of adopting new section numbers as indicated in parentheses 5101.20 (5101.26), 5101.21 (5101.84), 5101.82 (5107.52), 5101.83 (5107.54), 5101.91 (5107.68), 5101.92 (5107.66), 5107.01 (5107.02), 5107.02 (5101.80), 5107.031 (5107.24), 5107.04 (5107.76), 5107.041 (5101.83), 5107.05 (5107.12), 5107.07 (5107.20), 5107.071 (5107.22), 5107.10 (5107.72), 5107.12 (5107.75), 5107.13 (5107.77), 5107.15 (329.022), 5107.18 (5107.28), 5107.19 (5107.281), 5107.21 (5107.282), 5107.22 (5107.283), 5107.23 (5107.284), 5107.24 (5107.285), 5107.25 (5107.286), 5107.26 (5107.287), 5107.31 (5107.26), 5107.32 (5107.14), 5153.08 (5153.03), 5153.09 (5153.04), and 5153.091 (5153.05); to revive and amend section 5101.323; to enact new sections 5101.21, 5101.81, 5101.82, 5107.01, 5107.03, 5107.05, 5107.10, 5107.16, 5107.18, and 5153.02, and sections 307.98, 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 307.987, 329.011, 329.11, 329.12, 329.13, 329.14, 3319.089, 4141.44, 5101.162, 5101.211, 5101.212, 5101.22, 5101.23, 5101.24, 5101.25, 5101.27, 5101.28, 5101.29, 5101.30, 5101.971, 5104.13, 5104.301, 5107.40, 5107.41, 5107.42, 5107.43, 5107.44, 5107.50, 5107.541, 5107.58, 5107.60, 5107.62, 5107.64, 5107.65, 5107.67, 5107.69, 5107.70, 5107.71, 5107.78, 5108.01, 5108.02, 5108.06, 5108.07, 5108.08, 5108.09,

5108.10, and 5111.113; and to repeal sections 329.041, 329.07, 329.99, 4141.043, 5101.09, 5101.461, 5101.462, 5101.463, 5101.464, 5101.57, 5101.80, 5101.81, 5101.84, 5101.841, 5101.842, 5101.85, 5101.86, 5101.87, 5101.88, 5101.881, 5101.89, 5101.90, 5101.94, 5101.95, 5101.98, 5107.011, 5107.03, 5107.032, 5107.033, 5107.034, 5107.06, 5107.08, 5107.09, 5107.11, 5107.14, 5107.151, 5107.16, 5107.17, 5107.20, 5107.33, 5107.34, 5107.99, 5111.014, 5115.18, 5153.02, 5153.03, 5153.04, 5153.05, 5153.06, and 5153.07 of the Revised Code to abolish the Aid to Dependent Children and the Job Opportunities and Basic Skills Training Programs; to create the Ohio Works First Program and the Prevention, Retention, and Contingency Program; to revise the law governing the Medicaid, Disability Assistance, and Food Stamp Programs, Title XX social services, day care, confidentiality of public assistance records, and administration of human services, children services, and child support enforcement; to authorize individual development account programs; and to establish a tax deduction for contributions to individual development account programs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 117.45, 124.11, 124.30, 125.13, 127.16, 176.05, 302.18, 307.01, 307.12, 307.441, 307.851, 319.16, 329.01, 329.02, 329.03, 329.04, 329.043, 329.05, 329.051, 329.06, 329.09, 2151.011, 2151.10, 2151.31, 2151.421, 2301.03, 2301.35, 2301.351, 2301.357, 2301.36, 2301.37, 2301.372, 2329.66, 2715.041, 2715.045, 2716.13, 2901.30, 2921.13, 2951.02, 3101.01, 3107.01, 3109.051, 3111.09, 3111.20, 3111.23, 3113.06, 3113.07, 3113.21, 3113.215, 3113.216, 3113.217, 3113.218, 3115.24, 3301.0719, 3313.64, 3317.023, 3317.10, 3317.14, 3701.503, 3727.17, 4115.04, 4117.01, 4123.27, 4141.16, 4141.162,

141.163, 4141.28, 5101.02, 5101.06, 5101.07, 5101.071, 5101.10, 5101.14, 5101.141, 5101.15, 5101.16, 5101.161, 5101.18, 5101.181, 5101.183, 5101.20, 5101.21, 5101.31, 5101.323, 5101.35, 5101.36, 5101.37, 5101.46, 5101.54, 5101.544, 5101.58, 5101.59, 5101.82, 5101.83, 5101.91, 5101.92, 5101.93, 5101.97, 5101.99, 5103.02, 5103.154, 5104.01, 5104.011, 5104.03, 5104.04, 5104.081, 5104.11, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38, 5104.39, 5104.42, 5107.01, 5107.02, 5107.031, 5107.04, 5107.041, 5107.05, 5107.07, 5107.071, 5107.10, 5107.12, 5107.13, 5107.15, 5107.18, 5107.19, 5107.21, 5107.22, 5107.23, 5107.24, 5107.25, 5107.26, 5107.30, 5107.31, 5107.32, 5107.36, 5107.37, 5111.01, 5111.013, 5111.017, 5111.023, 5111.09, 5115.01, 5115.03, 5115.04, 5115.05, 5119.22, 5119.65, 5119.68, 5122.39, 5123.93, 5139.18, 5149.03, 5153.01, 5153.08, 5153.09, 5153.091, 5153.10, 5153.11, 5153.111, 5153.12, 5153.13, 5153.131, 5153.14, 5153.16, 5153.161, 5153.162, 5153.163, 5153.164, 5153.165, 5153.17, 5153.18, 5153.19, 5153.20, 5153.21, 5153.22, 5153.23, 5153.25, 5153.26, 5153.27, 5153.28, 5153.29, 5153.30, 5153.31, 5153.32, 5153.33, 5153.34, 5153.35, 5153.36, 5153.49, 5153.53, 5502.13, 5709.64, 5709.66, 5733.04, and 5747.01 be amended; sections 5101.20 (5101.26), 5101.21 (5101.84), 5101.82 (5107.52), 5101.83 (5107.54), 5101.91 (5107.68), 5101.92 (5107.66), 5107.01 (5107.02), 5107.02 (5101.80), 5107.031 (5107.24), 5107.04 (5107.76), 5107.041 (5101.83), 5107.05 (5107.12), 5107.07 (5107.20), 5107.071 (5107.22), 5107.10 (5107.72), 5107.12 (5107.75), 5107.13 (5107.77), 5107.15 (329.022), 5107.18 (5107.28), 5107.19 (5107.281), 5107.21 (5107.282), 5107.22 (5107.283), 5107.23 (5107.284), 5107.24 (5107.285), 5107.25 (5107.286), 5107.26 (5107.287), 5107.31 (5107.26), 5107.32 (5107.14), 5153.08 (5153.03), 5153.09 (5153.04), and 5153.091 (5153.05) be amended for the purpose of adopting new section numbers as indicated in parentheses; section 5101.323 be revived and amended; and new sections 5101.21, 5101.81, 5101.82, 5107.01, 5107.03, 5107.05, 5107.10, 5107.16, 5107.18, and 5153.02, and sections 307.98, 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 307.987, 329.011, 329.11, 329.12, 329.13, 329.14, 3319.089, 4141.44, 5101.162, 5101.211, 5101.212, 5101.22, 5101.23, 5101.24, 5101.25, 5101.27, 5101.28, 5101.29, 5101.30, 5101.971, 5104.13, 5104.301, 5107.40, 5107.41, 5107.42, 5107.43, 5107.44, 5107.50, 5107.541, 5107.58, 5107.60, 5107.62, 5107.64, 5107.65, 5107.67, 5107.69, 5107.70, 5107.71, 5107.78, 5108.01, 5108.02, 5108.06, 5108.07, 5108.08, 5108.09, 5108.10, and 5111.113 of the Revised Code be enacted to read as follows:

Sec. 117.45. (A) The auditor of state shall draw warrants against the treasurer of state pursuant to all requests for payment that the director of

budget and management has approved under section 126.07 of the Revised Code.

(B) Unless the director of human services has provided for the making of payments by electronic benefit transfer, if a financial institution and account have been designated by the participant or recipient, payment by the auditor of state to a ~~recipient of aid to dependent children~~ participant in the Ohio works first program pursuant to Chapter 5107. of the Revised Code or a recipient of disability assistance pursuant to Chapter 5115. of the Revised Code shall be made by direct deposit to the account of the participant or recipient in the financial institution. Payment by the auditor of state to a recipient of public assistance pursuant to section 5101.33 of the Revised Code shall be by electronic benefit transfer ~~payment.~~ Payment by the auditor of state as compensation to an employee of the state who has, pursuant to section 124.151 of the Revised Code, designated a financial institution and account for the direct deposit of such payments shall be made by direct deposit to the account of the employee. Payment to any other payee who has designated a financial institution and account for the direct deposit of such payment may be made by direct deposit to the account of the payee in the financial institution as provided in section 9.37 of the Revised Code. The auditor of state shall contract with an authorized financial institution for the services necessary to make direct deposits or electronic benefit transfers under this division and draw lump sum warrants payable to that institution in the amount to be transferred. Accounts maintained by the auditor of state or ~~his~~ the auditor of state's agent in a financial institution for the purpose of effectuating payment by direct deposit or electronic benefit transfer shall be maintained in accordance with section 135.18 of the Revised Code.

(C) All other payments from the state treasury shall be made by paper warrants payable to the respective payees. The auditor of state may mail the paper warrants to the respective payees or distribute them through other state agencies, whichever ~~he~~ the auditor of state determines to be the better procedure.

(D) If the average per transaction cost the auditor of state incurs in making direct deposits for a state agency exceeds the average per transaction cost ~~he~~ the auditor of state incurs in drawing paper warrants for all public offices during the same period of time, ~~he~~ the auditor of state may certify the difference in cost and the number of direct deposits for the agency to the director of administrative services. The director shall reimburse the auditor of state for such additional costs and add the amount to the processing charge assessed upon the state agency.

Sec. 124.11. The civil service of the state and the several counties,

ties, civil service townships, city health districts, general health districts, and city school districts thereof shall be divided into the unclassified service and the classified service.

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:

(1) All officers elected by popular vote or persons appointed to fill vacancies in such offices;

(2) All election officers as defined in section 3501.01 of the Revised Code;

(3) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; and the members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district; except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service;

(4) The members of county or district licensing boards or commissions and boards of revision, and deputy county auditors;

(5) All officers and employees elected or appointed by either or both branches of the general assembly, and such employees of the city legislative authority as are engaged in legislative duties;

(6) All commissioned and noncommissioned officers and enlisted persons in the military service of the state including military appointees in the office of the adjutant general;

(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;

(b) The library staff of any library in the state supported wholly or in part at public expense.

(8) Four clerical and administrative support employees for each of the elective state officers; and three clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative

support employees;

(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative relationship to such elected county officials or county administrator, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided that division (A)(9) of this section shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in division (A)(9) of this section applies to any position in a county department of human services created pursuant to ~~sections 329.01 to 329.10~~ Chapter 329. of the Revised Code.

(10) Bailiffs, constables, official stenographers, and commissioners of courts of record, deputies of clerks of the courts of common pleas who supervise, or who handle public moneys or secured documents, and such officers and employees of courts of record and such deputies of clerks of the courts of common pleas as the director of administrative services finds it impracticable to determine their fitness by competitive examination;

(11) Assistants to the attorney general, special counsel appointed or employed by the attorney general, assistants to county prosecuting attorneys, and assistants to city directors of law;

(12) Such teachers and employees in the agricultural experiment stations; such students in normal schools, colleges, and universities of the state who are employed by the state or a political subdivision of the state in student or intern classifications; and such unskilled labor positions as the director of administrative services or any municipal civil service commission may find it impracticable to include in the competitive classified service; provided such exemptions shall be by order of the commission or the director, duly entered on the record of the commission or the director with the reasons for each such exemption;

(13) Any physician or dentist who is a full-time employee of the department of mental health or the department of mental retardation and developmental disabilities or of an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions;

(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any

division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;

(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of Ohio, or medical assistants, in mental, tuberculosis, or chronic disease hospitals, or institutions;

(16) Employees of the governor's office;

(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;

(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;

(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of mental retardation and developmental disabilities;

(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;

(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;

(22) County directors of human services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;

(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;

(24) Chiefs of construction and compliance, of operations and maintenance, and of licensing and certification in the division of industrial compliance in the department of commerce;

(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;

(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of employment services, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and

implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts thereof, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of civil service township police or fire departments having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts thereof, and upon the creation by the board of trustees of a civil service township of a township civil service commission all positions in civil service township police or fire departments having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the director. The director or the commission shall,

by rule, require an applicant for registration in the labor class to furnish such evidence or take such tests as the director considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which ~~he~~ applies application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the director shall certify from the highest on the list double the number to be employed; from this number the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

(C) A municipal or civil service township civil service commission may place volunteer fire fighters who are paid on a fee-for-service basis in either the classified or the unclassified civil service.

Sec. 124.30. Positions in the classified service may be filled without competition as follows:

(A) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director of administrative services is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the director for noncompetitive examination, and if such nominee is certified by the director as qualified after such noncompetitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the director and such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In the case of provisional appointees in county ~~agencies administering aid to the blind or aid to dependent children~~ departments of human services and in the department of human services and department of health, if the salary is paid in whole or in part from federal funds, such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In case

of an emergency, an appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code, but in no case to continue longer than thirty days, and in no case shall successive appointments be made. Interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall continue only during such period of sickness, disability, or other approved leave of absence, subject to rules to be provided for by the director.

Persons who receive interim, temporary, or intermittent appointments shall serve at the pleasure of their appointing authority. Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.

(B) In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code, requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the annual report of the director with the reasons for the suspension.

(C) Where the services to be rendered by an appointee are for a temporary period, not to exceed six months, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing on the register for permanent employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

Sec. 125.13. (A) Whenever a state agency determines that it has excess or surplus supplies, it shall notify the director of administrative services. Upon request by the director and on forms provided by ~~him~~ the director, the state agency shall furnish to the director a list of all such excess and surplus supplies and an appraisal of their value.

(B) The director of administrative services shall take immediate

possession of a state agency's excess and surplus supplies, except for those that have a value below the minimum value the director establishes for excess and surplus supplies under division (D) of this section. The director shall inventory excess and surplus supplies in ~~his~~ the director's possession and may have the supplies repaired.

(C) The director may ~~dispose~~ do either of the following:

(1) Dispose of declared surplus or excess supplies in ~~his~~ the director's possession by sale, lease, or transfer. If ~~he~~ the director does so, ~~he~~ the director shall dispose of such supplies in the following order of priority:

~~(1)~~(a) To state agencies;

~~(2)~~(b) To state-supported or state-assisted institutions of higher education;

~~(3)~~(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state;

~~(4)~~(d) To the general public by auction, sealed bid, or negotiation.

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (C)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. Of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.

(D) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in ~~his~~ the director's possession by public auction, sealed bid, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in ~~his~~ the director's possession as ~~he~~ the director determines proper if such supplies cannot be sold, leased, or transferred disposed of pursuant to division (C) of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its possession that have a value below the minimum value established by the director.

(E) No state-supported or state-assisted institution of higher education, tax-supported agency, municipal corporation, or other political subdivision

of this state shall sell, lease, or transfer excess or surplus supplies acquired under this section to private entities or the general public at a price greater than the price it originally paid for such supplies.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code, ~~payments for services provided prior to July 17, 1995, under general assistance medical assistance established under former Chapter 5113. of the Revised Code,~~ or payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts

and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the legislative clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mines and reclamation to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of human services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;

(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

(13) Applying to dues or fees paid for membership in an organization or association;

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the department or, on and after July 1, 1997, the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of human services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code.

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 176.05. (A)(1) Notwithstanding any provision of law to the contrary, the rate of wages payable for the various occupations covered by sections 4115.03 to 4115.16 of the Revised Code; to persons employed on a project who are not ~~qualified~~ any of the following shall be determined according to this section:

(a) Qualified ~~volunteers or persons;~~

(b) Persons required to participate in ~~the job opportunities and basic skills training program established~~ a work activity, developmental activity, or alternative work activity under section 5101.81 sections 5107.40 to 5107.69 of the Revised Code, shall be determined according to this section. ~~An~~ except those engaged in paid employment or subsidized employment pursuant to the activity;

(c) Food stamp benefit recipients required to participate in employment and training activities established by rules adopted under section 5101.54 Of the Revised Code.

An association representing the general contractors or subcontractors that engage in the business of residential construction in a certain locality shall negotiate with the applicable building and construction trades council in that locality an agreement or understanding that sets forth the residential prevailing rate of wages, payable on projects in that locality, for each of the occupations employed on those projects.

(2) Notwithstanding any residential prevailing rate of wages established prior to July 1, 1995, if, by October 1, 1995, the parties are unable to agree under division (A)(1) of this section as to the rate of wages payable for each occupation covered by sections 4115.03 to 4115.16 of the Revised Code, the administrator of the bureau of employment services shall establish the rate of wages payable for each occupation.

(3) The residential prevailing rate of wages established under division (A)(1) or (2) of this section shall not be equal to or greater than the prevailing rate of wages determined by the administrator pursuant to sections 4115.03 to 4115.16 of the Revised Code for any of the occupations covered by those sections.

(B) Except for the prevailing rate of wages determined by the administrator pursuant to sections 4115.03 to 4115.16 of the Revised Code,

those sections and section 4115.99 of the Revised Code apply to projects.

(C) The residential prevailing rate of wages established under division (A) of this section is not payable to any individual or member of that individual's family who provides labor in exchange for acquisition of the property for homeownership or who provides labor in place of or as a supplement to any rental payments for the property.

(D) For the purposes of this section:

(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 175. of the Revised Code, except for any of the following:

(a) The single-family mortgage revenue bonds homeownership program under Chapter 175. of the Revised Code, including owner-occupied dwellings of one to four units;

(b) Projects consisting of fewer than six units developed by any entity that is not a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(c) Projects of fewer than twenty-five units developed by any nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(d) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing;

(e) Any individual project, that is sponsored or developed by a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, for which the federal government or any of its agencies furnishes by loan, grant, low-income housing tax credit, or insurance more than twelve per cent of the costs of the project. For purposes of division (D)(2)(e) of this section, the value of the low-income housing tax credits shall be calculated as the proceeds from the sale of the tax credits, less the costs of the sale.

As used in division (D)(1)(e) of this section, "sponsored" means that the general partner of a limited partnership owning the project is either a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or a person, as defined in section 1.59 of the Revised Code, in which such a nonprofit organization maintains controlling interest.

Nothing in division (D)(1)(e) of this section shall be construed as permitting unrelated projects to be combined for the sole purpose of determining the total percentage of project costs furnished by the federal government or any of its agencies.

(2) A "project" is a "public improvement" and the state or a political subdivision that undertakes or participates in the financing of a project is a "public authority," as both of the last two terms are defined in section 4115.03 of the Revised Code.

(3) "Qualified volunteers" are volunteers who are working without compensation for a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and that is providing housing or housing assistance only to families and individuals in a county whose incomes are not greater than one hundred forty per cent of the median income of that county as determined under section 175.23 of the Revised Code.

Sec. 302.18. (A) The county executive shall be the administrative head of the county and shall have all powers and shall perform all duties of an administrative or executive nature vested in or imposed upon the board of county commissioners by general law or by agreement with any municipality or other subdivision of government of Ohio and such additional powers as are granted and imposed by the board, and ~~he~~ the county executive shall administer the resolutions of the board of county commissioners and the laws of the state relating to or required to be enforced by ~~his~~ the county executive's office. The county executive shall supervise the departments established pursuant to division (A) of section 302.13 of the Revised Code. All authority of the board of county commissioners under general law with respect to the adoption of the county budget and the submission of any matter to the electors shall be exercised by the board of county commissioners provided for under Chapter 302. of the Revised Code. Contracts between the county and other agencies of government shall be approved or authorized by the board of county commissioners.

(B) The county executive, under the elective executive plan, shall exercise all authority of the board of county commissioners to appoint, suspend, and remove all county personnel whose appointment, suspension, and removal was a function of the board of county commissioners under general law, except for the clerk of the board of county commissioners, the clerk's clerical assistants, and the appointments listed in division (C) of section 302.18 of the Revised Code. Under the appointive executive plan, the board of county commissioners shall have the power to appoint,

pend, and remove all county personnel whose appointment, suspension, and removal was a function of the board under general law, upon the recommendation of the county executive.

(C) Appointment of officers, which by general law in sections 303.04, 303.13, 305.29, 306.01, 306.02, 329.01, 329.06, ~~5153.05~~, 5153.39, and 5155.03 of the Revised Code is required to be made by the board of county commissioners, shall be made by the county executive, under either plan, with advice and consent of the board of county commissioners. The county executive, under either plan, also shall appoint with the advice and consent of the board of county commissioners, all officers and members of boards and commissions, other than officers of a court or employees or other persons advisory to or subject to the supervision of a court or judge thereof, which by general law in sections 331.01, 339.02, 1545.02, 1545.03, 1545.04, and 1545.05 of the Revised Code are to be appointed by a judge or judges of the probate or common pleas court of the county.

(D) The county executive, under the elective executive plan, shall have the power to veto any ordinance or resolution adopted by the board of county commissioners. A veto by the county executive may apply to all or any items of an ordinance appropriating money. Certification of a veto must be made by the county executive within ten days of its adoption by the board of county commissioners, and the board of county commissioners may override the veto by a two-thirds vote of all its members. Under the elective executive plan an ordinance or resolution shall become effective upon approval by the county executive, expiration of such ten days without approval or veto, or overriding of a veto.

(E) The county executive shall promote the coordination of all county functions and for this purpose shall make an annual public report on the state of the county.

Sec. 307.01. (A) A courthouse, jail, public comfort station, offices for county officers, and a county home shall be provided by the board of county commissioners when, in its judgment, any of them are needed. The buildings and offices shall be of such style, dimensions, and expense as the board determines. All new jails and renovations to existing jails shall be designed, and all existing jails shall be operated in such a manner as to comply substantially with the minimum standards for jails in Ohio ~~promulgated~~ adopted by the department of rehabilitation and correction. The board shall also provide equipment, stationery, and postage, as it considers reasonably necessary for the proper and convenient conduct of county offices, and such facilities as will result in expeditious and economical administration of such offices, except that, for the purpose of obtaining

federal or state reimbursement, the board may impose on the ~~county public children services board or county department of human services exercising the children services function~~ agency reasonable charges, not exceeding the amount for which reimbursement will be made and consistent with cost-allocation standards adopted by the department of human services, for the provision of office space, supplies, stationery, utilities, telephone use, postage, and general support services.

The board of county commissioners shall provide all rooms, fireproof and burglarproof vaults, safes, and other means of security in the office of the county treasurer that are necessary for the protection of public moneys and property in the office.

(B) The court of common pleas shall annually submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the court that the court considers reasonably necessary for its operation. The board shall conduct a public hearing with respect to the written request submitted by the court and shall appropriate the amount of money each year that it determines, after conducting the public hearing and considering the written request of the court, is reasonably necessary to meet all administrative expenses of the court.

If the court considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, it shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the court of common pleas over all cases pending on its docket. The burden shall be on the court of common pleas to prove that the appropriation requested is reasonably necessary to meet all its administrative expenses. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, any judge of the court exercises the contempt power of the court of common pleas in order to obtain the amount of money in dispute, the judge shall not order the imprisonment of any member of the board of county commissioners notwithstanding sections 2705.02 to 2705.06 of the Revised Code.

(C) Division (B) of this section does not apply to appropriations for the probate court or the juvenile court that are subject to section 2101.11 or 2151.10 of the Revised Code.

Sec. 307.12. (A) When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles

acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, the board may ~~sell~~ do either of the following:

(1) Sell such property at public auction or by sealed bid to the highest bidder, after giving at least ten days' notice of the time, place, and manner of sale by posting a typewritten or printed notice in the offices of the county auditor and board. In case the fair market value of the property to be sold pursuant to this division is, in the opinion of the board, in excess of two thousand dollars, notice of the time, place, and manner of the sale shall also be published in a newspaper of general circulation in the county at least ten days prior to such sale. The board of county commissioners may authorize the sale of such personal property without advertisement or public notification and competitive bidding to the federal government, state, or any political subdivision of the state.

If a board conducts a sale of personal property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the notice. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) Donate any motor vehicle that does not exceed four thousand five hundred dollars in value to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. Of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code.

(B) When a county officer or department head determines that county-owned personal property under ~~his~~ the jurisdiction of the officer or department head, including motor vehicles, road machinery, equipment, tools, or supplies, is not of immediate need, the county officer or department head may lease such personal property to any municipal corporation, township, or other political subdivision of the state. Such lease shall require the county to be reimbursed under terms, conditions, and fees established by the board of county commissioners, or under contracts approved by the board.

(C) Where the board finds, by resolution, that the county has vehicles, equipment, or machinery which is not needed, or is unfit for public use, and

the board desires to sell such vehicles, equipment, or machinery to the person or firm from which it proposes to purchase other vehicles, equipment, or machinery, the board may offer to sell the vehicles, equipment, or machinery to such person or firm, and to have such selling price credited to the person or firm against the purchase price of other vehicles, equipment, or machinery.

(D) Where the board advertises for bids for the sale of new vehicles, equipment, or machinery to the county, it may include in the same advertisement a notice of the willingness of such board to accept bids for the purchase of county-owned vehicles, equipment, or machinery which is obsolete or not needed for public use, and to have the amount of such bids subtracted from the selling price of the other vehicles, equipment, or machinery as a means of determining the lowest responsible bidder.

Sec. 307.441. (A) The board of county commissioners of each county may procure a policy or policies of insurance insuring the county recorder and the clerk of the court of common pleas and their deputies against liability on account of errors or omissions unknowingly made by them and for which they may be held liable.

The policy or policies of insurance shall be in an amount of not less than fifty thousand dollars.

(B) The board of county commissioners of each county may procure a policy or policies of insurance insuring the sheriff and his deputies against liability arising from the performance of their official duties.

(C) The board of county commissioners of each county may procure a policy or policies of insurance insuring the prosecuting attorney and assistant prosecuting attorneys against liability arising from the performance of their official duties.

(D) The board of county commissioners of each county may procure a policy or policies of insurance insuring the coroner, county engineer, county auditor, each county commissioner, and the county treasurer and their assistants against liability arising from the performance of their official duties.

(E) The board of county commissioners of each county may procure a policy or policies of insurance insuring any county employee against liability arising from the performance of his official duties.

(F) If the board of county commissioners of any county procures a policy or policies of insurance insuring any county official against liability arising from the performance of his official duties as provided by divisions (A) to (D) of this section, it shall not refuse to procure a policy or policies of insurance insuring any other county official as authorized in those divisions,

if such policy or policies are reasonably available.

(G) The board of county commissioners of any county may procure a policy or policies of insurance insuring the county director of human services, county department of human services employees, ~~members of county welfare advisory boards~~, or foster parents associated with the county department of human services, against liability arising from the performance of their official duties.

(H) The board of county commissioners of each county may procure a policy or policies of insurance insuring the county public defender and the members of the county public defender commission against liability arising from the performance of their official duties. A joint board of county commissioners formed pursuant to section 120.23 of the Revised Code may, in accordance with the agreement of the participating boards of county commissioners, procure a policy or policies of insurance insuring the joint county public defender and the members of the joint county public defender commission against liability arising from the performance of their official duties.

(I) The board of county commissioners of each county may procure a policy or policies of insurance insuring the judges of the court of common pleas and any county court in the county, and the employees of those courts, against liability arising from the performance of their official duties.

Sec. 307.851. (A) Notwithstanding anything to the contrary in the Revised Code, a board of county commissioners of a county that has enacted a tax levy under section 5705.191 of the Revised Code may, in addition to exercising the other powers granted to a board of county commissioners, enter into a contract with any corporation or association, whether the corporation or association is for profit or nonprofit, for that corporation or association to provide the services described in this section and for the county to pay for those contracted services with the proceeds of that tax levy, provided that proceeds from the tax levy are used only for the purpose or purposes for which the tax was levied. Services for which a contract may be entered into under this section are ~~either of the following:~~

~~(1) Children and youth services; alcohol, drug addiction, and mental health services; services for the mentally retarded or developmentally disabled; and public health services;~~

~~(2) Health and human services for low income persons, including counseling, family support, legal services, day care, teen services, literacy, prescription assistance, homemaker assistance, adult day care, respite care services, attendant care, hearing and speech services, adult protective services, and transportation services.~~

(B) Before entering into a contract as provided in division (A) of this section, the board of county commissioners shall first notify, in writing, ~~the children services board;~~ the alcohol, drug addiction, and mental health services board; the board of mental retardation and developmental disabilities; or the board of the health district or combined general health district; ~~or the human services department~~ of that county, as appropriate for the service to be provided under the contract, of the board's intention to enter into a contract with a corporation or association to provide a particular service. The notice shall delineate the particular service to be provided, identify the corporation or association with which the board proposes to contract, and the amount proposed to be paid to the corporation or association for performing those services. The notified board ~~or boards or department~~ has thirty days in which to inform the board of county commissioners of its intention to provide that service itself or authorize the board of county commissioners to contract with the proposed corporation or association to provide the service. If the board of county commissioners receives no response from a notified board ~~or department~~ within the thirty-day period, the notified board ~~or department~~ shall be deemed to have authorized the proposed contract. Once the contract is authorized by each notified board ~~or department~~, the board of county commissioners may enter into a contract with the corporation or association, as proposed.

(C) In addition to any other terms that the board finds appropriate, any agreement entered into under division (A) of this section shall provide all the following:

(1) That the corporation or association shall keep current and accurate accounts of its use of the moneys it receives from the county;

(2) That the corporation or association shall, at least annually, have an audit performed in accordance with rules adopted by the auditor of state under section 117.20 of the Revised Code, of any services or programs it has performed with county moneys. A copy of the fiscal audit report shall be provided to the board of county commissioners, the county auditor, and the auditor of state.

(3) That the corporation or association is liable to repay to the county any county moneys it receives that are improperly used;

(4) That the corporation or association shall repay to the board all county moneys remaining unused at the end of the fiscal year or other accounting period for which the board paid the moneys, except that when the recipient is to receive county moneys in the next succeeding fiscal year or other accounting period following the fiscal year or other accounting period for which the board paid the moneys, the recipient need not repay the

county moneys remaining unused;

(5) That the corporation or association shall provide the board of county commissioners annually a summary of the program or service activities it has performed with county moneys.

Sec. 307.98. Each board of county commissioners shall enter into a written partnership agreement with the director of human services in accordance with section 5101.21 Of the Revised Code. Prior to entering into or substantially amending the agreement, the board shall conduct a public hearing and consult with the county human services planning committee established under section 329.06 Of the Revised Code. Through the hearing and consultation, the board shall obtain comments and recommendations concerning what would be the county's obligations and responsibilities under the agreement or amendment.

Sec. 307.981. (A) As used in sections 307.981 to 307.987 of the Revised Code:

(1) "County social service agency" means all of the following:

(a) A child support enforcement agency;

(b) A county department of human services;

(c) A public children services agency.

(2) "Private entity" means any entity other than a government entity.

(3) "Social service duty" means a duty state law requires or allows a county social service agency to assume.

(B) To the extent permitted by federal law and except as provided in division (C) of this section, a board of county commissioners may designate any private or government entity to serve as a child support enforcement agency, county department of human services, public children services agency, two of those county social service agencies, or all three of those county social service agencies. A board may change its designation by designating another private or government entity. Not less than sixty days before a board designates an entity under this section, the board shall notify the state department of human services and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the designation.

A board of county commissioners shall enter into a written contract with each entity it designates under this section specifying the entity's responsibilities and standards the entity is required to meet.

This section does not require a board of county commissioners to abolish the child support enforcement agency, county department of human services, or public children services agency serving the county on the effective date of this section and designate a different private or government

entity to serve as the county's child support enforcement agency, county department of human services, or public children services agency.

(C) If a county children services board appointed under section 5153.03 of the Revised Code serves as a public children services agency for a county, the board of county commissioners may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division (C)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the redesignation.

Sec. 307.982. (A) To the extent permitted by federal law and except as provided in division (B) of this section, a board of county commissioners may enter into a written contract with a private or government entity, including a public or private college or university whether or not the college or university is located within the county, for the entity to perform a social service duty on behalf of a county social service agency.

(B) A board of county commissioners may not enter into a contract under division (A) of this section regarding a social service duty of a public children services agency if a county children services board appointed under section 5153.03 of the Revised Code serves as the public children services agency for the county. The county children services board may enter into contracts regarding its duties in accordance with division (C)(2) of section 5153.16 of the Revised Code.

Sec. 307.983. Each board of county commissioners shall enter into a written plan of cooperation with the county social service agencies serving the county to enhance the administration of the Ohio works first program established under Chapter 5107. Of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code; and other social service duties the board and agencies agree to include in the plan. Other government entities may be included in a plan

of cooperation. The plan shall specify how the county social service agencies and other government entities included in the plan are to exchange information and coordinate and enhance services and assistance to individuals and families.

Sec. 307.984. Each board of county commissioners shall develop a written transportation work plan that establishes policies regarding the transportation needs of low income residents of the county seeking or striving to retain employment. In developing the transportation work plan, the board shall consult with all of the following:

(A) The county department of human services;

(B) If a regional transit authority created under section 306.32 of the Revised Code serves the county, the regional transit authority;

(C) If a community action agency, as defined in section 122.66 of the Revised Code, serves the county, the community action agency;

(D) As designated by the board of county commissioners, representatives of private non-profit and government entities that work with issues related to economic development, employment, and persons with physical disabilities;

(E) Other individuals designated by the board of county commissioners.

Sec. 307.985. Each board of county commissioners shall establish procedures for providing services to children in the county whose families relocate frequently, causing the children to transfer to different schools throughout the year. The board shall establish the procedures with the county department of human services and either each board of education of school districts with territory in the county or the education service center or joint educational service center serving the county.

Sec. 307.986. To the extent federal statutes and regulations and state law permit, a partnership agreement entered into under section 307.98, a contract entered into under section 307.981 or 307.982, a plan of cooperation entered into under section 307.983, a transportation work plan developed under section 307.984, and procedures established under section 307.985 Of the Revised Code shall permit the exchange of information needed to improve services and assistance to individuals and families and the protection of children. A private or government entity that receives information pursuant to an agreement, contract, plan, or procedures is bound by the same standards of confidentiality as the entity that provides the information.

An agreement, contract, plan, or procedures shall:

(A) Be coordinated and not conflict with another agreement, contract, plan, or procedures or an agreement entered into under section 329.05 Of

the Revised Code:

(B) Prohibit discrimination in hiring and promotion against applicants for and participants of the Ohio works first program established under Chapter 5107. Of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code;

(C) Comply with federal statutes and regulations and state law;

(D) Be adopted by resolution of a board of county commissioners;

(E) Specify how the agreement, contract, plan, or procedures may be amended.

Sec. 307.987. If a board of county commissioners contracts with a religious organization under section 307.981 or 307.982 Of the Revised Code, the religious organization shall comply with section 104 of the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193).

Sec. 319.16. The county auditor shall issue warrants on the county treasurer for all moneys payable from the county treasury, upon presentation of the proper order or voucher and evidentiary matter for the moneys, and keep a record of all such warrants showing the number, date of issue, amount for which drawn, in whose favor, for what purpose, and on what fund. The auditor shall not issue a warrant for the payment of any claim against the county, unless it is allowed by the board of county commissioners, except where the amount due is fixed by law or is allowed by an officer or tribunal, including a county board of mental health or county board of mental retardation and developmental disabilities, so authorized by law. If the auditor questions the validity of an expenditure that is within available appropriations and for which a proper order or voucher and evidentiary matter is presented, the auditor shall notify the board, officer, or tribunal who presented the voucher. If the board, officer, or tribunal determines that the expenditure is valid and the auditor continues to refuse to issue the appropriate warrant on the county treasury, a writ of mandamus may be sought. The court shall issue a writ of mandamus for issuance of the warrant if the court determines that the claim is valid.

Evidentiary matter includes original invoices, receipts, bills and checks, and legible copies of contracts.

~~e by the county auditor under section 5107.01 of the Revised Code and a financial institution and account have been designated under section 329.03 of the Revised Code, payments for aid to dependent children shall be made by direct deposit to the account of the recipient in the financial institution. The county auditor shall contract with an authorized financial institution for the services necessary to make such direct deposits and draw lump sum warrants payable to that institution in the amount of the payments to be transferred.~~

Sec. 329.01. In each county there shall be a county department of human services which, when so established, shall be governed by ~~sections 329.01 to 329.10 of the Revised Code~~ this chapter. The department shall consist of a county director of human services appointed by the board of county commissioners, and such assistants and other employees as are necessary for the efficient performance of the human services of the county. Before entering upon the discharge of ~~his~~ the director's official duties, the director shall give a bond, conditioned for the faithful performance of ~~his~~ those official duties, in such sum as fixed by the board. The director may require any assistant or employee under ~~his~~ the director's jurisdiction to give a bond in such sum as determined by the board. All bonds given under this section shall be with a surety or bonding company authorized to do business in this state, conditioned for the faithful performance of the duties of such director, assistant, or employee. The expense or premium for any bond required by this section shall be paid from the appropriation for administrative expenses of the department. Such bond shall be deposited with the county treasurer and kept in ~~his~~ the treasurer's office.

As used in the Revised Code, ~~the "county":~~

(A) "County department of welfare human services" means the county department of human services, ~~and the "county established under this section, including an entity designated a county department of human services under section 307.981 Of the Revised Code.~~

(B) "County director of welfare human services" means the county director of human services appointed under this section. ~~Whenever the county department or county director of welfare is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the county department or county director of human services, as the case may be.~~

Sec. 329.011. Whenever the county department of welfare or county director of welfare is referred to or designated in any rule, contract, or other document, the reference or designation shall be deemed to refer to the county department of human services or county director of human services,

as the case may be.

Sec. 329.02. Under the control and direction of the board of county commissioners, the county director of human services shall have full charge of the county department of human services. The director shall prepare the annual budget estimate of the department and submit it to the board of county commissioners. Before submitting the budget estimate to the board of county commissioners, the director shall consider the recommendations of the ~~welfare advisory board~~ county human services planning committee relative to such estimate. The director, with the approval of the board of county commissioners, shall appoint all necessary assistants and superintendents of institutions under the jurisdiction of the department, and all other employees of the department, excepting that the superintendent of each such institution shall appoint all employees therein and only the board of county commissioners may appoint administrators under section 329.021 of the Revised Code. Except for administrators appointed under section 329.021 of the Revised Code, the assistants and other employees of the department shall be in the classified civil service, and may not be placed in or removed to the unclassified service. If no eligible list is available, provisional appointment shall be made until such eligible list is available.

Each director appointed on or after the effective date of this amendment shall be in the unclassified civil service and serve at the pleasure of the board of county commissioners. If a person holding a classified position in the department is appointed as director on or after the effective date of this amendment and is later removed by the board, except for a reason listed in section 124.34 of the Revised Code, the person so removed has the right to resume the position the person held in the classified service immediately prior to being appointed as director, or if that position no longer exists or has become an unclassified position, the person shall be appointed to a position in the classified service that the board, with the approval of the director of administrative services, determines is equivalent to the position the person held immediately prior to being appointed as director.

The board of county commissioners, except as provided in ~~sections 329.01 to 329.10 of the Revised Code~~ this chapter, may provide by resolution for the coordination of the operations of the department and those of any county institution whose board or managing officer is appointed by the board of county commissioners.

The board of county commissioners may enter into a written contract with a county director of human services specifying terms and conditions of the director's employment. The period of the contract shall not exceed three years. In addition to any review specified in such a contract, the contract

shall be subject to review and renegotiation for a period of thirty days, from the sixtieth to the ninetieth days after the beginning of the term of any newly elected commissioner. Such a contract shall in no way abridge the right of the board to terminate the employment of the director as an unclassified employee at will, but may specify terms and conditions of any such termination.

Sec. ~~5107.15~~ 329.022. Within the appropriation for personal services, each county ~~administration~~ department of human services may employ the necessary employees who, except for the county director of human services as provided in section 329.02 of the Revised Code, shall be in the classified service. Compensation for positions in each service, group, or grade established by the director of administrative services shall not be less than the minimum nor more than the maximum rates established by the director for such positions. The department of human services shall cooperate with the director in establishing the qualifications of persons to be employed; and the classification and rates of compensation of ~~such positions under sections 5107.01 to 5107.15 of the Revised Code~~ county department employees.

Sec. 329.03. (A) As used in this section:

(1) "Applicant" or "recipient" means an applicant for or ~~recipient of aid to dependent children~~ participant in the Ohio works first program established under Chapter 5107. of the Revised Code or an applicant for or recipient of disability assistance under Chapter 5115. of the Revised Code.

(2) "Voluntary direct deposit" means a system established pursuant to this section under which cash assistance payments to recipients who agree to direct deposit are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(3) "Mandatory direct deposit" means a system established pursuant to this section under which cash assistance payments to all ~~recipients of aid to dependent children~~ participants in the Ohio works first program or recipients of disability assistance, other than those exempt under division (E) of this section, are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.

(B) ~~Any~~ A board of county commissioners may by adoption of a resolution require the county department of human services to establish a direct deposit system for distributing cash assistance payments under ~~aid to dependent children~~ Ohio works first, disability assistance, or both ~~programs~~, unless the director of human services has provided for those payments to be made by electronic benefit transfer pursuant to section 5101.33 Of the Revised Code. Voluntary or mandatory direct deposit may be applied to either of the programs; ~~mandatory direct deposit may be applied to the~~

~~disability assistance program and, unless prohibited by federal law, to the aid to dependent children program.~~ The resolution shall specify for each program for which direct deposit is to be established whether direct deposit is voluntary or mandatory. The board may require the department to change or terminate direct deposit by adopting a resolution to change or terminate it. Within ninety days after adopting a resolution under this division, the board shall certify one copy of the resolution to the state director of human services and one copy to the office of budget and management. The state department of human services may adopt rules governing establishment of direct deposit by county departments of human services.

The county department of human services shall determine what type of account will be used for direct deposit and negotiate with financial institutions to determine the charges, if any, to be imposed by a financial institution for establishing and maintaining such accounts. Under voluntary direct deposit, the county department of human services may pay all charges imposed by a financial institution for establishing and maintaining an account in which direct deposits are made for a recipient. Under mandatory direct deposit, the county department of human services shall pay all charges imposed by a financial institution for establishing and maintaining such an account. No financial institution shall impose any charge for such an account that the institution does not impose on its other customers for the same type of account. Direct deposit does not affect the exemption of ~~aid to dependent children~~ Ohio works first and disability assistance from attachment, garnishment, or other like process afforded by sections ~~5107.12~~ 5107.75 and 5115.07 of the Revised Code.

(C) The county department of human services shall, within sixty days after a resolution requiring the establishment of direct deposit is adopted, establish procedures governing direct deposit.

Within one hundred eighty days after the resolution is adopted, the county department shall:

(1) Inform each applicant or recipient of the procedures governing direct deposit, including in the case of voluntary direct deposit those that prescribe the conditions under which a recipient may change from one method of payment to another;

(2) Obtain from each applicant or recipient an authorization form to designate a financial institution equipped for and authorized by law to accept direct deposits by electronic transfer and the account into which the applicant or recipient wishes the payments to be made, or in the case of voluntary direct deposit states the applicant's or recipient's election to receive such payments in the form of a paper warrant.

The department may require a recipient to complete a new authorization form whenever the department considers it necessary.

A recipient's designation of a financial institution and account shall remain in effect until withdrawn in writing or dishonored by the financial institution, except that no change may be made in the authorization form until the next eligibility redetermination of the recipient unless the department feels that good grounds exist for an earlier change.

(D) An applicant or recipient without an account who either agrees or is required to receive payments by direct deposit shall have ten days after receiving the authorization form to designate an account suitable for direct deposit. If within the required time the applicant or recipient does not make the designation or requests that the department make the designation, the department shall designate a financial institution and help the recipient to open an account.

(E) At the time of giving an applicant or recipient the authorization form, the county department of human services of a county with mandatory direct deposit shall inform each applicant or recipient of the basis for exemption and the right to request exemption from direct deposit.

Under mandatory direct deposit, an applicant or recipient who wishes to receive payments in the form of a paper warrant shall record on the authorization form a request for exemption under this division and the basis for the exemption.

The department shall exempt from mandatory direct deposit any recipient who requests exemption and is any of the following:

- (1) Over age sixty-five;
- (2) Blind or disabled;
- (3) Likely, in the judgment of the department, to be caused personal hardship by direct deposit.

A recipient granted an exemption under this division shall receive payments for which the recipient is eligible in the form of paper warrants.

(F) The county department of human services shall bear the full cost of the amount of any replacement warrant issued to a recipient for whom an authorization form as provided in this section has not been obtained within one hundred eighty days after the later of the date the board of county commissioners adopts a resolution requiring payments of financial assistance by direct deposit to accounts of recipients of ~~aid to dependent children~~ Ohio works first or disability assistance or the date the recipient made application for assistance, and shall not be reimbursed by the state for any part of the cost. Thereafter, the county department of human services shall continue to bear the full cost of each replacement warrant issued until

the board of county commissioners requires the county department of human services to obtain from each such recipient the authorization forms as provided in this section.

Sec. 329.04. ~~(A)~~ The county department of human services shall have, exercise, and perform, ~~under the control and direction of the board of county commissioners,~~ the following powers and duties:

~~(A) To be the "county administration" for all purposes of Chapter 5107. of the Revised Code;~~

~~(B)(1) To perform~~ Perform any duties assigned by the department of human services regarding the provision of public social services, including the provision of the following services authorized under Title IV-A and Title XX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, to prevent or reduce economic or personal dependency and to strengthen family life, ~~or, if:~~

(a) Services authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and known in this state as the Ohio Works First Program established by Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency under section 2301.35 of the Revised Code, to perform or contract with other government agencies to perform, services authorized under by Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended and provided for by sections 2301.34 to 2301.44 of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

~~(2) The county department of human services shall, in the development of the county plan for the administration of public social services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C. 1397, as amended, do both of the following:~~

~~(a) Consider the comments and recommendations made during local public hearings held under section 329.07 of the Revised Code;~~

~~the development of the county Title XX plan.~~

~~The plan shall list the services for which descriptions are established under division (D)(4) of section 5101.46 of the Revised Code that will be provided by the county with Title XX funds and the eligibility categories listed under divisions (E)(1), (2), and (3) of section 5101.46 of the Revised Code that will be provided with each of these services.~~

~~(3) The county department, upon approval of the comprehensive social services program plan by the general assembly under section 5101.461 of the Revised Code and prior to the effective date of the plan, shall take steps necessary to ensure the efficient administration of public social services under the plan, including the negotiation of contracts with providers of services and the performance of other duties assigned to it by the department of human services.~~

~~(C) To administer~~ Administer disability assistance under Chapter 5115. of the Revised Code as required by the state department of human services;

~~(D) To administer~~ (3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board;

~~(E) To cooperate~~ (4) Cooperate with state and federal authorities in any matter relating to human services and to act as the agent of such authorities;

~~(F) To submit~~ (5) Submit an annual account of its work and expenses to the board of county commissioners and to the department of human services at the close of each fiscal year;

~~(G) To exercise~~ (6) Exercise any powers and duties relating to human services imposed upon the county department of human services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace. ~~The board may designate the county department of human services to exercise and perform any additional human services powers and duties which the board has.~~

~~(H) To determine;~~

(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

~~(I) If the county department is designated as the child support enforcement agency under section 2301.35 of the Revised Code, to operate the agency in accordance with sections 2301.34 to 2301.44 of the Revised Code;~~

(8) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section

7.984. establish with the board procedures under section 307.985 for providing services to children whose families relocate frequently, and comply with the partnership agreement the board enters into under section 307.98 and contracts the board enters into under sections 307.981 and 307.982 Of the Revised Code that affect the county department.

(B) The powers and duties of a county department of human services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding human services. If the new power or duty necessitates the state department of human services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.043. (A) Every child support enforcement agency ~~designated under section 2301.35 of the Revised Code~~ shall maintain a separate account for the deposit of support payments it receives as trustee for remittance to the persons entitled to receive the support payments and shall disburse those payments to the persons entitled to receive them under the support order.

(B) A child support enforcement agency that receives support payments shall disburse each support payment received by it to the appropriate persons within two business days after the agency receives the support payment. The state department of human services may adopt, revise, or amend rules under Chapter 119. of the Revised Code to assist in the implementation of this division.

(C) Each child support enforcement agency shall retain and use solely for support enforcement activities, all interest earned on moneys in any account maintained pursuant to division (A) of this section.

Sec. 329.05. The county department of human services may administer or assist in administering any state or local ~~public welfare~~ human services activity ~~other than~~ in addition to those mentioned in section 329.04 of the Revised Code, supported wholly or in part by public funds from any source provided by agreement between the board of county commissioners and the officer, department, board, or agency in which the administration of such activity is vested. Such officer, department, board, or agency may enter into such agreement and confer upon the county department of human services, to the extent and in particulars specified in the agreement, the performance of any duties and the exercise of any powers imposed upon or vested in such officer, board, department, or agency, with respect to the administration of such activity. Such agreement shall be in the form of a resolution of the board of county commissioners, accepted in writing by the other party to the

agreement, and filed in the office of the county auditor, and when so filed, shall have the effect of transferring the exercise of the powers and duties to which the agreement relates and shall exempt the other party from all further responsibility for the exercise of the powers and duties so transferred, during the life of the agreement. ~~Such~~

Such agreement shall be coordinated and not conflict with a partnership agreement entered into under section 307.98, a contract entered into under section 307.981 or 307.982, plan of cooperation entered into under section 307.983, a transportation work plan developed under section 307.984, or procedures for providing services to children whose families relocate frequently established under section 307.985 Of the Revised Code. It may be revoked at the option of either party, by a resolution or order of the revoking party filed in the office of the auditor. Such revocation shall become effective at the end of the fiscal year occurring at least six months following the filing of the resolution or order. In the absence of such an express revocation so filed, the agreement shall continue indefinitely. ~~This~~

This section does not permit a county department of human services to manage or control county or district tuberculosis or other hospitals, humane societies, detention homes, jails or probation departments of courts, or veterans service commissions.

Sec. 329.051. The county department of human services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 Of the Revised Code available to persons who are applying for ~~or~~ receiving assistance from the general assistance program, the, or participating in any of the following:

(A) The disability assistance program, the program for aid for dependent children, and the established under Chapter 5115. Of the Revised Code;

(B) The medical assistance program, voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code established under Chapter 5111. Of the Revised Code;

(C) The Ohio works first program established under Chapter 5107. Of the Revised Code;

(D) The prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code.

Sec. 329.06. ~~The (A) Except as provided in division (C) of this section, the board of county commissioners shall appoint establish a county welfare advisory board. The board shall have not less than nine nor more than seventeen members, the majority of whom shall be consumers of services offered by the county department of human services or by nonprofit private or public agencies under contract with the department, or representatives of~~

~~such consumers. One member shall be the juvenile judge, or his designee. At least one member shall be a representative, other than an employee, of a nonpublic agency providing health or social services in the county, two shall be members of the county children services board in counties where there is such a board, and at least one shall be a social worker. At least one member shall be over sixty years of age. The members from the county children services board shall be appointed by the county children services board and the other members, excluding the juvenile judge or his designee, shall be appointed by the board of county commissioners. The terms of office of all members except the juvenile judge or his designee shall be for three years. The executive directors of the board of alcohol, drug addiction, and mental health services and the county children services board and the superintendent of the county board of mental retardation and developmental disabilities shall be ex officio nonvoting members of the board.~~

~~The board of county commissioners shall remove from membership on the county welfare advisory board any person having three consecutive unexcused absences from regular meetings, as "unexcused absences" are defined by the advisory board.~~

~~Each person appointed shall serve until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term in the same manner as an original appointment. Members of the county welfare advisory board shall serve as such without compensation, except that they shall receive reimbursement for necessary and actual expenses incurred in the performance of their duties planning committee. The board shall appoint a member to represent the county department of human services; an employee in the classified civil service of the county department of human services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the social services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:~~

- ~~(1) Consumers of social services;~~
- ~~(2) The public children services agency;~~
- ~~(3) The child support enforcement agency;~~
- ~~(4) The county family and children first council;~~
- ~~(5) Public and private colleges and universities;~~
- ~~(6) Public entities that provide social services, including boards of health, boards of education, the county board of mental retardation and~~

velopmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;

(7) Private nonprofit and for-profit entities that provide social services in the county or that advocate for consumers of social services in the county, including entities that provide services to or advocate for victims of domestic violence;

(8) Labor organizations;

(9) Any other group or entity that has an interest in the social services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.

(B) The county human services planning committee shall do all of the following:

(1) Serve as an advisory body to the board of county commissioners with regard to the social services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;

(2) Provide comments and recommendations to the board prior to the board's entering into or substantially amending a partnership agreement with the director of human services under section 307.98 of the Revised Code;

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(4) At the request of the board, make recommendations and provide assistance regarding the social services provided in the county;

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the social services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of social service programs;

(b) Use of federal, state, and local funds available for social service programs;

(c) Establishment of goals to be achieved by social service programs;

(d) Evaluation of the outcomes of social service programs;

(e) Any other matter the board considers relevant to the provision of social services.

(C) If there is a committee in existence in a county on the effective date of this amendment that the board of county commissioners determines is capable of fulfilling the responsibilities of a county human services planning committee, the board may designate the committee as the county's human services planning committee and the committee shall serve in that capacity.

Sec. 329.09. All moneys received by each county from the state, or from the federal government under the "Social Security Act," or any act of the congress amendatory of or in substitution for such act, for ~~aid to dependent children~~ Ohio works first under Chapter 5107. Of the Revised Code, the prevention, retention, and contingency program under Chapter 5108. Of the Revised Code, or for any other welfare activity, shall be considered appropriated for the purposes for which such moneys were received.

Sec. 329.11. As used in sections 329.11 to 329.14 of the Revised Code:

(A) "Eligible education institution" means an institution described in 20 U.S.C. 1088(a)(1) or 1141(a), as amended, or an area vocational education school as defined in 20 U.S.C. 2471(4), as amended.

(B) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

(C) "Fiduciary organization" means a nonprofit fundraising organization exempt from federal income taxation pursuant to 26 U.S.C. 501 (a) and (c)(3).

(D) "Financial institution" includes a bank, trust company, savings and loan association, savings bank, or credit union authorized to do business under federal law or the laws of this state.

(E) "Funds available" means the amount available to a fiduciary organization for the purpose of matching funds deposited by program participants.

(F) "Individual development account" means a trust created or organized in the United States pursuant to an individual development account program established under section 329.12 of the Revised Code to enable an individual eligible to participate in the program to accumulate funds for the purposes specified in section 329.14 of the Revised Code.

(G) "Nonprofit microenterprise program" means a program under which loans and assistance are provided to low-income persons for the purpose of starting or operating a small business.

(H) "Postsecondary educational expenses" means both of the following:

(1) Tuition and fees required for the enrollment or attendance of a student at an eligible education institution;

(2) Fees, books, supplies, and equipment required for courses of instruction at an eligible education institution.

(I) "Qualified acquisition costs" means the costs associated with acquiring, constructing, or reconstructing a residence, including any ordinary or reasonable settlement, financing, or other closing costs.

(J) "Qualified business" means any business formed for a purpose for which persons lawfully may associate themselves.

(K) "Qualified business plan" means a plan that includes a description of services or goods to be sold, a marketing plan, and projected financial statements.

Sec. 329.12. (A) A county department of human services may establish an individual development account program for residents of the county. The program shall provide for establishment of accounts for participants and acceptance of contributions from others to be used as matching funds for deposit in the accounts.

(B) A county department shall select a fiduciary organization to administer its individual account program. In selecting a fiduciary organization, the department shall consider all of the following regarding the organization:

(1) its ability to market the program to potential participants and matching fund contributors;

(2) its ability to invest money in the accounts in a way that provides for return with minimal risk of loss;

(3) its overall administrative capacity, including the ability to verify eligibility of individuals for participation in the program, prevent unauthorized use of matching contributions, and enforce any penalties for unauthorized uses that may be provided for by rule adopted by the state department of human services under section 5101.971 of the Revised Code.

(4) its ability to provide financial counseling to participants;

(5) its affiliation with other activities designed to increase the independence of individuals and families through postsecondary education, home ownership, and business development;

(6) any other factor the county department considers appropriate.

(C) At the time it commences the program and on the first day of each subsequent program year, the county department may make a grant to the fiduciary organization to pay all or part of the administrative costs of the program.

(D) The county department shall require the fiduciary organization to collect and maintain information regarding the program, including all of the following:

(1) the number of accounts established;

(2) the amount deposited by each participant and the amount matched by contributions;

(3) the uses of funds withdrawn from the account, including the number of participants who used funds for postsecondary educational expenses and the institutions attended, the number of personal residences purchased, and the number of participants who used funds for business capitalization;

(4) the demographics of program participants;

(5) the number of participants who withdrew from the program and the reasons for withdrawal.

(E) The county department shall prepare and file with the state department of human services a semi-annual report containing the information the state department requires by rule adopted under section 5101.971 of the Revised Code, with the first report being filed at the end of the six-month period following the effective date of this section.

Sec. 329.13. A fiduciary organization may establish an individual development account only in a financial institution insured by the federal deposit insurance corporation or in accordance with section 1733.041 Of the Revised Code.

Not later than the thirtieth day of January of each year, a fiduciary organization shall determine whether the amount it deposited into individual development accounts from contributions made by individuals or entities that are not corporations during the previous calendar year was less than fifty per cent of the funds available from contributions made by individuals or entities that are not corporations for that year. A fiduciary organization may not accept any additional contributions from individuals or entities that are not corporations for the purpose of matching funds deposited by program participants until it has deposited at least fifty per cent of the funds available from contributions made by individuals or entities that are not corporations for the previous calendar year into individual development accounts. not later than the thirtieth day of January of the year following each fifth year after the effective date of this section, a fiduciary organization shall determine whether the amount it deposited into individual development accounts from contributions made by corporations during the previous five-year period was less than fifty per cent of the funds available from contributions made by corporations during that period. A fiduciary organization may not accept any additional contributions from corporations for the purpose of matching funds deposited by program participants until it has deposited at least fifty per cent of the funds available from contributions made by corporations for the previous five-year period into individual development accounts.

Sec. 329.14. (A) An individual whose household income does not exceed one hundred fifty per cent of the federal poverty line is eligible to participate in an individual development account program established by the county department of human services of the county in which the individual resides. An eligible individual seeking to be a participant in the program shall enter into an agreement with the fiduciary organization administering

the program. The agreement shall specify the terms and conditions of uses of funds deposited, financial documentation required to be maintained by the participant, expectations and responsibilities of the participant, and services to be provided by the fiduciary organization.

(B) a participant may deposit earned income, as defined in 26 U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding twice the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

(C) Notwithstanding eligibility requirements established in or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, to the extent permitted by federal statutes and regulations, money in an individual development account, including interest, is exempt from consideration in determining whether the participant or a member of the participant's assistance group is eligible for assistance under Chapter 5107., 5108., or 5111. of the Revised Code and the amount of assistance the participant or assistance group is eligible to receive.

(D)(1) Except as provided in division (D)(2) of this section, an individual development account program participant may use money in the account only for the following purposes:

(a) postsecondary educational expenses paid directly from the account to an eligible education institution or vendor;

(b) qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034, as amended, paid directly from the account to the person or government entity to which the expenses are due;

(c) qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

(2) A fiduciary organization shall permit a participant to withdraw money deposited by the participant if it is needed to deal with a personal emergency of the participant or a member of the participant's family or household. Withdrawal shall result in the loss of any matching funds in an amount equal to the amount of the withdrawal.

(3) Regardless of the reason for the withdrawal, a withdrawal from an individual development account may be made only with the approval of the fiduciary organization.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means the division of the court of common pleas or a juvenile court separately and independently created having jurisdiction under this chapter.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 Of the Revised Code, that is certified pursuant to sections 5103.03 to 5103.05 Of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of human services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in family foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 Of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.

(5) "Certified family foster home" means a family foster home operated by persons holding a certificate in force, issued under section 5103.03 Of the Revised Code.

~~(6)~~(a) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (B)~~(1)~~~~(6)~~(b) to (f) of this section.

(b) Subject to division (B)~~(1)~~~~(6)~~(c) of this section, any person who violates a federal or state law or municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's

age at the time the complaint is filed or the hearing on the complaint is held.

(c) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

(d) Any person whose case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code shall after the transfer be deemed not to be a child in the transferred case.

(e) Subject to division (B)~~(4)~~(6)(f) of this section, any person whose case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case shall after the transfer be deemed not to be a child in any case in which the person is alleged to have committed prior to or subsequent to the transfer an act that would be an offense if committed by an adult. Division (B)~~(4)~~(6)(e) of this section applies to a case regardless of whether the prior or subsequent act that is alleged in the case and that would be an offense if committed by an adult allegedly was committed in the same county in which the case was transferred or in another county and regardless of whether the complaint in the case involved was filed in the same county in which the case was transferred or in another county. Division (B)~~(4)~~(6)(e) of this section applies to a case that involves an act committed prior to the transfer only when the prior act alleged in the case has not been disposed of by a juvenile court or trial court.

(f) Notwithstanding division (B)~~(4)~~(6)(e) of this section, if a person's case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code and if the person subsequently is convicted of or pleads guilty to a felony in that case, thereafter, the person shall be considered a child solely for the following purposes in relation to any act the person subsequently commits that would be an offense if committed by an adult:

(i) For purposes of the filing of a complaint alleging that the child is a delinquent child for committing the act that would be an offense if committed by an adult;

(ii) For purposes of the juvenile court conducting a hearing under division (B) of section 2151.26 of the Revised Code relative to the complaint described in division (B)~~(4)~~(6)(f)(i) of this section to determine whether division (B)(1) of section 2151.26 of the Revised Code applies and requires that the case be transferred for criminal prosecution to the appropriate court having jurisdiction of the offense.

~~(2) "Adult" means an individual who is eighteen years of age or older.~~

~~(3)~~(7) "Child day camp," "child day-care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 Of the Revised Code.

(8) "Child day-care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of human services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. Of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

~~(4)~~(13) "Developmental disability" has the same meaning as in section 5123.01 Of the Revised Code.

(14) "Family foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training twenty-four hours a day. "Family foster home" does not include babysitting care provided for a child in the home of a person other than the home of the parents, guardian, or legal custodian of the child.

(15) "Foster home" means a family home in which any child is received apart from the child's parents for care, supervision, or training.

(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. Of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(17) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section Of the Revised Code or by the court.

(18) "Long-term foster care" means an order of a juvenile court pursuant to which both of the following apply:

(a) Legal custody of a child is given to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The agency is permitted to make an appropriate placement of the child and to enter into a written long-term foster care agreement with a foster care provider or with another person or agency with whom the child is placed.

(19) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 Of the Revised Code.

(20) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 Of the Revised Code and is committed by the parent or other person responsible for the child's care.

(21) "Mentally retarded person" has the same meaning as in section 5123.01 Of the Revised Code.

(22) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(23) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.

(24) "Out-of-home care" means detention facilities, shelter facilities, foster homes, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(25) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;

(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(26) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(27) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(28) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 Of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(29) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster parent, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;

(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(30) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any

other similar chronic or acute health problem, or amputation or another similar cause.

(31) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(32) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(33) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 Of the Revised Code.

(34) "Probation" means a legal status created by court order following an adjudication that a child is a delinquent child, a juvenile traffic offender, or an unruly child, whereby the child is permitted to remain in the parent's, guardian's, or custodian's home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation.

(35) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child or a juvenile traffic offender to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(36) "Psychiatrist" has the same meaning as in section 5122.01 Of the Revised Code.

(37) "Psychologist" has the same meaning as in section 4732.01 Of the Revised Code.

(38) "Residential camp" means a public or private facility that engages or accepts the care, physical custody, or control of children during summer months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.

(39) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 Of the Revised Code and that provides care for a child.

(40) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 Of the Revised Code and in which a child with a

opmental disability resides.

(41) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(42) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(43) "Sexual activity" has the same meaning as in section 2907.01 Of the Revised Code.

(44) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(5) "Foster home" means a family home in which any child is received apart from the child's parents for care, supervision, or training.~~

~~(6) "Certified family foster home" means a family foster home operated by persons holding a certificate in force, issued under section 5103.03 of the Revised Code.~~

~~(7) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.~~

~~(8) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified pursuant to sections 5103.03 to 5103.05 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.~~

~~(9) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.~~

~~(10) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural~~

~~parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.~~

~~(11) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.~~

~~(12) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.~~

~~(13) "Commit" means to vest custody as ordered by the court.~~

~~(14) "Probation" means a legal status created by court order following an adjudication that a child is a delinquent child, a juvenile traffic offender, or an unruly child, whereby the child is permitted to remain in the parent's, guardian's, or custodian's home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation.~~

~~(15) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child or a juvenile traffic offender to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.~~

~~(16) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.~~

~~(17) "Agreement for temporary custody" means a voluntary agreement that is authorized by section 5103.15 of the Revised Code and that transfers the temporary custody of a child to a public children services agency or a private child placing agency.~~

~~n the court's order and subject to the residual parental rights of the child's parents.~~

~~(19) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.~~

~~(20) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.~~

~~(21) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.~~

~~(22) "Placement for foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.~~

~~(23) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.~~

~~(25) "Public children services agency" means a children services board or a county department of human services that has assumed the administration of the children services function prescribed by Chapter 5153. of the Revised Code.~~

~~(26) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.~~

~~(27) "Counseling" includes general counseling and therapeutic counseling.~~

~~(28) "General counseling" means those services performed by a county children services board, county department of human services exercising the children services function, or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.~~

~~(29) "Therapeutic counseling" means psychiatric or psychological services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.~~

~~(30)~~(45) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(31)~~ "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

~~(32)~~ "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

~~(33)~~ "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

~~(34)~~ "Child day-care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of human services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

~~(35)~~ "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

~~(36)~~ "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.

~~(37)~~ "Residential camp" means a public or private facility that engages or accepts the care, physical custody, or control of children during summer months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.

~~(38)~~ "Child day camp" has the same meaning as in section 5104.01 of the Revised Code.

~~(39)~~ "Out-of-home care" means detention facilities, shelter facilities, foster homes, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

~~(40)~~ "Person responsible for a child's care in out-of-home care" means any of the following:

~~(a) Any foster parent, in-home aide, or provider;~~

~~(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic.~~

~~(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.~~

~~(41) "Child day care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.~~

~~(42) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.~~

~~(43) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:~~

~~(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;~~

~~(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;~~

~~(c) Failure to develop a process for all of the following:~~

~~(i) Administration of prescription drugs or psychotropic drugs for the child;~~

~~(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;~~

~~(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug;~~

~~(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;~~

~~(e) Confinement of the child to a locked room without monitoring by staff;~~

~~(f) Failure to provide ongoing security for all prescription and~~

~~nonprescription medication;~~

~~(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.~~

~~(44) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:~~

~~(a) Engaging in sexual activity with a child in the person's care;~~

~~(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;~~

~~(c) Use of restraint procedures on a child that cause injury or pain;~~

~~(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;~~

~~(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.~~

~~(45) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.~~

~~(46) "Family foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training twenty-four hours a day. "Family foster home" does not include babysitting care provided for a child in the home of a person other than the home of the parents, guardian, or legal custodian of the child.~~

~~(47) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.~~

~~(48) "Private noneustodial agency" means any person, organization, association, or society certified by the department of human services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:~~

~~(a) Receives and cares for children for two or more consecutive weeks;~~

~~(b) Participates in the placement of children in family foster homes;~~

~~(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.~~

~~incorporates special psychological or medical treatment designed to care for the specific needs of the children received in the family foster home and that receives and cares for children who are emotionally or behaviorally disturbed, medically fragile and require special medical treatment due to physical ailment or condition, or mentally retarded or developmentally disabled.~~

~~(50) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.~~

~~(53) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.~~

~~(54) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self care, receptive and expressive language, learning, mobility, and self direction:~~

~~(a) A substantial impairment of vision, speech, or hearing;~~

~~(b) A congenital orthopedic impairment;~~

~~(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.~~

~~(55) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.~~

(46) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

Sec. 2151.10. The juvenile judge shall annually submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the juvenile court that the judge considers reasonably necessary for the operation of the court, including reasonably necessary expenses of the judge and such officers and employees as ~~he~~ the judge may designate in attending conferences at which juvenile or welfare problems are discussed, and such sum each year as will provide for the maintenance and operation of the detention home, the care, maintenance, education, and support of neglected, abused, dependent, and delinquent children, other than children ~~entitled~~ eligible to aid participate in the Ohio

works first program established under ~~sections 5107.01 to 5107.16~~ Chapter 5107. of the Revised Code, and for necessary orthopedic, surgical, and medical treatment, and special care as may be ordered by the court for any neglected, abused, dependent, or delinquent children. The board shall conduct a public hearing with respect to the written request submitted by the judge and shall appropriate such sum of money each year as it determines, after conducting the public hearing and considering the written request of the judge, is reasonably necessary to meet all the administrative expenses of the court. All disbursements from such appropriations shall be upon specifically itemized vouchers, certified to by the judge.

If the judge considers the appropriation made by the board pursuant to this section insufficient to meet all the administrative expenses of the court, ~~he~~ the judge shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the juvenile judge over all cases pending on its docket. The burden shall be on the juvenile judge to prove that the appropriation requested is reasonably necessary to meet all administrative expenses of the court. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, the judge exercises ~~his~~ the judge's contempt power in order to obtain the sum of money in dispute, ~~he~~ the judge shall not order the imprisonment of any member of the board of county commissioners notwithstanding sections 2705.02 to 2705.06 of the Revised Code.

Sec. 2151.31. (A) A child may be taken into custody in any of the following ways:

- (1) Pursuant to an order of the court under this chapter;
- (2) Pursuant to the laws of arrest;
- (3) By a law enforcement officer or duly authorized officer of the court when any of the following conditions are present:
 - (a) There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, as described in section 2151.03 of the Revised Code, and ~~his~~ the child's removal is necessary to prevent immediate or threatened physical or emotional harm;
 - (b) There are reasonable grounds to believe that the child is in immediate danger from ~~his~~ the child's surroundings and that ~~his~~ the child's removal is necessary to prevent immediate or threatened physical or emotional harm;
 - (c) There are reasonable grounds to believe that a parent, guardian,

todian, or other household member of the child's household has abused or neglected another child in the household and to believe that the child is in danger of immediate or threatened physical or emotional harm from that person.

(4) By an enforcement official, as defined in section 4109.01 of the Revised Code, under the circumstances set forth in section 4109.08 of the Revised Code;

(5) By a law enforcement officer or duly authorized officer of the court when there are reasonable grounds to believe that the child has run away from ~~his~~ the child's parents, guardian, or other custodian;

(6) By a law enforcement officer or duly authorized officer of the court when any of the following apply:

(a) There are reasonable grounds to believe that the conduct, conditions, or surroundings of the child are endangering the health, welfare, or safety of the child;

(b) A complaint has been filed with respect to the child under section 2151.27 of the Revised Code and there are reasonable grounds to believe that the child may abscond or be removed from the jurisdiction of the court;

(c) The child is required to appear in court and there are reasonable grounds to believe that the child will not be brought before the court when required.

(B)(1) The taking of a child into custody is not and shall not be deemed an arrest except for the purpose of determining its validity under the constitution of this state or of the United States.

(2) Except as provided in division (C) of section 2151.311 of the Revised Code, a child taken into custody shall not be held in any state correctional institution, county, multicounty, or municipal jail or workhouse, or any other place where any adult convicted of crime, under arrest, or charged with crime is held.

(C) A child taken into custody shall not be confined in a place of juvenile detention or placed in shelter care prior to the implementation of the court's final order of disposition, unless ~~his~~ detention or shelter care is required to protect the child from immediate or threatened physical or emotional harm, because the child may abscond or be removed from the jurisdiction of the court, because the child has no parents, guardian, or custodian or other person able to provide supervision and care for ~~him~~ the child and return ~~him~~ the child to the court when required, or because an order for placement of the child in detention or shelter care has been made by the court pursuant to this chapter.

(D) Upon receipt of notice from a person that the person intends to take

an alleged abused, neglected, or dependent child into custody pursuant to division (A)(3) of this section, a juvenile judge or a designated referee may grant by telephone an ex parte emergency order authorizing the taking of the child into custody if there is probable cause to believe that any of the conditions set forth in divisions (A)(3)(a) to (c) of this section are present. The judge or referee shall journalize any ex parte emergency order issued pursuant to this division. If an order is issued pursuant to this division and the child is taken into custody pursuant to the order, a sworn complaint shall be filed with respect to the child before the end of the next business day after the day on which the child is taken into custody and a hearing shall be held pursuant to division (E) of this section and the Juvenile Rules. A juvenile judge or referee shall not grant an emergency order by telephone pursuant to this division until after ~~he~~ the judge or referee determines that reasonable efforts have been made to notify the parents, guardian, or custodian of the child that the child may be placed into shelter care and of the reasons for placing the child into shelter care, except that, if the requirement for notification would jeopardize the physical or emotional safety of the child or result in the child being removed from the court's jurisdiction, the judge or referee may issue the order for taking the child into custody and placing the child into shelter care prior to giving notice to the parents, guardian, or custodian of the child.

(E) If a judge or referee pursuant to division (D) of this section issues an ex parte emergency order for taking a child into custody, the court shall hold a hearing to determine whether there is probable cause for the emergency order. The hearing shall be held before the end of the next business day after the day on which the emergency order is issued, except that it shall not be held later than seventy-two hours after the emergency order is issued.

If the court determines at the hearing that there is not probable cause for the issuance of the emergency order issued pursuant to division (D) of this section, it shall order the child released to the custody of ~~his~~ the child's parents, guardian, or custodian. If the court determines at the hearing that there is probable cause for the issuance of the emergency order issued pursuant to division (D) of this section, the court shall do all of the following:

- (1) Ensure that a complaint is filed or has been filed;
- (2) Hold a hearing pursuant to section 2151.314 of the Revised Code to determine if the child should remain in shelter care;
- (3) At the hearing held pursuant to section 2151.314 of the Revised Code, make the determination and issue the written finding of facts required by section 2151.419 of the Revised Code.

(F) If the court determines at the hearing held pursuant to division (E) of this section that there is probable cause to believe that the child is an abused child, as defined in division (A) of section 2151.031 of the Revised Code, the court may do any of the following:

(1) Upon the motion of any party, the guardian ad litem, the prosecuting attorney, or an employee of the public children services board or the county department of human services exercising the children services function agency, or its own motion, issue reasonable protective orders with respect to the interviewing or deposition of the child;

(2) Order that the child's testimony be videotaped for preservation of the testimony for possible use in any other proceedings in the case;

(3) Set any additional conditions with respect to the child or the case involving the child that are in the best interest of the child.

(G) This section is not intended, and shall not be construed, to prevent any person from taking a child into custody, if taking the child into custody is necessary in an emergency to prevent the physical injury, emotional harm, or neglect of the child.

Sec. 2151.421. (A)(1)(a) ~~No attorney, physician, including a hospital intern or resident, dentist, podiatrist, practitioner of a limited branch of medicine or surgery as defined in section 4731.15 of the Revised Code, registered nurse, licensed practical nurse, visiting nurse, other health care professional, licensed psychologist, licensed school psychologist, speech pathologist or audiologist, coroner, administrator or employee of a child day care center, administrator or employee of a certified child care agency or other public or private children services agency, school teacher, school employee, school authority, person engaged in social work or the practice of professional counseling, or person rendering spiritual treatment through prayer in accordance with the tenets of a well recognized religion, person listed in division (A)(1)(b) of this section~~ who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the public children services board, the county department of human services exercising the children services function, agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.

(b) Division (A)(1)(a) of this section applies to a person who is an

attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine or surgery as defined in section 4731.15 Of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; or person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion.

(2) An attorney is not required to make a report pursuant to division (A)(1) of this section concerning any communication ~~the attorney the attorney's a client~~ the attorney receives from a client in an attorney-client relationship, if, in accordance with division (A) of section 2317.02 of the Revised Code, the attorney could not testify with respect to that communication in a civil or criminal proceeding, except that the client is deemed to have waived any testimonial privilege under division (A) of section 2317.02 of the Revised Code with respect to that communication and the attorney shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney knows or suspects, as a result of the communication or any observations made during that communication, that the client has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client.

(c) The attorney-client relationship does not arise out of the client's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(3) A physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication ~~the physician the physician's the patient~~ the physician receives from a patient in a physician-patient relationship, if, in accordance with division (B) of section 2317.02 of the Revised Code, the physician could not testify with respect to that communication in a civil or criminal proceeding, except that the patient is deemed to have waived any testimonial privilege under division (B) of section 2317.02 of the Revised Code with respect to that communication

and the physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The physician knows or suspects, as a result of the communication or any observations made during that communication, that the patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the patient.

(c) The physician-patient relationship does not arise out of the patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(B) Anyone, who knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child, may report or cause reports to be made of that knowledge or suspicion to the public children services board, the county department of human services exercising the children services function, agency or to a municipal or county peace officer.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) Upon the receipt of a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the municipal or county peace officer who receives the report shall refer the report to the appropriate ~~county department of human services or~~ public children services board agency.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services board ~~or the county department of human services exercising the children services function agency~~, unless, in the judgment of the reporting physician and the officer, immediate removal is considered essential to protect the child from further abuse or neglect.

(F)(1) The ~~county department of human services or~~ public children services board agency shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the plan of cooperation for the county adopted under division (J) of this section. A failure to make the investigation in accordance with the plan of cooperation is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The ~~county department of human services or~~ public children services board agency shall report each case to a central registry which the state department of human services shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. The ~~department or board~~ public children services agency shall submit a report of its investigation, in writing to the law enforcement agency.

(2) The ~~county department of human services or~~ public children services board agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating

in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding. Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(H)(1) Except as provided in division (H)(4) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section of the disposition of the investigation. The agency shall not provide to the person a statement of the allegations, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section shall result in protective services and emergency supportive services being made available by the ~~county department of human services or~~ public children services board agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact.

(J) There shall be placed on file with the juvenile court in each county and the department of human services an initial plan of cooperation jointly prepared and subscribed to by a committee consisting of the presiding judge of the court of common pleas of the county or ~~a~~ the presiding judge's representative; if there is only one juvenile judge in the county, the juvenile judge of the county or ~~a~~ the juvenile judge's representative; if there is more than one juvenile judge in the county, a juvenile judge or ~~a~~ the ~~judge's~~ juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or ~~a~~ the senior juvenile judge's representative; the county peace officer; all chief municipal peace officers within the county; all chief township peace officers within the county; the prosecuting attorney of the county; the director of law of each city within the county; the village solicitor of each village within the county; and the public children services board or county department of human services exercising the children services function agency as convened by the county director of human services. The plan shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the plan in the execution of those responsibilities by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The plan shall include all of the following:

- (1) A system for cross-referral of reported cases of abuse and neglect as

necessary;

(2) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected, standards and procedures governing the making of a videotape of any interview if an interview is videotaped, a system for sharing the information obtained as a result of any interview and any videotape made of it, and a system for reducing the number of times that the child who is the subject of the report and who allegedly was abused or neglected is interviewed;

(3) Any other standards, procedures, or systems that the committee believes may minimize damage and trauma to the child who is the subject of a reported case of child abuse or child neglect;

(4) The name and title of the official directly responsible for making reports to the central registry.

(K)(1) ~~the person of receiving~~ A person who is required to make a report pursuant to division (A) of this section ~~the person making the report the person's the person of making the person's the person making the report~~ may make a reasonable number of requests of the ~~county department of human services or public children services board~~ agency that receives or is referred the report to ~~the person making the report~~ be provided with the following information:

(a) Whether the ~~department or board~~ agency has initiated an investigation of the report;

(b) Whether the ~~department or board~~ agency is continuing to investigate the report;

(c) Whether the ~~department or board~~ agency is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a ~~county~~

~~department of human services or public~~ children services ~~board~~ agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

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Each request is subject to verification of the identity ~~the that person's the person of making~~ of the person making the report. If that person's identity is verified, the department or board shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the ~~department or board~~ agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(L) The department of human services shall exercise rule-making authority under Chapter 119. of the Revised Code to aid in the implementation of this section. The department may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M) No later than the end of the day following the day on which a ~~public~~ children services ~~board or county department of human services exercising the children services function~~ agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the ~~board or department~~ agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or

involved the out-of-home care entity, the ~~board or department~~ agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The ~~board or department~~ agency shall not provide witness statements or police or other investigative reports.

(N) No later than three days after the day on which a public children services board or county department of human services exercising the children services function agency makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the ~~board or department~~ agency shall provide written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The ~~board or department~~ agency shall not provide witness statements or police or other investigative reports.

Sec. 2301.03. (A) In Franklin county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B)(1) In Hamilton county, the judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapter 2151. of the Revised Code, with the powers and jurisdiction conferred by that chapter.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce,

dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a majority of the judges of the division of domestic relations are unable for any reason to elect an administrative judge for the division before the first day of August, a majority of the judges of the Hamilton county court of common pleas, as soon as possible after that date, shall elect one of the judges of the division of domestic relations as administrative judge of that division. The term of the administrative judge shall begin on the earlier of the first day of August of the year in which the administrative judge is elected or the date on which the administrative judge is elected by a majority of the judges of the Hamilton county court of common pleas and shall terminate on the date on which the administrative judge's successor is elected in the following year.

In addition to the judge's regular duties, the administrative judge of the division of domestic relations shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary by the judges in the discharge of their various duties.

The administrative judge of the division of domestic relations also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division, and shall fix the duties of its personnel. The duties of the personnel, in addition to those provided for in other sections of the Revised Code, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

The board of county commissioners shall appropriate the sum of money each year as will meet all the administrative expenses of the division of domestic relations, including reasonable expenses of the domestic relations judges and the division counselors and other employees designated to conduct the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, conciliation and counseling, and all matters relating to those cases and counseling, and the expenses involved in the attendance of division personnel at domestic

relations and welfare conferences designated by the division, and the further sum each year as will provide for the adequate operation of the division of domestic relations.

The compensation and expenses of all employees and the salary and expenses of the judges shall be paid by the county treasurer from the money appropriated for the operation of the division, upon the warrant of the county auditor, certified to by the administrative judge of the division of domestic relations.

The summonses, warrants, citations, subpoenas, and other writs of the division may issue to a bailiff, constable, or staff investigator of the division or to the sheriff of any county or any marshal, constable, or police officer, and the provisions of law relating to the subpoenaing of witnesses in other cases shall apply insofar as they are applicable. When a summons, warrant, citation, subpoena, or other writ is issued to an officer, other than a bailiff, constable, or staff investigator of the division, the expense of serving it shall be assessed as a part of the costs in the case involved.

(3) The judge of the court of common pleas of Hamilton County whose term begins on January 3, 1997, shall be elected and designated for one term only as the drug court judge of the court of common pleas of Hamilton County, and the successors to that judge shall be elected and designated as judges of the general division of the court of common pleas of Hamilton county and shall not have the authority granted by division (B)(3) of this section. The drug court judge may accept or reject any case referred to the drug court judge under division (B)(3) of this section. After the drug court judge accepts a referred case, the drug court judge has full authority over the case, including the authority to conduct arraignment, accept pleas, enter findings and dispositions, conduct trials, order treatment, and if treatment is not successfully completed pronounce and enter sentence.

A judge of the general division of the court of common pleas of Hamilton County and a judge of the Hamilton County municipal court may refer to the drug court judge any case, and any companion cases, the judge determines meet the criteria described under divisions (B)(3)(a) and (b) of this section. If the drug court judge accepts referral of a referred case, the case, and any companion cases, shall be transferred to the drug court judge. A judge may refer a case meeting the criteria described in divisions (B)(3)(a) and (b) of this section that involves a violation of a term of probation to the drug court judge, and, if the drug court judge accepts the referral, the referring judge and the drug court judge have concurrent jurisdiction over the case.

A judge of the general division of the court of common pleas of

Hamilton County and a judge of the Hamilton County municipal court may refer a case to the drug court judge under division (B)(3) of this section if the judge determines that both of the following apply:

(a) One of the following applies:

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves a probationable offense or a case in which a mandatory prison term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of ~~Superintendence~~ Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3, 1959, and January 4, 1989, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and

receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except in any cases that for some special reason are assigned to some other judge of the court of common pleas.

(D)(1) In Lucas county, the judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of the court of common pleas, division of domestic relations, and shall be charged exclusively with the assignment and division of the work of the division and the employment and supervision of all other personnel of the domestic relations division.

(2) The judges of the court of common pleas whose terms begin on January 5, 1977, and January 2, 1991, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapter 2151. of the Revised Code with the powers and jurisdictions conferred by that chapter. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judges of the division in the discharge of their various duties.

The judge of the court of common pleas, juvenile division, senior in point of service, also shall designate the title, compensation, expense allowance, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties include the handling,

servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the juvenile division is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or the volume of cases pending in that judge's division necessitates it, the duties shall be performed by the judges of the other of those divisions.

(E)(1) In Mahoning county, the judge of the court of common pleas whose term began on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and designated as judge of the court of common pleas, division of domestic relations, and shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary in the discharge of the various duties of the judge's office.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term began on January 2, 1969, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Mahoning county, shall be elected and designated as judge of court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapter 2151. of the Revised Code, with the powers and jurisdictions conferred by that chapter. In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division

and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division engaged in handling, servicing, or investigating juvenile cases, including any referees considered necessary by the judge in the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and counseling and conciliation services that may be made available to persons requesting them, whether or not the persons are parties to an action pending in the division.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties, or the volume of cases pending in that judge's division necessitates it, that ~~the~~ judge's duties shall be performed by another judge of the court of common pleas.

(F)(1) In Montgomery county, the judges of the court of common pleas whose terms begin on January 2, 1953, and January 4, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. These judges shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the

same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapter 2151. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that ~~the~~ judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county, the judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to that judge, except in cases that for some special reason are assigned to some other judge of the court of common pleas.

(H) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court

of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

The judge of the division of domestic relations, second most senior in point of service, shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, and necessary referees required for ~~his~~ the judge's respective court.

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the administration of sections 2151.13, 2151.16, 2151.17, and 2151.18 of the Revised Code and with the assignment and division of the work of the division and the employment and supervision of all other personnel of the division, including, but not limited to, that judge's necessary referees, but excepting those employees who may be appointed by the judge second most senior in point of service. The senior judge further shall serve as ~~administrator of the bureau of aid to dependent children and shall serve~~ in every other position in which the statutes permit or require a juvenile judge to serve.

(I) In Summit county:

(1) The judges of the court of common pleas whose terms begin on January 4, 1967, and January 6, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them and hear all divorce, dissolution of marriage, legal separation, and annulment cases that come before the court.

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and

shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapter 2151. of the Revised Code.

The juvenile judge shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

(J) In Trumbull county, the judges of the court of common pleas whose terms begin on January 1, 1953, and January 2, 1977, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Trumbull county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas.

(K) In Butler county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1957, and January 4, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the

same compensation as other judges of the court of common pleas of Butler county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. The judges of the division of domestic relations shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge senior in point of service shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judge of the court of common pleas whose term begins on January 3, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapter 2151. of the Revised Code, with the powers and jurisdictions conferred by that chapter. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic

lations or juvenile division, is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and

investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(2) The judge of the court of common pleas whose term begins on January 4, 1979, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lake county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapter 2151. of the Revised Code, with the powers and jurisdictions conferred by that chapter. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(N) In Erie county, the judge of the court of common pleas whose term begins on January 2, 1971, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapter 2151. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

(O) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins on January 1, 1995, and successors shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county, shall be elected and designated as judge of the court of common pleas, juvenile division, and, on or after January 1, 1995, shall be the juvenile judge as provided in Chapter 2151. of the Revised Code with the powers and jurisdiction conferred by that chapter. The judge of the court of common pleas, juvenile division, shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense

allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas, general division, is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or the volume of cases pending in the general division necessitates it, the duties of that judge of the general division shall be performed by the judge of the division of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Portage county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Q) In Clermont county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Clermont county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall

be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(R) In Warren county, the judge of the court of common pleas, whose term begins January 1, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Warren county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(S) In Licking county, the judge of the court of common pleas, whose term begins January 1, 1991, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Licking county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities

for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas, whose term begins January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Allen county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of

marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(U) In Medina county, the judge of the court of common pleas whose term begins January 1, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Medina county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(V) In Fairfield county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Fairfield county and shall be elected and designated as judge of the court of

common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge also has concurrent jurisdiction with the probate-juvenile division of the court of common pleas of Fairfield county with respect to and may hear cases to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another court of this state, cases that are commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, and post-decree proceedings and matters arising from those types of cases.

The judge of the domestic relations division shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and providing any counseling and conciliation services that the division makes available to persons, regardless of whether the persons are parties to an action pending in the division, who request the services. When the judge hears a case to determine the custody of a child, as defined in section 2151.011 of the Revised Code, who is not the ward of another

court of this state or a case that is commenced by a parent, guardian, or custodian of a child, as defined in section 2151.011 of the Revised Code, to obtain an order requiring a parent of the child to pay child support for that child when the request for that order is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, an action for support under Chapter 3115. of the Revised Code, or an action that is within the exclusive original jurisdiction of the probate-juvenile division of the court of common pleas of ~~Fairfield~~ Fairfield county and that involves an allegation that the child is an abused, neglected, or dependent child, the duties of the personnel of the domestic relations division also include the handling, servicing, and investigation of those types of cases.

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that court.

(X) In Scioto county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Scioto county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, visitation, and all post-decree proceedings and matters arising from those cases and proceedings, except in cases that for some special reason are assigned to another judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of the personnel of the division.

The judge shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix the duties of the personnel of the division. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases, cases arising under Chapter 3111. of the Revised Code, and proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, and visitation, and providing counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services.

(Y) In Auglaize county, the judge of the probate and juvenile divisions of the Auglaize county court of common pleas also shall be the administrative judge of the domestic relations division of the court and shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. The judge shall have all powers as administrator of the domestic relations division and shall have charge of the personnel engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any referees considered necessary for the discharge of the judge's various duties.

(Z) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section

is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require.

Sec. 2301.35. (A) ~~The board of county commissioners in each~~ Each county, ~~by resolution,~~ shall designate one of the following as the have a child support enforcement agency for the county: the county department of human services, the office of the prosecuting attorney, a bureau within the court of common pleas, or a separate agency under the direct control of the board and administered by an official appointed by the board. The board shall enter into a contract with the designated entity as required by division (B) of this section. If, on or before December 31, 1987, the board does not designate and enter into a contract with an entity to be the county's child support enforcement agency, the county department of human services is hereby designated as the A government entity designated under this section prior to the effective date of this amendment or a private or government entity designated under section 307.981 Of the Revised Code on or after that date may serve as a county's child support enforcement agency for the county.

(B)(1) ~~Each board of county commissioners shall enter into a contract with the child support enforcement agency for the county served by the board, as designated under division (A) of this section. The contract shall specify the services the agency is to provide and may contain other provisions relating to the operation of~~ enter into a plan of cooperation with the board of county commissioners under section 307.983 Of the Revised Code and comply with the partnership agreement the board enters into under section 307.98 and contracts the board enters into under sections 307.981 and 307.982 Of the Revised Code that affect the agency. The form and terms of the contract shall be consistent with the rules adopted by the state department of human services under division (D) of this section. The board thereafter, by resolution, may change its designation of the child support enforcement agency after providing at least sixty days' notice to the state department of human services and publishing notice of intent to change the designation in a newspaper of general circulation within the county at least sixty days before the change takes effect. The board shall enter into a contract under this division with any child support enforcement agency it designates under this section.

(2)(a) ~~If a board of county commissioners, by resolution, changes its~~

~~designation of the child support enforcement agency by designating a new department, office, bureau, or agency as the designated child support enforcement agency for the county, the board, notwithstanding any other section of the Revised Code, shall adopt a resolution stating that any employees of the previously designated child support enforcement agency for that county who also are employees of the newly designated child support enforcement agency for that county and who are not otherwise covered by a collective bargaining agreement shall be treated as transfers to the newly designated agency. The board of county commissioners shall state all of the following in the resolution:~~

~~(i) That the conditions of employment, compensation, and benefits of the transferred employees shall be consistent with the conditions of employment, compensation, and benefits of the other employees of the department, office, bureau, or agency that is the newly designated child support enforcement agency for that county;~~

~~(ii) That the transferred employees of the previously designated child support enforcement agency who become employees of the newly designated child support enforcement agency shall retain any rights they have as to classification status and benefits;~~

~~(iii) That those transferred employees may transfer vacation leave, sick leave, and other earned benefits that they earned while employed at the previously designated child support enforcement agency to the newly designated child support enforcement agency or that they may be paid for the earned benefits;~~

~~(iv) That, if the action taken by the board of county commissioners in the resolution transferring the employees to the newly designated child support enforcement agency results in a reduction in pay for the employees, the reduction in pay shall not be considered a reduction in pay pursuant to section 124.34 of the Revised Code;~~

~~(v) That the parties to the collective bargaining agreement shall agree to include any comparable classified employee into the existing bargaining unit for the newly designated child support enforcement agency.~~

~~(b) The employees of a previously designated child support enforcement agency who also are employees of the newly designated child support enforcement agency for that county and who are covered by a collective bargaining agreement shall continue to be covered by that agreement until the agreement expires or is renegotiated. The parties to the collective bargaining agreement shall agree to include any comparable classified employee in the existing bargaining unit for the newly designated child support enforcement agency at any time the transferred employee is not~~

~~otherwise covered by a collective bargaining agreement.~~

(C) The child support enforcement agency for a county is the local Title IV-D agency for the county and shall operate a program for support enforcement in the county, which program shall comply with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, any rules adopted pursuant to that title, and sections 2151.23, 2151.33, 2301.34 to 2301.42, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3111.20, 3111.21, 3111.22, 3113.04, 3113.21 to 3113.219, 3113.31, and 3115.22 of the Revised Code. Each child support enforcement agency shall be operated under the supervision of the state department of human services in accordance with the program of child support enforcement established pursuant to section 5101.31 of the Revised Code, shall be responsible in the county it serves for the collection of payments due under support orders, and shall perform all administrative duties related to the collection of payments due under any support order. No child support enforcement agency shall use any social security number made available to it under section 3705.07 of the Revised Code for any purpose other than child support enforcement. The department shall ensure that all child support enforcement agencies comply with all applicable state and federal support regulations, including the affirmative duties of Title IV-D of the Social Security Act.

Each child support enforcement agency may enter into contracts with public agencies and private vendors for the collection of amounts due under support orders, for assistance in establishing paternity or support obligations, or for the performance of other administrative duties of the agency. Each child support enforcement agency may contract with a collection agent in accordance with section 2301.42 of the Revised Code for the collection of arrearages described in that section. Before entering into a contract for the collection of support, assistance in establishing paternity or support obligations, or for other administrative services, a child support enforcement agency shall comply with sections 307.86 to 307.92 of the Revised Code and any rules adopted by the state department of human services pursuant to division (D)(1) of this section.

(D)(1) The state department of human services shall adopt rules under Chapter 119. of the Revised Code governing the operation of support enforcement by child support enforcement agencies. The rules shall include, but shall not be limited to, provisions relating to contracts between the agencies and boards of county commissioners entered into under division (B)(1) of this section, requirements for public hearings by the agencies, and provisions for appeals of agency decisions under procedures established by the department.

(2) The state department of human services shall adopt in accordance with Chapter 119. of the Revised Code rules governing the establishment by child support enforcement agencies of on-site genetic testing programs to be used in actions under sections 3111.01 to 3111.19 of the Revised Code and in administrative procedures under sections 3111.20 to 3111.29 of the Revised Code. The rules shall include, but are not limited to, provisions relating to the environment in which a blood or buccal cell sample may be drawn, the medical personnel who may draw a sample, the trained personnel who may perform the genetic comparison, the types of genetic testing that may be performed on a sample, and the procedure for notifying the court of the location at which the sample will be drawn, who will draw the sample, and who will perform the genetic testing on the sample, and any other procedures or standards the department determines are necessary for the implementation of on-site genetic testing.

~~(E)(1) The state department of human services shall adopt, under Chapter 119. of the Revised Code, support enforcement performance standards and rules establishing financial sanctions for counties that fail to comply with the standards and shall make the standards and rules available to the public, boards of county commissioners, and child support enforcement agencies. The department shall determine the degree to which each child support enforcement agency is complying with the standards. If the department finds any child support enforcement agency to be substantially out of compliance with the standards, it shall require the agency and the board of county commissioners of the county served by the agency to prepare a plan to bring the agency into compliance with the standards. The plan may include a change in the designation of the child support enforcement agency. If the plan does not result in compliance with the standards, the department shall impose a financial sanction upon the county. The board of county commissioners shall make a separate appropriation for the child support enforcement agency in the amount of the sanction and transfer that amount to the agency. The child support enforcement agency shall not pay any part of the sanction, and the board of county commissioners shall not decrease county funding for the agency because of the sanction. If the board of county commissioners fails to make the full appropriation and transfer as required by this division, the department shall certify to the tax commissioner the amount of the sanction. The tax commissioner shall deduct that amount from the local government fund distribution to which the county itself would otherwise be entitled and remit the amount directly to the child support enforcement agency to be deposited by the agency into a separate account to be used solely for support~~

~~enforcement purposes. If the department subsequently determines that the agency has attained substantial compliance with the standards and that the county has appropriated sufficient funds for the agency to maintain its budget at the level necessary to continue to be in substantial compliance, the department shall certify its determination to the tax commissioner, and the tax commissioner shall resume remitting to the county the entire amount of the local government fund distribution. The board of county commissioners may appeal a financial sanction under Chapter 119. of the Revised Code.~~

~~(2) The state department of human services shall adopt, under Chapter 119. of the Revised Code, rules requiring each child support enforcement agency to complete within designated periods of time specified percentages of parentage cases in which the agency or the mother of a child is attempting to establish a parent and child relationship between the child and the father of the child and rules establishing financial sanctions for counties that fail to comply with the requirements. The department shall make copies of the rules available upon request to the public, boards of county commissioners, and child support enforcement agencies. The department shall determine the degree to which each child support enforcement agency is complying with the requirements. If the department finds any child support enforcement agency to be substantially out of compliance with the requirements, it shall require the agency and the board of county commissioners of the county served by the agency to prepare a plan to bring the agency into compliance with the requirements and to submit the plan to the department. The plan may include a change in the designation of the child support enforcement agency. If the plan does not result in compliance with the requirements, the department shall impose a financial sanction upon the county. If a financial sanction is imposed upon a county, the board of county commissioners may appeal the sanction under Chapter 119. of the Revised Code.~~

~~(F)~~ Each child support enforcement agency designated under this section shall enter into written agreements with the courts, the prosecuting attorney, and law enforcement officials of the county it serves, which agreements shall establish cooperative working arrangements and specify areas of responsibility for the enforcement of support among the agency, courts, and officials. The agreements shall provide for the reimbursement of the courts and law enforcement officials for the responsibilities they assume and actions they undertake pursuant to such agreements.

~~(G)~~~~(F)~~(1) Every child support enforcement agency shall maintain records listing the date a support order was entered, the amount of any payment made under it, the date on which payments are required to be made, the names and addresses of the parties affected by the order, and the

current records of payments and disbursements.

(2) Each obligor and each obligee under a support order may review all records maintained under division ~~(G)~~(F)(1) of this section that pertain to the support order and any other information in any file maintained by the child support enforcement agency, except to the extent prohibited by state or federal law.

~~(H)~~(G)(1) If a court or administrative agency issues or modifies a support order on or after October 5, 1987, regardless of when the modified support order was issued, the child support enforcement agency of the county shall collect the greater of two per cent of the support payment to be collected under a support order or one dollar per month from the obligor under the support order. The child support enforcement agency and the court shall enter into an agreement that provides for the application by December 31, 1988, of that amount to all support orders issued prior to October 5, 1987, unless the date for the application of that amount to those orders is extended by mutual agreement between the child support enforcement agency and the court. The obligor shall pay the amount with every current support payment, and with every payment on arrearages. If an obligor fails to pay the required amount with each support payment due in increments specified under the support order, the child support enforcement agency shall maintain a separate arrearage account of that amount for that obligor. The agency shall not deduct the unpaid amount from any support payment due to the obligee in increments specified under the support order. If an obligor pays the required amount, the child support enforcement agency is not required to apply that payment toward any arrearages under the support payment. No moneys received by a child support enforcement agency pursuant to this division shall be used for any purpose other than the provision of funds for the administration of its program of support enforcement.

(2) The board of county commissioners of each county shall budget and appropriate to the child support enforcement agency serving the county all of the following:

- (a) Money collected pursuant to division ~~(H)~~(G)(1) of this section;
- (b) All federal money payable to the county on the basis of its success in collecting overdue support obligations, establishing paternity, and implementing other activities related to child support enforcement under Title IV-D of the Social Security Act;
- (c) Any funds that may be received from other federal or state sources for the child support enforcement agency;
- (d) Notwithstanding any provision of the Revised Code that provides

therwise, all interest earned on moneys in the child support enforcement agency's depository accounts.

(3) All moneys received from the federal or state government for reimbursement for support enforcement activities shall be used solely for support enforcement activities.

(4) A board of county commissioners may request that the department of human services grant a waiver of the requirement that the money specified in division ~~(H)(G)~~(2)(b) of this section be budgeted and appropriated to the child support enforcement agency if the board can demonstrate, by meeting criteria established by the department, that the child support enforcement agency is effectively using procedures for establishing paternity, meeting the mandated service needs of clients, and complying with all applicable state and federal support rules and regulations.

~~(H)~~(H) A child support enforcement agency may invest any of the moneys collected pursuant to the performance of its duties under sections 2301.34 to 2301.42 of the Revised Code in a repurchase agreement in which a bank agrees to sell short-term federally guaranteed securities with an obligation of the bank to repurchase the securities. All interest derived pursuant to investments made under this division shall be retained by the child support enforcement agency and used solely for support enforcement activities.

~~(J)(I)~~(I)(1) Subject to division ~~(J)(I)~~(I)(2) of this section, all support orders that are administered by a child support enforcement agency designated under this section and are eligible for Title IV-D services shall be Title IV-D cases under Title IV-D of the "Social Security Act." Subject to division ~~(J)(I)~~(I)(2) of this section, all obligees of support orders administered by the child support enforcement agency shall be considered to have filed a signed application for Title IV-D services.

(2) A court that, on or after July 1, 1990, issues or modifies a support order shall require the obligee under the order to sign, at the time of the issuance or modification of the order, an application for Title IV-D services and to file, as soon as possible, the signed application with the child support enforcement agency that will administer the order. The application shall be on a form prescribed by the department of human services. A support order that is issued or modified on or after July 1, 1990, that is administered by a child support enforcement agency, and that is eligible for Title IV-D services shall be a Title IV-D case under Title IV-D of the "Social Security Act" only upon the filing of the signed application for Title IV-D services.

(3) A child support enforcement agency shall make available an

application for Title IV-D services to all persons requesting a child support enforcement agency's assistance in an action under sections 3111.01 to 3111.19 of the Revised Code or in an administrative proceeding brought under sections 3111.20 to 3111.29 of the Revised Code.

~~(K)~~(J)(1) As used in this section, "current support payment" means the amount of support due an obligee that an obligor is required to pay in a particular payment for the current month as specified in a support order. "Current support payment" does not include payments on arrearages under the support order.

(2) As used in the Revised Code, "child support enforcement agency" means the child support enforcement agency designated under this section prior to the effective date of this amendment or a private or government entity designated a child support enforcement agency under section 307.981 Of the Revised Code on or after that date.

Sec. 2301.351. (A) Each child support enforcement agency ~~designated under section 2301.35 of the Revised Code~~ shall report to the director of human services or to the county director of human services the amounts of support payments required by a court-ordered support order or an administrative support order to be made to each person whose name or social security number or other identification number is the same as that of a recipient of public assistance whose name is submitted to the agency by the director under section 5101.36 of the Revised Code. The agency also shall report the name and social security number or other identification number of the person responsible for the support payments and the amounts of support payments made to third parties on behalf of such persons, except for payments made to the county department of human services. The agency shall comply with the rules of the department of human services restricting the disclosure of information concerning recipients of public assistance.

(B) Each court or child support enforcement agency that issues a court-ordered support order or an administrative support order for the payment of support pursuant to Chapter 3115. or section 2151.23, 2151.231, 2151.33, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3111.20, 3111.21, 3111.22, 3111.23, 3113.04, or 3113.31 of the Revised Code shall report to the director of human services the name, address, and social security number or other identification number of each person responsible for the support payments under the support order, regardless of whether the person to whom payments are to be made is a recipient of public assistance. The report also shall indicate whether the support order is being administered by the child support enforcement agency of the county.

(C) The reports sent to the director pursuant to divisions (A) and (B) of

this section shall be maintained in accordance with section 5101.311 of the Revised Code in an alphabetical list of support orders by the division of child support in the department of human services.

(D) For the purposes of this section:

(1) "Public assistance" means medical assistance under section 5111.01 of the Revised Code, ~~aid to dependent children~~ Ohio works first under Chapter 5107. of the Revised Code, or disability assistance under Chapter 5115. of the Revised Code.

(2) "Administrative support order" means a support order issued by a child support enforcement agency pursuant to section 3111.20, 3111.21, 3111.22, or 3111.23 of the Revised Code.

Sec. 2301.357. (A) Each child support enforcement agency shall adopt a paternity compliance plan, establish a paternity compliance unit, and submit the adopted plan to the division of support of the department of human services in accordance with the rules adopted pursuant to section 5101.324 of the Revised Code, except that, if a child support enforcement agency submitted a corrective action plan to the department pursuant to division ~~(E)(2)(B)(1)~~ of section ~~2301.35~~ 5101.24 of the Revised Code and if that plan is currently in effect, the agency is not required to comply with this division.

(B) The department of human services shall enter into a contract with the department of health that requires the department of health to enter into a contract with local hospitals for the provision of staff by the hospitals to meet with unmarried women who give birth in or en route to the particular hospital. The contract between the department of human services and the department of health shall provide for reimbursement to the hospitals for the administrative cost of providing staff to meet the responsibilities set forth in section 3727.17 of the Revised Code. The contract between the department of health and a local hospital shall require all of the following:

(1) That a hospital staff person meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital;

(2) That the staff person attempt to meet with the father of the unmarried mother's child if possible;

(3) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

(4) That the staff person present to the unmarried mother and, if possible, the father a pamphlet or statement regarding the rights and

responsibilities of a natural parent that is prepared and provided by the department of human services;

(5) That the staff person provide the mother and, if possible, the father, all forms, statements, and agreements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity required by section 2105.18 of the Revised Code and the voluntary agreement to be bound by the results of genetic testing described in section 3111.21 of the Revised Code;

(6) That the staff person, at the request of both the mother and father, help the mother and father complete any form, statement, or agreement necessary to establish a parent and child relationship;

(7) That the staff person present to an unmarried mother who is not a ~~recipient of medicaid or aid to dependent children~~ participating in the Ohio works first program established under Chapter 5107. or receiving medical assistance under Chapter 5111. Of the Revised Code an application for Title IV-D services;

(8) That the staff person forward any completed acknowledgment of paternity to the probate court in the county in which the child or the guardian or legal custodian of the child resides.

Sec. 2301.36. (A) Upon issuing or modifying a support order, issuing any withholding or deduction notice described in division (D) of section 3113.21 of the Revised Code, or issuing a court order described in division (D)(6) or (7) of that section, the court shall require that support payments be made to the child support enforcement agency of the county as trustee for remittance to the person entitled to receive payments, except as otherwise provided in sections 2151.49 and 3113.07 of the Revised Code. Any payment of money by the person responsible for the support payments under a support order to the person entitled to receive the support payments that is not made to the child support enforcement agency in accordance with the applicable support order shall not be considered as a payment of support and, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift. Section 329.043 and division (C) of section 3113.211 of the Revised Code apply to support payments made to the child support enforcement agency.

(B) Upon issuing or modifying a support order, issuing any withholding or deduction notice described in division (D) of section 3113.21 of the Revised Code, or issuing a court order described in division (D)(6) or (7) of that section or at any time after the issuance or modification of the order, the court may order the child support enforcement agency to transmit the payments or make them payable to any third person that is either agreed

upon by the parties and approved by the court or appointed by the court. Third persons include, but are not limited to, a trustee, a custodian, the guardian of the estate of the child, the county department of human services, ~~county children's public children services board agency~~, or any appropriate social agency.

(C) Any person named pursuant to division (B) of this section is entitled to receive the support payments. The court may allow the person to receive a reasonable fee for services rendered pursuant to this section. The person shall make financial reports in connection with these services at the time and in the manner prescribed by the court or as required by law.

(D) The parties affected by the support order shall inform the child support enforcement agency of any change of name or address or other change of conditions that may affect the administration of the order.

(E) Any person entitled to receive support payments either personally or on behalf of another person, by reason of any support order that does not direct that payments be made to the child support enforcement agency, may apply to the appropriate agency for the administration of the order. Upon receipt of the application, the agency has the same powers to administer the order as it would have had if the order had been entered under division (A) of this section. The agency shall notify the obligor by any method of service authorized under the Civil Rules to make all support payments due after service of the notice upon ~~him~~ the obligor to the agency. An obligor so notified by a child support enforcement agency shall make all subsequent payments to the agency unless the involved court, upon the obligor's application filed within thirty days after service of the notice upon ~~him~~ the obligor, orders the agency not to administer the support order.

Sec. 2301.37. (A) If the records maintained by a child support enforcement agency ~~under section 2301.35 of the Revised Code~~ indicate that an obligor is in default, the agency shall comply with section 3113.21 of the Revised Code.

(B) If the court is required to issue a withholding or deduction notice under division (D) of section 3113.21 of the Revised Code or to issue a court order described in division (D)(6) or (7) of that section and fails to do so, if the court issued an order under division (B)(1) of section 3113.21 of the Revised Code, as it existed immediately preceding December 1, 1986, or issues a withholding or deduction notice under division (D) of section 3113.21 of the Revised Code or issues a court order described in division (D)(6) or (7) of that section and the court determines that the order, withholding or deduction notice will not ensure payment of the support due under the child support order, or if the obligor fails after the issuance of a

notice or court order under section 3113.21 of the Revised Code to comply with the notice or court order, the court shall notify the child support enforcement agency, and the agency shall notify the obligee of the default, of the obligee's rights and remedies, and that the child support enforcement agency is the agency ~~designated~~ responsible in the county ~~to provide for the enforcement of~~ enforcing support orders under section 2301.35 of the Revised Code, Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and section 5101.31 of the Revised Code. The notice shall contain a printed explanation of the provisions of sections 2301.37 to 2301.40 and 3113.21 of the Revised Code.

(C) No child support enforcement agency, solely because the support due under a support order has not been paid or has not been paid periodically or recently, shall consider, list, or otherwise administer the support order or the case pertaining to it as if either were closed or close the files or the case pertaining to the support order. The department of human services shall adopt, revise, or amend rules under Chapter 119. of the Revised Code to assist in the implementation of this division.

Sec. 2301.372. If a court or a child support enforcement agency fails to comply with the requirements of section 2301.37 or 3113.21 of the Revised Code and if the rights to support have been assigned to the department of human services under section ~~5107.07~~ 5107.20 of the Revised Code or the responsibility for the collection of support has been assumed under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, the child support enforcement agency shall, unless the office of the prosecuting attorney has been designated as the child support enforcement agency for the county ~~under section 2301.35 of the Revised Code~~, notify the prosecuting attorney of the county in which the obligee resides. If the office of the prosecuting attorney has been designated as the child support enforcement agency, the board of county commissioners of the county shall seek a writ of mandamus under Chapter 2731. of the Revised Code directing the prosecuting attorney to comply with the requirements of this section and section 2301.37 or 3113.21 of the Revised Code. Upon receipt of the notice or the issuance of the writ of mandamus, the prosecuting attorney shall commence either or both of the following:

(A) Proceedings under section 3113.21 of the Revised Code requesting the issuance of one or more orders under division (D) of that section;

(B) A civil action in the small claims division of the municipal or county court within whose jurisdiction the obligor resides.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy

a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. Division (A)(1)(a) of this section does not preclude, affect, or invalidate the creation under this chapter of a judgment lien upon the exempted property but only delays the enforcement of the lien until the property is sold or otherwise transferred by the owner or in accordance with other applicable laws to a person or entity other than the surviving spouse or surviving minor children of the judgment debtor. Every person who is domiciled in this state may hold exempt from a judgment lien created pursuant to division (A)(1)(a) of this section the person's interest, not to exceed five thousand dollars, in the exempted property.

(b) In the case of all other judgments and orders, the person's interest, not to exceed five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;

(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;

(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.

(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person.

(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry.

(d) Divisions (A)(4)(b) and (c) of this section do not include items of

personal property listed in division (A)(3) of this section.

If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed two thousand dollars. If the person claims an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed one thousand five hundred dollars.

(5) The person's interest, not to exceed an aggregate of seven hundred fifty dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump-sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.

(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;

(d) Aid to dependent children cash assistance payments under the Ohio works first program, as exempted by section ~~5107.42~~ 5107.75 of the

Revised Code;

(e) Disability assistance payments, as exempted by section 5115.07 of the Revised Code.

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 2929.181, 3105.171, 3105.63, 3111.23, and 3113.21 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 145.75, 146.13, 742.47, 3307.71, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the firemen and policemen's death benefit fund;

(b) Except as provided in sections 3111.23 and 3113.21 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, except if all the following apply:

(i) The plan or contract was established by or under the auspices of an insider that employed the person at the time the person's rights under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3111.23 and 3113.21 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any individual retirement account, individual retirement annuity, or Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(11) The person's right to receive spousal support, child support, an

allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five thousand dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3111.23 and 3113.21 of the Revised Code, personal earnings of the person owed to the person for services rendered within thirty days before the issuing of an attachment or other process, the rendition of a judgment, or the making of an order, under which the attempt may be made to subject those earnings to the payment of a debt, damage, fine, or amercement, in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;

(15) A seal and official register of a notary public, as exempted by

section 147.04 of the Revised Code;

(16) The person's interest in a tuition credit or a payment under section 3334.09 of the Revised Code pursuant to a tuition credit contract, as exempted by section 3334.15 of the Revised Code;

(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;

(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3111.23 or 3113.21 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or

held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 145.71 of the Revised Code.

(4) "Government unit" has the same meaning as in section 145.74 of the Revised Code.

(C) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2715.041. (A) Upon the filing of a motion for an order of attachment pursuant to section 2715.03 of the Revised Code, the plaintiff shall file with the clerk of the court a praecipe instructing the clerk to issue to the defendant against whom the motion was filed a notice of the proceeding. Upon receipt of the praecipe, the clerk shall issue the notice which shall be in substantially the following form:

"(Name and Address of Court)

Case No.....

(Case Caption)

NOTICE

You are hereby notified that (name and address of plaintiff), the plaintiff in this proceeding, has applied to this court for the attachment of property in

your possession. The basis for this application is indicated in the documents that are enclosed with this notice.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed on by a creditor are:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Aid to dependent children (A.D.C.) cash assistance payments under the Ohio works first program;
- (4) Disability assistance administered by the Ohio department of human services;
- (5) Social security benefits;
- (6) Supplemental security income (S.S.I.);
- (7) Veteran's benefits;
- (8) Black lung benefits;
- (9) Certain pensions.

Additionally, your wages never can be taken to pay a debt until a judgment has been obtained against you. There may be other benefits not included in this list that apply in your case.

If you dispute the plaintiff's claim and believe that you are entitled to retain possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form appearing below, or in a substantially similar form, and delivering the request for the hearing to this court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form, but you are not required to do so. If you do state your reasons for disputing the claim in the space provided on the form, you are not prohibited from stating any other reasons at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing.

If you request a hearing, it will be conducted in courtroom, (address of court), atm. on, 19....

You may avoid having a hearing but retain possession of the property until the entry of final judgment in the action by filing with the court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice, a bond executed by an acceptable surety in the amount of \$.....

If you do not request a hearing or file a bond on or before the end of the fifth business day after you receive this notice, the court, without further

ice to you, may order a law enforcement officer or bailiff to take possession of the property. Notice of the dates, times, places, and purposes of any subsequent hearings and of the date, time, and place of the trial of the action will be sent to you.

.....
Clerk of the Court
Date:
....."

(B) Along with the notice required by division (A) of this section, the clerk of the court also shall deliver to the defendant, in accordance with division (C) of this section, a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

.....
"(Name and Address of Court)
Case Number Date
REQUEST FOR HEARING

I dispute the claim for the attachment of property in the above case and request that a hearing in this matter be held at the time and place set forth in the notice that I previously received.

I dispute the claim for the following reasons:
(Optional)

.....
(Name of Defendant)
.....
(Signature)
.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

(C) The notice required by division (A) of this section shall be served on the defendant in duplicate not less than seven business days prior to the date on which the hearing is scheduled, together with a copy of the complaint and summons, if not previously served, and a copy of the motion for the

attachment of property and the affidavit attached to the motion, in the same manner as provided in the Rules of Civil Procedure for the service of process. Service may be effected by publication as provided in the Rules of Civil Procedure except that the number of weeks for publication may be reduced by the court to the extent appropriate.

Sec. 2715.045. (A) Upon the filing of a motion for attachment, a court may issue an order of attachment without issuing notice to the defendant against whom the motion was filed and without conducting a hearing if the court finds that there is probable cause to support the motion and that the plaintiff that filed the motion for attachment will suffer irreparable injury if the order is delayed until the defendant against whom the motion has been filed has been given the opportunity for a hearing. The court's findings shall be based upon the motion and affidavit filed pursuant to section 2715.03 of the Revised Code and any other relevant evidence that it may wish to consider.

(B) A finding by the court that the plaintiff will suffer irreparable injury may be made only if the court finds the existence of either of the following circumstances:

(1) There is present danger that the property will be immediately disposed of, concealed, or placed beyond the jurisdiction of the court.

(2) The value of the property will be impaired substantially if the issuance of an order of attachment is delayed.

(C)(1) Upon the issuance by a court of an order of attachment without notice and hearing pursuant to this section, the plaintiff shall file the order with the clerk of the court, together with a praecipe instructing the clerk to issue to the defendant against whom the order was issued a copy of the motion, affidavit, and order of attachment, and a notice that an order of attachment was issued and that the defendant has a right to a hearing on the matter. The clerk then immediately shall serve upon the defendant, in the manner provided by the Rules of Civil Procedure for service of process, a copy of the complaint and summons, if not previously served, a copy of the motion, affidavit, and order of attachment, and the following notice:

"(Name and Address of the Court)

(Case Caption)

Case No.

.....
NOTICE

You are hereby notified that this court has issued an order in the above case in favor of (name and address of plaintiff), the plaintiff in this proceeding, directing that property now in your possession, be taken from you. This order was issued on the basis of the plaintiff's claim against you as

indicated in the documents that are enclosed with this notice.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed on by a creditor are:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) ~~Aid to dependent children (A.D.C.)~~ cash assistance payments under the Ohio works first program;
- (4) Disability assistance administered by the Ohio department of human services;
- (5) Social security benefits;
- (6) Supplemental security income (S.S.I.);
- (7) Veteran's benefits;
- (8) Black lung benefits;
- (9) Certain pensions.

Additionally, your wages never can be taken to pay a debt until a judgment has been obtained against you. There may be other benefits not included in this list that apply in your case.

If you dispute the plaintiff's claim and believe that you are entitled to possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court, no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the claim, you are not prohibited from stating any other reasons at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing. If you request a hearing, it will be held within three business days after delivery of your request for hearing and notice of the date, time, and place of the hearing will be sent to you.

You may avoid a hearing but recover and retain possession of the property until the entry of final judgment in the action by filing with the court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice, a bond executed by an acceptable surety in the amount of \$.....

If you do not request a hearing or file a bond before the end of the fifth business day after you receive this notice, possession of the property will be withheld from you during the pendency of the action. Notice of the dates,

times, places, and purposes of any subsequent hearings and of the date, time, and place of the trial of the action will be sent to you.

.....
Clerk of the Court

.....
Date"

(2) Along with the notice required by division (C)(1) of this section, the clerk of the court also shall deliver to the defendant a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the claim for possession of property in the above case and request that a hearing in this matter be held within three business days after delivery of this request to the court.

I dispute the claim for the following reasons:
(Optional)

.....
(Name of Defendant)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION."

(D) The defendant may receive a hearing in accordance with section 2715.043 of the Revised Code by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C) of this section. The request may set forth the defendant's reasons for disputing the plaintiff's claim for possession of property. However, neither the defendant's inclusion of nor his failure to include such reasons upon the request constitutes a waiver of any defense of the defendant or affects the defendant's right to produce evidence at any

hearing or at the trial of the action. If the request is made by the defendant, the court shall schedule a hearing within three business days after the request is made, send notice to the parties of the date, time, and place of the hearing, and hold the hearing accordingly.

(E) If, after hearing, the court finds that there is not probable cause to support the motion, it shall order that the property be redelivered to the defendant without the condition of bond.

Sec. 2716.13. (A) Upon the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days thereafter.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee three copies of the order of garnishment of property, other than personal earnings, together with the garnishee's fee required by section 2716.12 of the Revised Code and with a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code. The copies of the order and notice shall be served upon the garnishee in the same manner as for the service of a summons. In no case shall the order and notice be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal earnings, and notice to answer, three copies of which shall be served upon the garnishee, shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

Docket No. Case No. In the Court
....., Ohio

The State of Ohio
County of, ss
....., Judgment Creditor
vs
....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT
To:, Garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in the Court stating that you have money, property, or credits, other than personal earnings, in your hands or

under your control that belong to the judgment debtor in the case, and that some of the money, property, or credits may not be exempt from execution or garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete section (B) of this form, and return the completed original of this form, together with any amount shown due on it, to the Court not later than Deliver one completed copy of this form to the indicated judgment debtor. Keep the other copy for your files.

The total probable amount now due on this judgment, including interest and court costs, is \$.....

You also are ordered to hold safely anything of value that belongs to the indicated judgment debtor that has to be paid to the court, as determined under section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this day of, 19..... Judge

SECTION B. ANSWER OF GARNISHEE

Now comes, the garnishee who says:

1. That the garnishee has money, property, or credits, other than personal earnings, of the indicated judgment debtor under the garnishee's control and in the garnishee's possession.

.....
yes no if yes amount

2. Said property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, including interest and costs, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

(Print Name of Garnishee) (Print
 Name and Title of Person Who Completed Form)
 Signed
 (Signature of Person Completing Form)
 Dated this day of 19....."

Section A of the form described in this division shall be filled in before service. Section B of the form shall be filled in by the garnishee and the original filed with the court as the garnishee's answer. The garnishee may keep one completed copy and shall deliver the other completed copy to the judgment debtor.

If there are several orders of garnishment of property, other than personal earnings, against the same judgment debtor, they shall be issued in the same order in which they were received by the clerk.

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice and a hearing request form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor and hearing request form. In no case shall the copies of the notice and hearing request form be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove such money, property, or credits until expressly permitted by the court. Any violation of this

prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) ~~Aid to dependent children (A.D.C.)~~ cash assistance payments under the Ohio works first program;
- (4) Disability assistance administered by the Ohio department of human services;
- (5) Social security benefits;
- (6) Supplemental security income (S.S.I.);
- (7) Veteran's benefits;
- (8) Black lung benefits;
- (9) Certain pensions.

Additionally, wages under a certain amount may not be taken to pay the debt. There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the indicated garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form but you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing.

If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the indicated garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor. No objections to the judgment itself will be heard or considered at any such hearing.

If you request a hearing by delivering your request for hearing no later

than the end of the fifth business day after you receive this notice, it will be conducted in courtroom, (address of court), at m. on, 19..... You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

.....
Clerk of the Court
.....
Date_

(b) The hearing request form that must be served upon the judgment debtor shall have attached to it a postage-paid, self-addressed envelope or shall be on a postage-paid self-addressed postcard, and shall be in substantially the following form:

Case Number..... Date.....
"(Name and Address of Court)
REQUEST FOR HEARING

I dispute the judgment creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held
the date and time set

(Insert "on" or "earlier than")
forth in the document entitled "NOTICE OF THE JUDGMENT DEBTOR"
that I received with this request form.

I dispute the judgment creditor's right to garnish my property for the following reasons:
(Optional)

.....
(Name of Judgment Debtor)
.....
(Signature)
.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO ~~HIM~~ (JUDGEMENT JUDGMENT CREDITOR'S NAME)."

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than wages; however, neither the judgment debtor's inclusion of nor failure to include such reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at any hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than wages, of the judgment debtor in the hands of the garnishee, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for ~~his~~ failure to request the hearing within the prescribed time. If the court grants such a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court,

by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than wages, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than wages, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor and hearing request form, as described in division (C) of this section, shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the notice and form shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of the Revised Code:

(1) "Information" means information that can be integrated into the computer system and that relates to the physical or mental description of a minor including, but not limited to, height, weight, color of hair and eyes, use of eyeglasses or contact lenses, skin coloring, physical or mental handicaps, special medical conditions or needs, abnormalities, problems, scars and marks, and distinguishing characteristics, and other information that could assist in identifying a minor including, but not limited to, full name and nickname, date and place of birth, age, names and addresses of parents and other relatives, fingerprints, dental records, photographs, social security number, driver's license number, credit card numbers, bank account numbers, and clothing.

(2) "Minor" means a person under eighteen years of age.

(3) "Missing children" or "missing child" means either of the following:

(a) A minor who has run away from or who otherwise is missing from the home of, or the care, custody, and control of, the minor's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person having responsibility for the care of the minor;

(b) A minor who is missing and about whom there is reason to believe the minor could be the victim of a violation of section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a violation of section 2905.04 of the Revised Code as it existed prior to the effective date of this amendment.

(B) When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency shall take that report. Upon taking the report, the law enforcement agency shall take prompt action upon it, including, but not limited to, concerted efforts to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child.

(C) If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the national crime information center computer within twelve hours following the making of the report. The law enforcement agency shall make reasonable efforts to acquire additional information about the missing child following the transmittal of the initially available information, and promptly integrate any additional information acquired into such computer systems.

Whenever a law enforcement agency integrates information about a missing child into the national crime information center computer, the law enforcement agency promptly shall notify the missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other person responsible for the care of the missing child, that it has so integrated the information.

The parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person responsible for the care of the missing child shall provide available information upon request, and may provide information voluntarily, to the law enforcement agency during the information gathering process. The law enforcement agency also may obtain

available information about the missing child from other persons, subject to constitutional and statutory limitations.

(D) Upon the filing of a missing child report, the law enforcement agency involved promptly shall make a reasonable attempt to notify other law enforcement agencies within its county and, if the agency has jurisdiction in a municipal corporation or township that borders another county, to notify the law enforcement agency for the municipal corporation or township in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies, appropriate county public children services boards, and appropriate county departments of human services exercising children services functions agencies, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

Upon request from a law enforcement agency, a county public children services board or a county department of human services exercising children services functions agency shall grant the law enforcement agency access to all information concerning a missing child that the board or department agency possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The information obtained by the law enforcement agency shall be used only to further the investigation to locate the missing child.

(E) Upon request, law enforcement agencies in this state shall provide assistance to, and cooperate with, other law enforcement agencies in their investigation of missing child cases.

The information in any missing child report made to a law enforcement agency shall be made available, upon request, to law enforcement personnel of this state, other states, and the federal government when the law enforcement personnel indicate that the request is to aid in identifying or locating a missing child or the possible identification of a deceased minor who, upon discovery, cannot be identified.

(F) When a missing child has not been located within thirty days after the date on which the missing child report pertaining to the child was filed with a law enforcement agency, that law enforcement agency shall request the missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other person responsible for the care of the missing child, to provide written consent for the law enforcement agency to contact the missing child's dentist and request the missing child's dental records. Upon receipt of such written consent, the

dentist shall release a copy of the missing child's dental records to the law enforcement agency and shall provide and encode the records in such form as requested by the law enforcement agency. The law enforcement agency then shall integrate information in the records into the national crime information center computer in order to compare the records to those of unidentified deceased persons. This division does not prevent a law enforcement agency from seeking consent to obtain copies of a missing child's dental records, or prevent a missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other person responsible for the care of the missing child, from granting consent for the release of copies of the missing child's dental records to a law enforcement agency, at any time.

(G) A missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other persons responsible for the care of a missing child, immediately shall notify the law enforcement agency with which they filed the missing child report whenever the child has returned to their home or to their care, custody, and control, has been released if the missing child was the victim of an offense listed in division (A)(3)(b) of this section, or otherwise has been located. Upon such notification or upon otherwise learning that a missing child has returned to the home of, or to the care, custody, and control of the missing child's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person responsible for the missing child's care, has been released if the missing child was the victim of an offense listed in division (A)(3)(b) of this section, or otherwise has been located, the law enforcement agency involved promptly shall integrate the fact that the minor no longer is a missing child into the national crime information center computer.

(H) Nothing contained in this section shall be construed to impair the confidentiality of services provided to runaway minors by shelters for runaway minors pursuant to sections 5119.64 to 5119.68 of the Revised Code.

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of

unemployment compensation, ~~aid to dependent children~~; Ohio works first; prevention, retention, and contingency assistance; disability assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.

(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12)~~(19)~~ The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

~~(20)~~(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that

contains false information about the purchaser's identity.

(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner.

(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), ~~or~~ (11), or ~~(20)(13)~~ of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more, falsification in a theft offense is a felony of the third degree.

~~(3)(4)~~ Whoever violates division (A)(12)~~(19)~~ or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(F) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

Sec. 2951.02. (A)(1) In determining whether to suspend a sentence of imprisonment imposed upon an offender for a misdemeanor and place the offender on probation or whether to otherwise suspend a sentence of imprisonment imposed upon an offender for a misdemeanor pursuant to division (A) of section 2929.51 of the Revised Code, the court shall consider the risk that the offender will commit another offense and the need for protecting the public from the risk, the nature and circumstances of the offense, and the history, character, and condition of the offender.

(2) An offender who has been convicted of or pleaded guilty to a misdemeanor shall not be placed on probation and shall not otherwise have

the sentence of imprisonment imposed upon the offender suspended pursuant to division (A) of section 2929.51 of the Revised Code if any of the following applies:

(a) The offender is a repeat or dangerous offender, as defined in section 2935.36 of the Revised Code.

(b) The misdemeanor offense involved was not a violation of section 2923.12 of the Revised Code and was committed while the offender was armed with a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(c) Under division (C) of section 2903.07 of the Revised Code, the offender is not eligible for probation.

(B) The following do not control the court's discretion but the court shall consider them in favor of placing an offender who has been convicted of or pleaded guilty to a misdemeanor on probation or in favor of otherwise suspending the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code:

(1) The offense neither caused nor threatened serious harm to persons or property, or the offender did not contemplate that it would do so.

(2) The offense was the result of circumstances unlikely to recur.

(3) The victim of the offense induced or facilitated it.

(4) There are substantial grounds tending to excuse or justify the offense, though failing to establish a defense.

(5) The offender acted under strong provocation.

(6) The offender has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial period before commission of the present offense.

(7) The offender is likely to respond affirmatively to probationary or other court-imposed treatment.

(8) The character and attitudes of the offender indicate that the offender is unlikely to commit another offense.

(9) The offender has made or will make restitution or reparation to the victim of the offender's offense for the injury, damage, or loss sustained.

(10) Imprisonment of the offender will entail undue hardship to the offender or the offender's dependents.

(C)(1)(a) When an offender who has been convicted of or pleaded guilty to a misdemeanor is placed on probation or the sentence of that type of offender otherwise is suspended pursuant to division (A) of section 2929.51 of the Revised Code, the probation or other suspension shall be at least on condition that, during the period of probation or other suspension, the offender shall abide by the law, including, but not limited to, complying

with the provisions of Chapter 2923. of the Revised Code relating to the possession, sale, furnishing, transfer, disposition, purchase, acquisition, carrying, conveying, or use of, or other conduct involving, a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code, and shall not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender, including, but not limited to, requiring the offender to make restitution pursuant to section 2929.21 of the Revised Code for all or part of the property damage that is caused by the offender's offense and for all or part of the value of the property that is the subject of any theft offense, as defined in division (K) of section 2913.01 of the Revised Code, that the offender committed. Compliance with the additional requirements also shall be a condition of the offender's probation or other suspension.

(b) When an offender who has been convicted of or pleaded guilty to a felony is sentenced to a nonresidential sanction pursuant to section 2929.17 of the Revised Code, the court shall impose as a condition of the sanction that, during the period of the nonresidential sanction, the offender shall abide by the law, including, but not limited to, complying with the provisions of Chapter 2923. of the Revised Code identified in division (C)(1)(a) of this section.

(2) During the period of a misdemeanor offender's probation or other suspension or during the period of a felon's nonresidential sanction, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the offender has a right, title, or interest or for which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the offender's probation or other suspension or the conditions of the offender's nonresidential sanction. If a felon who is sentenced to a nonresidential sanction is under the general control and supervision of the adult parole authority, as described in division (A)(2)(a) of section 2929.15 of the Revised Code, adult parole authority field officers with supervisory responsibilities over the felon shall have the same search authority relative to the felon during the period of the sanction as is described under this

division for probation officers. The court that places the offender on probation or suspends the misdemeanor offender's sentence of imprisonment pursuant to division (D)(2) or (4) of section 2929.51 of the Revised Code or that sentences the felon to a nonresidential sanction pursuant to section 2929.17 of the Revised Code shall provide the offender with a written notice that informs the offender that authorized probation officers or adult parole authority field officers with supervisory responsibilities over the offender who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of probation or other suspension or during the period of the nonresidential sanction if they have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the offender's probation or other suspension or the conditions of the offender's nonresidential sanction.

(D) The following do not control the court's discretion but the court shall consider them against placing an offender who has been convicted of or pleaded guilty to a misdemeanor on probation and against otherwise suspending the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code:

(1) The offender recently violated the conditions of pardon, post-release control pursuant to section 2967.28 of the Revised Code, or a probation or suspension pursuant to division (A) of section 2929.51 of the Revised Code, previously granted the offender.

(2) There is a substantial risk that, while at liberty during the period of probation or other suspension, the offender will commit another offense.

(3) The offender is in need of correctional or rehabilitative treatment that can be provided best by the offender's commitment to a locally governed and operated residential facility.

(4) Regardless of whether the offender knew the age of the victim, the victim of the offense was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the offense.

(E) The criteria listed in divisions (B) and (D) of this section shall not be construed to limit the matters that may be considered in determining whether to suspend sentence of imprisonment and place an offender who has been convicted of or pleaded guilty to a misdemeanor on probation or whether to otherwise suspend the offender's sentence of imprisonment pursuant to division (A) of section 2929.51 of the Revised Code.

(F)(1) When an offender is convicted of or pleads guilty to a misdemeanor, the court may require the offender, as a condition of probation or as a condition of otherwise suspending the offender's sentence

pursuant to division (A) of section 2929.51 of the Revised Code, in addition to the conditions of probation or other suspension imposed pursuant to division (C) of this section, to perform supervised community service work under the authority of health districts, park districts, counties, municipal corporations, townships, other political subdivisions of the state, or agencies of the state or any of its political subdivisions, or under the authority of charitable organizations that render services to the community or its citizens, in accordance with this division. Supervised community service work shall not be required as a condition of probation or other suspension under this division unless the offender agrees to perform the work offered as a condition of probation or other suspension by the court. The court may require an offender who agrees to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

A court may permit any offender convicted of a misdemeanor to satisfy the payment of a fine imposed for the offense by performing supervised community service work as described in this division if the offender requests an opportunity to satisfy the payment by this means and if the court determines the offender is financially unable to pay the fine.

The supervised community service work that may be imposed under this division shall be subject to the following limitations:

(a) The court shall fix the period of the work and, if necessary, shall distribute it over weekends or over other appropriate times that will allow the offender to continue at the offender's occupation or to care for the offender's family. The period of the work as fixed by the court shall not exceed an aggregate of two hundred hours.

(b) An agency, political subdivision, or charitable organization must agree to accept the offender for the work before the court requires the offender to perform the work for the entity. A court shall not require an offender to perform supervised community service work for an agency, political subdivision, or charitable organization at a location that is an unreasonable distance from the offender's residence or domicile, unless the offender is provided with transportation to the location where the work is to be performed.

(c) A court may enter into an agreement with a county department of human services for the management, placement, and supervision of offenders eligible for community service work in ~~department of human services programs established pursuant to~~ work activities, developmental

activities, and alternative work activities under sections ~~5101.80~~ 5107.40 to ~~5101.94~~ or section ~~5101.21~~ or ~~5107.30~~ 5107.69 of the Revised Code. If a court and a county department of human services have entered into an agreement of that nature, the clerk of that court is authorized to pay directly to the department of human services all or a portion of the fees collected by the court pursuant to this division in accordance with the terms of its agreement.

(d) Community service work that a court requires under this division shall be supervised by an official of the agency, political subdivision, or charitable organization for which the work is performed or by a person designated by the agency, political subdivision, or charitable organization. The official or designated person shall be qualified for the supervision by education, training, or experience, and periodically shall report, in writing, to the court and to the offender's probation officer concerning the conduct of the offender in performing the work.

(2) When an offender is convicted of a felony, the court may impose pursuant to sections 2929.15 and 2929.17 of the Revised Code a sanction that requires the offender to perform supervised community service work in accordance with this division and under the authority of any agency, political subdivision, or charitable organization as described in division (F)(1) of this section. The court may require an offender who is ordered to perform the work to pay to it a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work.

A court may permit an offender convicted of a felony to satisfy the payment of a fine imposed for the offense pursuant to section 2929.18 of the Revised Code by performing supervised community service work as described in this division if the court determines that the offender is financially unable to pay the fine.

The supervised community service work that may be imposed under this division shall be subject to the limitations specified in divisions (F)(1)(a) to (d) of this section, except that the court is not required to obtain the agreement of the offender to impose supervised community work as a sanction. Additionally, the total of any period of supervised community service work imposed on an offender under this division plus the period of all other sanctions imposed pursuant to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code shall not exceed five years.

(G)(1) When an offender is convicted of a violation of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle

while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine or of a misdemeanor violation of section 2903.07 of the Revised Code or an equivalent violation of a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code and that provides for that type of finding by a jury or judge in a case in which the jury or judge found that the offender was under the influence of alcohol at the time of the commission of the offense, the court may require, as a condition of probation in addition to the required conditions of probation and the discretionary conditions of probation that may be imposed pursuant to division (C) of this section, any suspension or revocation of a driver's or commercial driver's license or permit or nonresident operating privilege, and all other penalties provided by law or by ordinance, that the offender operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code.

(2) When a court requires an offender, as a condition of probation pursuant to division (G)(1) of this section, to operate only a motor vehicle equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code, the offender immediately shall surrender the offender's driver's or commercial driver's license or permit to the court. Upon the receipt of the offender's license or permit, the court shall issue an order authorizing the offender to operate a motor vehicle equipped with a certified ignition interlock device, deliver the offender's license or permit to the bureau of motor vehicles, and include in the abstract of the case forwarded to the bureau pursuant to section 4507.021 of the Revised Code the conditions of probation imposed pursuant to division (G)(1) of this section. The court shall give the offender a copy of its order, and that copy shall be used by the offender in lieu of a driver's or commercial driver's license or permit until the bureau issues a restricted license to the offender.

(3) Upon receipt of an offender's driver's or commercial driver's license or permit pursuant to division (G)(2) of this section, the bureau of motor vehicles shall issue a restricted license to the offender. The restricted license shall be identical to the surrendered license, except that it shall have printed on its face a statement that the offender is prohibited from operating a motor vehicle that is not equipped with an ignition interlock device that is certified pursuant to section 4511.83 of the Revised Code. The bureau shall deliver the offender's surrendered license or permit to the court upon receipt of a court order requiring it to do so, or reissue the offender's license or permit under section 4507.54 of the Revised Code if the registrar destroyed the

offender's license or permit under that section. The offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

(4) If an offender violates a requirement of the court imposed under division (G)(1) of this section, the offender's driver's or commercial driver's license or permit or nonresident operating privilege may be suspended as provided in section 4507.16 of the Revised Code.

(5) As used in this division, "ignition interlock device" has the same meaning as in section 4511.83 of the Revised Code.

Sec. 3101.01. Male persons of the age of eighteen years, and female persons of the age of sixteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage. A minor must first obtain the consent of ~~his~~ the minor's parents, surviving parent, parent who is designated the residential parent and legal custodian of the child by a court of competent jurisdiction, ~~the guardian of his person guardian,~~ or any one of the following who has been awarded permanent custody of ~~him~~ the minor by a court exercising juvenile jurisdiction:

(A) An adult person;

(B) The department of human services or any child welfare organization certified by such department;

(C) A ~~county department of human services or a county~~ public children services ~~board~~ agency.

A minor shall not be required to obtain the consent of a parent who resides in a foreign country, has neglected or abandoned such minor for a period of one year or longer immediately preceding ~~his~~ the application for a marriage license, has been adjudged incompetent, is an inmate of a state mental or correctional institution, has been permanently deprived of ~~his~~ parental rights and responsibilities for the care of the child and the right to have the child live with ~~him~~ the parent and to be the legal custodian of the child by a court exercising juvenile jurisdiction, or has been deprived of ~~his~~ parental rights and responsibilities for the care of the child and the right to have the child live with ~~him~~ the parent and to be the legal custodian of the child by the appointment of a guardian of the person of the minor by the probate court or by any other court of competent jurisdiction.

Sec. 3107.01. As used in sections 3107.01 to 3107.19 of the Revised Code:

(A) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(B) "Attorney" means a person who has been admitted to the bar by

order of the Ohio supreme court.

(C) "Child" means a son or daughter, whether by birth or by adoption.

(D) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(E) "Identifying information" means any of the following with regard to a person: first name, last name, maiden name, alias, social security number, address, telephone number, place of employment, number used to identify the person for the purpose of the statewide education management information system established pursuant to section 3301.0714 of the Revised Code, and any other number federal or state law requires or permits to be used to identify the person.

(F) "Minor" means a person under the age of eighteen years.

~~(G) "Private child placing agency," "private noncustodial agency," and "public children services agency" have the same meanings as in section 2151.011 of the Revised Code.~~

~~(H) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:~~

~~(1) He is not married to the child's mother at the time of the child's conception or birth;~~

~~(2) He has not adopted the child;~~

~~(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.19 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.20 to 3111.29 of the Revised Code, or an administrative agency proceeding in another state;~~

~~(4) He has not acknowledged paternity of the child pursuant to section 2105.18 of the Revised Code.~~

Sec. 3109.051. (A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to visit the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to visit the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the visitation shall ensure the opportunity for both parents to have frequent and

continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of visitation for that parent. Except as provided in division (E)(6) of section 3113.31 of the Revised Code, if the court, pursuant to this section, grants any person companionship or visitation rights with respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a juvenile court pursuant to Chapter 2151. of the Revised Code to issue orders with respect to children who are alleged to be abused, neglected, or dependent children or to make dispositions of children who are adjudicated abused, neglected, or dependent children or of a common pleas court to issue orders pursuant to section 3113.31 of the Revised Code.

(B)(1) In a divorce, dissolution of marriage, legal separation, annulment, or child support proceeding that involves a child, the court may grant reasonable companionship or visitation rights to any grandparent, any person related to the child by consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant companionship or visitation rights to a parent, grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific visitation schedule, and when determining other visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant visitation rights,

establishing a specific visitation schedule, determining other visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, and resolving any issues related to the making of any determination with respect to visitation rights or the establishment of any specific visitation schedule, the court, in its discretion, may interview in chambers any or all involved children regarding their wishes and concerns. If the court interviews any child concerning the child's wishes and concerns regarding those visitation matters, the interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding those visitation matters. A court, in considering the factors listed in division (D) of this section for purposes of determining whether to grant any visitation rights, establishing a visitation schedule, determining other visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, or resolving any issues related to the making of any determination with respect to visitation rights or the establishment of any specific visitation schedule, shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those visitation matters.

(D) In determining whether to grant companionship or visitation rights to a parent, grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, in establishing a specific visitation schedule, and in determining other visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider all of the following factors:

(1) The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child;

(2) The geographical location of the residence of each parent and the distance between those residences, and if the person who requested companionship or visitation is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;

- (4) The age of the child;
- (5) The child's adjustment to home, school, and community;
- (6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to visitation by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested the companionship or visitation, as to a specific visitation schedule, or as to other visitation matters, the wishes and concerns of the child, as expressed to the court;
- (7) The health and safety of the child;
- (8) The amount of time that will be available for the child to spend with siblings;
- (9) The mental and physical health of all parties;
- (10) Each parent's willingness to reschedule missed visitation and to facilitate the other parent's visitation rights, and if the person who requested companionship or visitation is not a parent, the willingness of that person to reschedule missed visitation;
- (11) In relation to visitation by a parent, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;
- (12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent previously has been convicted of an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim

in the commission of the offense; and whether there is reason to believe that the person has acted in a manner resulting in a child being an abused child or a neglected child;

(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other ~~parent his or her~~ parent's right to visitation in accordance with an order of the court;

(14) Whether either parent has established a residence or is planning to establish a residence outside this state;

(15) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant visitation rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.

(F)(1) If the court, pursuant to division (A) of this section, denies visitation to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard visitation guidelines. A court shall have discretion to deviate from its standard visitation guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the visitation order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the visitation schedule for the child.

(2) When a court grants visitation or companionship rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is

the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that that parent has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is given the visitation or companionship rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the visitation or companionship rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting visitation or companionship rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the visitation or companionship rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the visitation or companionship rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim

who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the visitation or companionship rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is granted visitation or companionship rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the visitation or companionship rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted visitation or companionship rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the visitation or companionship order, and if the residential parent does not want the parent who is granted the visitation or companionship rights to receive a copy of the relocation notice because ~~he~~ the parent with visitation or companionship rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code

involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the visitation or companionship rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents notice of the date, time, and location of the hearing. If the court determines that the parent who is granted the visitation or companionship rights has been so convicted or has been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that the parent who is granted the visitation or companionship rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.

(H)(1) Subject to division ~~(G)~~(F)(2) of section 2301.35 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the

parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to division ~~(G)~~(F)(2) of section 2301.35 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties.

(I) A court that issues a visitation order or decree pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code shall determine whether the parent granted the right of visitation is to be permitted access, in accordance with section 5104.011 of the Revised Code, to any child day-care center that is, or that in the future may be, attended by the children with whom the right of visitation is granted. Unless the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted access to the center, the parent who is not the residential parent and who is granted visitation or companionship rights

is entitled to access to the center to the same extent that the residential parent is granted access to the center. If the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under division (C) of section 5104.011 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under division (C) of section 5104.011 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the visitation order or decree.

(J)(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.

(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J)(1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under

which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting companionship or visitation rights that is issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory visitation to the person whose right of visitation was affected by the failure or interference if such compensatory visitation is in the best interest of the child. Any compensatory visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the visitation that was affected by the failure or interference.

(L) Any person who requests reasonable companionship or visitation rights with respect to a child under this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings under this section, section 3109.11, or section 3109.12 of the Revised Code. If the court determines that the movant is indigent and that the waiver is in the best interest of the child, the court, in its discretion, may waive payment of all or any part of the costs of those proceedings.

(M) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(N) As used in this section:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:

(a) Records maintained by public and nonpublic schools;

(b) Records maintained by facilities that provide child day-care, as defined in section 5104.01 of the Revised Code, publicly funded child day-care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;

(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;

(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by division ~~(G)~~(F)(2) of section 2301.35 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

Sec. 3111.09. (A) In any action instituted under sections 3111.01 to 3111.19 of the Revised Code, the court, upon its own motion, may order and, upon the motion of any party to the action, shall order the child's mother, the child, the alleged father, and any other person who is a defendant in the action to submit to genetic tests. If genetic tests are ordered upon the motion of a party or the court, the court shall order that the child's mother, the child, the alleged father, and any other defendant submit to genetic testing. Instead of or in addition to genetic testing ordered pursuant to this section, the court may order the superintendent of the bureau of criminal identification and investigation to disclose information regarding a DNA record of the child's mother, the child, the alleged father, or any other defendant that is stored in the DNA database pursuant to section 109.573 of the Revised Code and may use that information to determine the existence of a parent and child relationship between the child and the child's mother, the alleged father, or another defendant. If the child support enforcement agency is not made a party to the action, the clerk of the court shall schedule the genetic testing no later than thirty days after the court issues its order. If the agency is made a party to the action, the agency shall schedule the

genetic testing in accordance with the rules adopted by the department of human services pursuant to section 2301.35 of the Revised Code. If the alleged father of a child brings an action under sections 3111.01 to 3111.19 of the Revised Code and if the mother of the child willfully fails to submit to genetic testing or if the mother is the custodian of the child and willfully fails to submit the child to genetic testing, the court shall issue an order determining the existence of a parent and child relationship between the father and the child without genetic testing. If the mother or other guardian or custodian of the child brings an action under sections 3111.01 to 3111.19 of the Revised Code and if the alleged father of the child willfully fails to submit himself to genetic testing or, if the alleged father is the custodian of the child and willfully fails to submit the child to genetic testing, the court shall issue an order determining the existence of a parent and child relationship between the father and the child without genetic testing. If a party shows good cause for failing to submit to genetic testing or for failing to submit the child to genetic testing, the court shall not consider the failure to be willful. ~~Any~~

Any fees charged for the tests shall be paid by the party that requests them, unless the custodian of the child is represented by the child support enforcement agency in its role as the agency providing enforcement of child support orders under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, the custodian is a ~~recipient of aid to dependent children~~ participant in Ohio works first under Chapter 5107. of the Revised Code for the benefit of the child, or the defendant in the action is found to be indigent, in which case the child support enforcement agency shall pay the costs of genetic testing. The child support enforcement agency, within guidelines contained in that federal law, shall use funds received pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, to pay the fees charged for the tests. If there is a dispute as to who shall pay the fees charged for genetic testing, the child support enforcement agency shall pay the fees, but neither the court nor the agency shall delay genetic testing due to a dispute as to who shall pay the genetic testing fees. The child support enforcement agency or the person who paid the fees charged for the genetic testing may seek reimbursement for the genetic testing fees from the person against whom the court assesses the costs of the action. Any funds used in accordance with this division by the child support enforcement agency shall be in addition to any other funds that the agency is entitled to receive as a result of any contractual provision for specific funding allocations for the agency between the county, the state, and the federal government.

(B)(1) The genetic tests shall be made by qualified examiners who are authorized by the court or the department of human services. An examiner conducting a genetic test, upon the completion of the test, shall send a complete report of the test results to the clerk of the court that ordered the test or, if the agency is a party to the action, to the child support enforcement agency of the county in which the court that ordered the test is located.

(2) If a court orders the superintendent of the bureau of criminal identification and investigation to disclose information regarding a DNA record stored in the DNA database pursuant to section 109.573 of the Revised Code, the superintendent shall send the information to the clerk of the court that issued the order or, if the agency is a party to the action, to the child support enforcement agency of the county in which the court that issued the order is located.

(3) The clerk or agency that receives a report or information pursuant to division (B)(1) of this section shall mail a copy of the report or information to the attorney of record for each party or, if a party is not represented by an attorney, to the party. The clerk or agency that receives a copy of the report or information shall include with the report or information sent to an attorney of record of a party or a party a notice that the party may object to the admission into evidence of the report or information by filing a written objection as described in division (D) of section 3111.12 of the Revised Code with the court that ordered the tests or ordered the disclosure of the information no later than fourteen days after the report or information was mailed to the attorney of record or to the party. The examiners may be called as witnesses to testify as to their findings. Any party may demand that other qualified examiners perform independent genetic tests under order of the court. The number and qualifications of the independent examiners shall be determined by the court.

(C) Nothing in this section prevents any party to the action from producing other expert evidence on the issue covered by this section, but, if other expert witnesses are called by a party to the action, the fees of these expert witnesses shall be paid by the party calling the witnesses and only ordinary witness fees for these expert witnesses shall be taxed as costs in the action.

(D) If the court finds that the conclusions of all the examiners are that the alleged father is not the father of the child, the court shall enter judgment that the alleged father is not the father of the child. If the examiners disagree in their findings or conclusions, the court or jury shall determine the father of the child based upon all the evidence.

(E) As used in sections 3111.01 to 3111.29 of the Revised Code:

(1) "Genetic tests" and "genetic testing" mean either of the following:

(a) Tissue or blood tests, including tests that identify the presence or absence of common blood group antigens, the red blood cell antigens, human lymphocyte antigens, serum enzymes, serum proteins, or genetic markers;

(b) Deoxyribonucleic acid typing of blood or buccal cell samples.

"Genetic test" and "genetic testing" may include the typing and comparison of deoxyribonucleic acid derived from the blood of one individual and buccal cells of another.

(2) "DNA record" and "DNA database" have the same meanings as in section 109.573 of the Revised Code.

Sec. 3111.20. (A) As used in sections 3111.20 to 3111.29 of the Revised Code:

~~(1) "Child support enforcement agency" has the same meaning as in section 3111.21 of the Revised Code.~~

~~(2)~~ (2) "Obligor" means the person required to pay support under an administrative support order.

~~(3)~~ (2) "Obligee" means the person entitled to receive the support payments under an administrative support order.

~~(4)~~ (3) "Administrative support order" means an administrative order for the payment of support that is issued by a child support enforcement agency.

~~(5)~~ (4) "Support" means child support.

~~(6)~~ (5) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes, but is not limited to, wages, salary, commissions, bonuses, draws against commissions, profit sharing, and vacation pay.

~~(7)~~ (6) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund in which a person who is required to pay support has funds on deposit that are not exempt under the law of this state or the United States from execution, attachment, or other legal process.

~~(8)~~ (7) "Title IV-D case" means any case in which the child support enforcement agency is enforcing the support order pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended.

(B) A man who is presumed to be the natural father of a child pursuant to section 3111.03 of the Revised Code assumes the parental duty of support with respect to the child.

(C) Notwithstanding section 3109.01 of the Revised Code, a parent's duty of support for a child shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and

accredited high school. The parental duty of support shall continue during seasonal vacations.

A parent, guardian, or legal custodian of a child, the person with whom the child resides, or the child support enforcement agency of the county in which the child, parent, guardian, or legal custodian of the child resides may file a complaint pursuant to section 2151.231 of the Revised Code in the juvenile court of that county requesting the court to order a parent who neglects or does not assume the parental duty of support to pay an amount for the support of the child, may contact a child support enforcement agency for assistance in obtaining the order, or may request an administrative officer of a child support enforcement agency to issue an administrative order for the payment of child support pursuant to division (D) of this section. Upon the filing of the complaint or the making of the request, the court shall issue an order requiring the payment of support for the child, pursuant to section 2151.231 of the Revised Code, or the administrative officer, pursuant to division (D) of this section, shall issue an order requiring the payment of support for the child.

A party to a request made under this division may raise the issue of the existence or nonexistence of a parent-child relationship between the presumed natural father and the child. If a request is made for an administrative order of support pursuant to division (D) of this section and the issue of the existence or nonexistence of a parent-child relationship is raised, the administrative officer shall treat the request as a request made pursuant to section 3111.22 of the Revised Code and determine the issue pursuant to that section. The administrative officer may issue an order pursuant to division (D) of this section if the administrative proceeding terminates before a determination of the existence or nonexistence of a parent-child relationship is made and the termination is due to the presumed natural father's failure to sign an acknowledgment of paternity, sign an agreement to be bound by the results of genetic testing, or appear at the administrative hearing without showing good cause for the failure to appear, or the proceedings terminate because of the presumed natural father's failure to submit to genetic testing or submit the child to genetic testing. An administrative order issued pursuant to division (D) of this section does not preclude a party from requesting a determination of the issue of the existence or nonexistence of a parent-child relationship pursuant to this chapter if the issue is not determined with respect to the party in the proceedings conducted pursuant to division (D) of this section. An order issued pursuant to division (D) of this section shall remain effective until a final and enforceable determination is made pursuant to this chapter that a

parent-child relationship does not exist between the presumed natural father and the child or until the occurrence of an event described in division (E)(4)(a) of section 3111.23 of the Revised Code that requires the order to be terminated.

(D) If a request is made pursuant to division (C) of this section for an administrative order requiring the payment of child support, the administrative officer shall schedule an administrative hearing to determine, in accordance with sections 3111.23 to 3111.29 and 3113.215 of the Revised Code, the amount of child support either parent is required to pay and the method of paying that child support. The hearing shall be held not later than sixty days after the issuance of the administrative order nor earlier than thirty days after the officer gives the mother and father of the child notice of the action. When an administrative officer issues an administrative order for the payment of support, all of the following apply:

(1) An administrative order for the payment of support ordinarily shall be for periodic payments that may vary in amount. In the best interest of the child, the administrative officer may order a lump sum payment or the purchase of an annuity in lieu of periodic payments of support.

(2) The administrative order for the payment of support shall include a notice stating that the mother or the father may object to the administrative order by bringing an action for the payment of support under section 2151.321 of the Revised Code in the juvenile court of the county in which the child or the guardian or legal custodian of the child resides, that the action may be brought no later than thirty days after the date of the issuance of the administrative order requiring the payment of child support, and that, if neither the mother nor the father brings an action for the payment of support within that thirty-day period, the administrative order requiring the payment of support is final and enforceable by a court and may be modified and enforced only in accordance with sections 3111.20 to 3111.28 and 3113.21 to 3113.219 of the Revised Code.

Sec. 3111.23. (A)(1) If an administrative officer of a child support enforcement agency issues an administrative support order under section 3111.20, 3111.21, or 3111.22 of the Revised Code, the agency shall require the withholding or deduction of an amount of the wages or assets of the obligor in accordance with division (B) of this section to ensure that withholding or deduction from the wages or assets of the obligor is available from the commencement of the administrative support order for the collection of the support and any arrearages that occur. The agency shall determine the specific withholding or deduction requirements applicable to the obligor under the administrative support order in accordance with

division (B) of this section and shall include the specific requirements in the notices described in divisions (A)(2) and (B) of this section. Any person required to comply with the withholding or deduction requirements shall determine the manner of withholding or deducting an amount of the wages or assets of the obligor in accordance with the specific requirements included in the notices described in those divisions without the need for any amendment to the administrative support order. The agency shall include in an administrative support order under section 3111.20, 3111.21, or 3111.22 of the Revised Code a general provision that states the following:

"All child support ordered by this administrative support order shall be withheld or deducted from the wages or assets of the obligor pursuant to a withholding or deduction notice issued in accordance with section 3111.23 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3111.23 to 3111.28 of the Revised Code."

(2) In any action in which support is ordered or modified under an administrative support order as described in division (A)(1) of this section, the child support enforcement agency shall determine in accordance with division (B) of this section the types of withholding or deduction requirements that should be imposed relative to the obligor under the administrative support order to collect the support due under the order. Within fifteen days after the obligor under the administrative support order is located subsequent to the issuance of the administrative support order or within fifteen days after the default under the administrative support order, whichever is applicable, the agency shall send a notice by regular mail to each person required to comply with a withholding or deduction requirement. The notice shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (B)(1)(b), (2)(b), (3)(b), (4)(b), or (5)(b) of this section that is applicable to the requirement. The notices, plus the notices provided by the child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court. The agency shall provide the notice to the obligor in accordance with division (B)(1)(c), (2)(c), (3)(c), (4)(c), or (5)(c) of this section, whichever is applicable, and shall include with that notice the additional notices described in the particular division that is applicable.

(3)(a) If support is ordered or modified on or after December 31, 1993, under an administrative support order issued under section 3111.20, 3111.21, or 3111.22 of the Revised Code, if the child support enforcement agency has determined in accordance with division (A)(2) of this section the

types of withholding or deduction requirements that should be imposed relative to the obligor under the support order to collect the support due under the order, if the agency has sent the appropriate notices to the persons required to comply with the withholding or deduction requirements that the agency determined should be imposed, and if the agency is notified or otherwise determines that the employment status or other circumstances of the obligor have changed, the agency shall conduct an investigation to determine whether it is more appropriate to impose another type of or an additional withholding or deduction requirement regarding the administrative support order and shall issue and send by regular mail one or more notices described in division (B) of this section that it determines are appropriate. The notices shall be sent within fifteen days after the obligor under the administrative support order is located or within fifteen days after the default under the administrative support order, whichever is applicable. The notices shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (B)(1)(b), (2)(b), (3)(b), (4)(b), or (5)(b) of this section that is applicable. The agency shall provide the notices to the obligor in accordance with division (B)(1)(c), (2)(c), (3)(c), (4)(c), or (5)(c) of this section, whichever is applicable, and shall include with that notice the additional notices described in the particular division that is applicable. The notices are final and are enforceable by the court.

If the child support enforcement agency previously has issued one or more notices containing one or more of the requirements described in division (B) of this section and the agency determines that any of the requirements no longer are appropriate due to the change in the employment status or other circumstances of the obligor, the agency immediately shall cancel any previously issued notice that no longer is appropriate, shall send written notice of the cancellation by regular mail to the person who was required to comply with the withholding or deduction requirement contained in the canceled notice, and shall issue one or more new notices containing one or more requirements described in division (B) of this section that it determines are appropriate. The notices shall be sent within fifteen days after the obligor under the administrative support order is located or within fifteen days after the default under the administrative support order, whichever is applicable.

(b) If support has been ordered prior to December 31, 1993, under an administrative support order issued under section 3111.20, 3111.21, or 3111.22 of the Revised Code, if the administrative support order has not been modified on or after December 31, 1993, if the administrative support

order includes a provision that is substantively comparable to the general provision described in division (A)(1) of this section that must be included in all administrative support orders issued or modified on or after December 31, 1993, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor under the support order have changed so that it is appropriate to impose a withholding or deduction requirement as described in division (B) of this section to collect the support due under the order, the agency shall comply with division (A)(3)(a) of this section as if the administrative support order had been issued or modified on or after December 31, 1993, and as if it included the general provision described in division (A)(1) of that section that must be included in all administrative support orders issued or modified on or after that date. The notices issued under this division are final and are enforceable by the court.

(c) If support has been ordered prior to December 31, 1993, under an administrative support order issued under section 3111.20, 3111.21, or 3111.22 of the Revised Code, if the administrative support order has not been modified on or after December 31, 1993, if the administrative support order does not include a provision that is substantively comparable to the general provision described in division (A)(1) of this section that must be included in all administrative support orders issued or modified on or after December 31, 1993, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor under the support order have changed so that it is appropriate to impose a withholding or deduction requirement as described in division (B) of this section to collect the support due under the order, the agency may reissue the administrative support order in question to be identical to the administrative support order except for a general provision, as described in division (A)(1) of this section, requiring the withholding or deduction of wages or assets of the obligor in accordance with division (B) of this section to ensure that withholding or deduction from the wages or assets is available for the collection of current support and any arrearages that occur. Except for the inclusion of the general provision, the provisions of a reissued administrative support order under this division shall be identical to those of the administrative support order in question, and the child support enforcement agency shall issue one or more notices requiring withholding or deduction of wages or assets of the obligor in accordance with divisions (A)(2) and (B) of this section. Thereafter, division (A)(3)(a) of this section applies to the issuance of notices under those divisions with respect to that administrative support order. The notices issued under this division are final

and are enforceable by the court. The general provision for the withholding or deduction of wages or assets to be included in the reissued administrative support order specifically shall include the statement set forth in division (A)(1) of this section.

(4) If, pursuant to division (A)(2) or (A)(3)(a), (b), or (c) of this section, a person is sent a notice described in division (B) of this section requiring a withholding or deduction requirement and the person fails to comply with the notice, the child support enforcement agency, in accordance with section 3111.28 of the Revised Code, shall request the court to find the person in contempt pursuant to section 2705.02 of the Revised Code.

(5) The department of human services shall adopt standard forms for the support withholding and deduction notices prescribed by divisions (A)(1) to (3) and (B) of this section. All child support enforcement agencies shall use the forms in complying with this section.

(B) If a child support enforcement agency is required by division (A) of this section to issue one or more withholding or deduction notices described in this division, the agency shall issue one or more of the following types of notices to pay the support required under the administrative support order in question and to pay any arrearages:

(1)(a) If the child support enforcement agency determines that the obligor is employed, the agency shall require the obligor's employer to withhold from the obligor's personal earnings a specified amount for support in satisfaction of the administrative support order, to begin the withholding no later than the first pay period that occurs after fourteen working days following the date the notice was mailed to the employer under divisions (A)(2) or (3) and (B)(1)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated for that county pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the obligor is paid, and to continue the withholding at intervals specified in the notice until further notice from the agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, 2716.02, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the employer as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under division (B)(1)(a) of this section, the agency, within the applicable period of time specified in division (A) of this section, shall send to the obligor's employer by regular mail a notice that contains all of the information set forth in divisions (B)(1)(b)(i) to (xi) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's wages and a statement that the amount actually withheld for support and other purposes, including the fee described in division (B)(1)(b)(xi) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the employer is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the obligor is paid by the employer and is required to report to the agency the date on which the amount was withheld from the obligor's wages;

(iii) A statement that the withholding is binding upon the employer until further notice from the agency;

(iv) A statement that the employer is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

(v) A statement that, if the employer fails to withhold wages in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the obligor's wages;

(vi) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same wages;

(vii) The date on which the notice was mailed and a statement that the employer is required to implement the withholding no later than the first pay period that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(viii) A requirement that the employer promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's employment, any layoff of the obligor, any leave of absence of the obligor without pay, or any other situation in which the employer ceases to pay personal earnings in an amount sufficient to comply with the administrative order to the obligor and provide the agency

with the obligor's last known address;

(ix) A requirement that the employer identify in the notification given under division (B)(1)(b)(viii) of this section any types of benefits other than personal earnings that the obligor is receiving or is eligible to receive as a benefit of employment or as a result of the obligor's termination of employment, including, but not limited to, unemployment compensation, workers' compensation benefits, severance pay, sick leave, lump sum payments of retirement benefits or contributions, and bonuses or profit-sharing payments or distributions, and the amount of such benefits, and include in the notification the obligor's last known address and telephone number, date of birth, social security number, and case number and, if known, the name and business address of any new employer of the obligor;

(x) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the employer notify the child support enforcement agency of any lump-sum payments of any kind of five hundred dollars or more that are to be paid to the obligor, hold the lump-sum payments of five hundred dollars or more for thirty days after the date on which the lump-sum payments otherwise would have been paid to the obligor, if the lump-sum payments are workers' compensation benefits, severance pay, sick leave, lump-sum payments of retirement benefits or contributions, annual bonuses, or profit-sharing payments or distributions, and, upon order of the agency, pay any specified amount of the lump-sum payment to the child support enforcement agency;

(xi) A statement that, in addition to the amount withheld for support, the employer may withhold a fee from the obligor's earnings as a charge for its services in complying with the notice a specification of the amount that may be withheld.

(c) The agency shall send the notice described in division (B)(1)(b) of this section to the obligor, and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at

the same time that it sends the notice described in division (B)(1)(b) of this section to the employer. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the agency. No obligor shall fail to give the notification as required by division (B)(1)(c) of this section.

(2)(a) If the child support enforcement agency determines that the obligor is receiving workers' compensation payments, the agency may require the bureau of workers' compensation or the employer that has been granted the privilege of paying compensation directly and that is paying workers' compensation benefits to the obligor to withhold from the obligor's workers' compensation payments a specified amount for support in satisfaction of the administrative support order, to begin the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed to the bureau or employer under divisions (A)(2) or (3) and (B)(2)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated~~ for that county ~~pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals specified in the notice until further notice from the agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of section 4123.67 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by an employer as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under division (B)(2)(a) of this section, it, within the applicable period of time specified in division (A) of this section, shall send to the bureau of workers' compensation or the employer that is paying the obligor's workers' compensation benefits by regular mail a notice that contains all of the information set forth in divisions (B)(2)(b)(i) to (x) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's worker's compensation

payments and a statement that the amount actually withheld for support and other purposes, including the fee described in division (B)(2)(b)(x) of this section, if applicable, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the bureau or employer is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the bureau or employer until further notice from the court or agency;

(iv) If the notice is sent to an employer who is paying the obligor's worker's compensation benefits, a statement that, if the employer fails to withhold from the obligor's worker's compensation payments in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the obligor's payments;

(v) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of benefits;

(vi) The date on which the notice was mailed and a statement that the bureau or employer is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vii) A requirement that the bureau or employer promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's workers' compensation benefits;

(viii) A requirement that the bureau or employer include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(ix) A requirement that, no later than the earlier of forty-five days before the lump sum payment is to be made or, if the obligor's right to the lump sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the bureau or employer notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment otherwise would be paid to the obligor, and, upon order of the agency, pay any specified amount of the lump-sum payment to the agency;

(x) If the notice is sent to an employer who is paying the obligor's workers' compensation benefits a statement that, in addition to the amount withheld for support, the employer may withhold a fee from the obligor's benefits as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The agency shall send the notice described in division (B)(2)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor to immediately notify the child support enforcement agency, in writing, of any change in the obligor's workers' compensation payments, of the commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time that it sends the notice described in division (B)(2)(b) of this section to the bureau or employer. The additional notice also shall specify that upon commencement of employment the obligor may request the child support enforcement agency to cancel its administrative workers' compensation payment withholding notice and instead issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon commencement of employment the agency may cancel its workers' compensation payment withholding notice and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the agency.

(3)(a) If the child support enforcement agency determines that the obligor is receiving any pension, annuity, allowance, or other benefit or is to receive or has received a warrant refunding the obligor's individual account from the public employees retirement system, a municipal retirement system established subject to sections 145.01 to 145.58 of the Revised Code, the police and firemen's disability and pension fund, the state teachers retirement system, the school employees retirement system, or the state highway patrol retirement system, the agency may require the public employees retirement board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police

and firemen's disability and pension fund, the state teachers retirement board, the school employees retirement board, or the state highway patrol retirement board to withhold from the obligor's pension, annuity, allowance, other benefit, or warrant a specified amount for support in satisfaction of the support order, to begin the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed to the board, board of trustees, or other entity under divisions (A)(2) or (3) and (B)(3)(b) of this section, to send the amount withheld to the child support enforcement agency designated for that county pursuant to section 2301.35 of the Revised Code, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals specified in the notice until further withholding notice of the agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the board, board of trustees, or other entity as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under division (B)(3)(a) of this section, it, within the applicable period of time specified in division (A) of this section, shall send to the board, board of trustees, or other entity by regular mail a notice that contains all of the information set forth in divisions (B)(3)(b)(i) to (ix) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's pension, annuity, allowance, other benefit, or warrant and a statement that the amount actually withheld for support and other purposes, including the fee described in division (B)(3)(b)(ix) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the board, board of trustees, or other entity is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the board, board of trustees, or other entity until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of the pension, annuity, allowance, other benefit, or warrant;

(v) The date on which the notice was mailed and a statement that the board, board of trustees, or other entity is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vi) A requirement that the board, board of trustees, or other entity promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's pension, annuity, allowance, or other benefit;

(vii) A requirement that the board, board of trustees, or other entity include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the board, board of trustees, or other entity notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment would otherwise be paid to the obligor, if the lump-sum payments are lump-sum payments of retirement benefits or contributions, and, upon order of the agency, pay any specified amount of the lump-sum payment to the agency;

(ix) A statement that, in addition to the amount withheld for support, the board, board of trustees, or other entity may withhold a fee from the obligor's pension, annuity, allowance, other benefit, or warrant as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The agency shall send the notice described in division (B)(3)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the obligor's pension, annuity, allowance, or other benefit, of the commencement of employment, including self-employment, and of the availability of any other sources of income that

can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail, at the obligor's last known address, at the same time it sends the notice described in division (B)(3)(b) of this section to the board, board of trustees, or other entity. The additional notice also shall notify the obligor that upon commencement of employment the obligor may request the agency to issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon commencement of employment the agency may cancel its withholding notice under division (B)(3)(b) of this section and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the agency.

(4)(a) If the child support enforcement agency determines that the obligor is receiving any form of income, including, but not limited to, disability or sick pay, insurance proceeds, lottery prize awards, federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under any law governing the benefits, any form of trust fund or endowment fund, vacation pay, commissions and draws against commissions that are paid on a regular basis, bonuses or profit-sharing payments or distributions, or any lump-sum payments, the agency may require the person who pays or otherwise distributes the income to the obligor to withhold from the obligor's income a specified amount for support in satisfaction of the administrative support order, to begin the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed to the person paying or otherwise distributing the obligor's income under divisions (A)(2) or (3) and (B)(4)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated for that county pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals specified in the notice until further notice from the agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the

administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the person paying or otherwise distributing the obligor's income as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under division (B)(4)(a) of this section, it, within the applicable period of time specified in division (A) of this section, shall send to the person paying or otherwise distributing the obligor's income by regular mail a notice that contains all of the information set forth in divisions (B)(4)(b)(i) to (ix) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's income and a statement that the amount actually withheld for support and other purposes, including the fee described in division (B)(4)(b)(ix) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the person paying or otherwise distributing the obligor's income is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the person paying or otherwise distributing the obligor's income until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of the income;

(v) The date on which the notice was mailed and a statement that the person paying or otherwise distributing the obligor's income is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vi) A requirement that the person paying or otherwise distributing the obligor's income promptly notify the child support enforcement agency, in

writing, within ten days after the date of any termination of the obligor's income;

(vii) A requirement that the person paying or otherwise distributing the obligor's income include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the person paying or otherwise distributing the obligor's income notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment would otherwise be paid to the obligor, if the lump-sum payment is sick pay, lump-sum payment of retirement benefits or contributions, or profit-sharing payments or distributions, and, upon order of the agency, pay any specified amount of the lump-sum payment to the child support enforcement agency;

(ix) A statement that, in addition, to the amount withheld for support, the person paying or otherwise distributing the obligor's income may withhold a fee from the obligor's income as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The agency shall send the notice described in division (B)(4)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in income to which the withholding notice applies, of the commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time that it sends the notice described in division (B)(4)(b) of this section to the person paying or otherwise distributing the obligor's income. The additional notice also shall notify the obligor that upon commencement of employment the obligor may request the agency to issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon commencement of employment the agency may cancel its withholding

notice under division (B)(4)(b) of this section and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

(5)(a) If the child support enforcement agency determines that the obligor has funds on deposit in any account in a financial institution under the jurisdiction of the court, the agency may require any financial institution in which the obligor's funds are on deposit to deduct from the obligor's account a specified amount for support in satisfaction of the administrative support order, to begin the deduction no later than fourteen working days following the date the notice was mailed to the financial institution under divisions (A)(2) or (3) and (B)(5)(b) of this section, to send the amount deducted to the child support enforcement agency ~~designated for that county pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the latest deduction was made, to provide the date on which the amount was deducted, and to continue the deduction at intervals specified in the notice until further notice from the agency. To the extent possible, the amount specified in the notice to be deducted shall satisfy the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be deducted and the fee deducted by the financial institution as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a deduction requirement under division (B)(5)(a) of this section, it, within the applicable period of time specified in division (A) of this section, shall send to the financial institution by regular mail a notice that contains all of the information set forth in divisions (B)(5)(b)(i) to (viii) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be deducted from the obligor's account and a statement that the amount actually deducted for support and other purposes, including the fee described in division (B)(5)(b)(viii) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the financial institution is required to send the amount deducted to the child support enforcement agency immediately, but not later than ten working days, after the date the last deduction was made and is required to report to the agency the date on which the amount was deducted from the obligor's account;

(iii) A statement that the deduction is binding upon the financial institution until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same account;

(v) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen working days following the date the notice was mailed and is required to continue the deduction at the intervals specified in the notice;

(vi) A requirement that the financial institution promptly notify the child support enforcement agency, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;

(vii) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the administrative order and a specification of the amount that may be deducted.

(c) The agency shall send the notice described in division (B)(5)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the status of the account from which the amount of support is being deducted or the opening of a new account with any financial institution, of the commencement of employment, including self-employment, or of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time

that it sends the notice described in division (B)(5)(b) of this section to the obligor. The additional notice also shall notify the obligor that upon commencement of employment, the obligor may request the agency to cancel its financial institution account deduction notice and instead issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon commencement of employment the agency may cancel its financial institution account deduction notice and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification required of the obligor shall include a description of the nature of any new accounts opened at a financial institution located in the county in which the agency is located, the name and business address of that financial institution, a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the agency.

(C) If an agency issues or modifies an administrative support order under section 3111.20, 3111.21, or 3111.22 of the Revised Code and issues one or more notices described in division (B) of this section, the agency to the extent possible shall issue a sufficient number of notices under division (B) of this section to provide that the aggregate amount withheld or deducted under those notices satisfies the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, 2716.13, and 4123.67 of the Revised Code. However, in no case shall the aggregate amount withheld or deducted and any fees withheld or deducted as a charge for services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(D) When two or more withholding or deduction notices that are described in division (B) of this section are received by an employer, the bureau of workers' compensation, an employer that is paying more than one person's workers' compensation benefits, the public employees retirement board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police and firemen's disability and pension fund, the state teachers retirement board, the school employees retirement board, the state highway patrol retirement board, a person paying or otherwise distributing income for more than one obligor, or a financial institution, the employer, bureau of workers'

sation, employer paying workers' compensation benefits, board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor, or financial institution shall comply with all of the requirements contained in the notices to the extent that the total amount withheld from the obligor's personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings does not exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), withhold or deduct amounts in accordance with the allocation set forth in divisions (D)(1) and (2) of this section, notify each agency that issued one of the notices of the allocation, and give priority to amounts designated in each notice as current support in the following manner:

(1) If the total of the amounts designated in the notices as current support exceeds the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the employer, bureau of workers' compensation, employer paying workers' compensation benefits, board, board of trustees, or other governing entity of a municipal retirement system, person paying or distributing income to an obligor, or financial institution shall allocate to each notice an amount for current support equal to the amount designated in that notice as current support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings available for withholding and the denominator is the total amount designated in all of the notices as current support.

(2) If the total of the amounts designated in the notices as current support does not exceed the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the persons and entities listed in division (C)(1) of this section shall pay all of the amounts designated as current support in the notices and shall allocate to each notice an amount for past-due support equal to the amount designated in that notice as past-due support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings remaining available for withholding after the payment of current support and the denominator is the total amount designated in all of the notices orders as past-due support.

(E)(1) Except when a provision specifically authorizes or requires service other than as described in this division, service of any notice on any party, the bureau of workers' compensation, an employer that is paying a person's workers' compensation benefits, the public employees retirement

board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police and firemen's disability and pension fund, the state teachers retirement board, the school employees retirement board, the state highway patrol retirement board, a person paying or otherwise distributing an obligor's income, a financial institution, or an employer, for purposes of division (A) or (B) of this section, may be made by personal service or ordinary first class mail directed to the addressee at the addressee's last known address, or, in the case of a corporation, at its usual place of doing business.

(2) Each party to an administrative support order shall notify the child support enforcement agency of the party's current mailing address and current residence address at the time of the issuance or modification of the order and, until further notice of the agency that issues the order, shall notify the agency of any change in either address immediately after the change occurs. No person shall fail to give the notice as required by division (E)(2) of this section.

(3) Each administrative support order issued pursuant to this section shall contain a statement requiring each party to the order to notify the child support enforcement agency in writing of the party's current mailing address, the party's current residence address, and of any changes in either address, and a notice that the requirement to notify the agency of all changes in either address continues until further notice from the agency.

(4)(a) The parent who is the residential parent and legal custodian of a child for whom an administrative support order is issued or the person who otherwise has custody of a child for whom an administrative support order is issued immediately shall notify, and the obligor under an administrative support order may notify, the child support enforcement agency of any reason for which an administrative support order should terminate, including, but not limited to, death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal or physical custody of the child. Upon receipt of a notice pursuant to this division, the agency immediately shall conduct an investigation to determine if any reason exists for which the administrative support order should terminate. If the agency so determines, it immediately shall terminate the administrative support order.

(b) Upon receipt of a notice given pursuant to division (E)(4)(a) of this section, the agency shall impound any funds received for the child pursuant to the administrative support order and set the case for an administrative hearing for a determination of whether the administrative support order should be terminated or modified or whether the agency should take any other appropriate action.

(c) If the child support enforcement agency terminates an administrative support order pursuant to divisions (E)(4)(a) and (b) of this section, the termination of the support order also terminates any withholding or deduction order as described in division (B) of this section that was issued relative to the administrative support order prior to December 31, 1993, and any withholding or deduction notice as described in division (B) of this section that was issued relative to the administrative support order on or after December 31, 1993. Upon the termination of any withholding or deduction order or any withholding or deduction notice, the agency immediately shall notify each employer, financial institution, or other person or entity that was required to withhold or deduct a sum of money for the payment of support under the terminated withholding or deduction order or the terminated withholding or deduction notice that the order or notice has been terminated and that it is required to cease all withholding or deduction under the order or notice.

(d) The department of human services shall adopt rules that provide for both of the following:

(i) The return to the appropriate person of any funds that a child support enforcement agency has impounded under division (E)(4)(b) of this section, if the administrative support order under which the funds were paid has been terminated pursuant to divisions (E)(4)(a) and (b) of this section;

(ii) The return to the appropriate person of any other payments made pursuant to an administrative support order, if the payments were made at any time after the administrative support order under which the funds were paid has been terminated pursuant to divisions (E)(4)(a) and (b) of this section.

(5) If any party to an administrative support order requests a modification of the administrative support order or if any obligee under an administrative support order or any person on behalf of the obligee files any action to enforce an administrative support order with the agency, the agency shall proceed as provided in sections 3111.20 to 3111.28 and 3113.21 to 3113.219 of the Revised Code.

(F)(1) Upon receipt of a notice that a lump-sum payment of five hundred dollars or more is to be paid to the obligor, the agency shall do either of the following:

(a) If the obligor is in default under the administrative support order or has any unpaid arrearages under the administrative support order, issue an administrative order requiring the transmittal of the lump-sum payment to the child support enforcement agency;

(b) If the obligor is not in default under the administrative support order

and does not have any unpaid arrearages under the support order, issue an administrative order directing the person who gave the notice to the agency to immediately pay the full amount of the lump-sum payment to the obligor.

(2) Upon receipt of any moneys pursuant to division (F)(1)(a) of this section, a child support enforcement agency shall pay the amount of the lump-sum payment that is necessary to discharge all of the obligor's arrearages to the obligee and, within two business days after its receipt of the money, any amount that is remaining after the payment of the arrearages to the obligor.

(G)(1) Any administrative support order, or modification of an administrative support order, that is subject to this section shall contain the date of birth and social security number of the obligor.

(2) No withholding or deduction notice described in division (B) of this section shall contain any information other than the information specifically required by division (B) or (G)(3) of this section or by any other section of the Revised Code and any additional information that the issuing agency determines may be necessary to comply with the notice.

(3) Each withholding or deduction notice described in division (B) of this section shall include notice of all of the following:

(a) That the child support enforcement agency may bring an action under section 3111.28 of the Revised Code requesting the court to find the employer, financial institution, employer that is paying the obligor's workers' compensation benefits, public employees retirement board, board, board of trustees, or other governing entity of any municipal retirement system, board of trustees of the police and firemen's disability and pension fund, state teachers retirement board, school employees retirement board, state highway patrol retirement board, person paying or otherwise distributing an obligor's income, or bureau of workers' compensation in contempt pursuant to section 2705.02 of the Revised Code if the employer, financial institution, employer that is paying the obligor's workers' compensation benefits, public employees retirement board, board, board of trustees, or other governing entity of the municipal retirement system, board of trustees of the police and firemen's disability and pension fund, state teachers retirement board, school employees retirement board, state highway patrol retirement board, person paying or otherwise distributing the obligor's income, or bureau of workers' compensation fails to comply with the withholding or deduction notice;

(b) That, if the employer, financial institution, employer that is paying the obligor's workers' compensation benefits, public employees retirement board, board, board of trustees, or other governing entity of the municipal

retirement system, board of trustees of the police and firemen's disability and pension fund, state teachers retirement board, school employees retirement board, state highway patrol retirement board, person paying or otherwise distributing an obligor's income, or bureau of workers' compensation fails to comply with the withholding or deduction notice, that failure to comply is contempt pursuant to section 2705.02 of the Revised Code.

(H) No withholding or deduction notice described in division (B) of this section and issued under this section or any other section of the Revised Code shall be terminated solely because the obligor pays any part or all of the arrearages under the administrative support order.

(I)(1) Except as provided in division (I)(2) of this section and section 2301.42 of the Revised Code and the rules adopted pursuant to division (C) of that section, if child support arrearages are owed by an obligor to the obligee and to the department of human services, any payments received on the arrearages by the child support enforcement agency first shall be paid to the obligee until the arrearages owed to the obligee are paid in full.

(2) Division (I)(1) of this section does not apply to the collection of past-due child support from refunds of paid federal taxes pursuant to section 5101.32 of the Revised Code or of overdue child support from refunds of paid state income taxes pursuant to sections 5101.321 and 5747.121 of the Revised Code.

Sec. 3113.06. No father, or mother when she is charged with the maintenance, of a child under eighteen years of age, or a mentally or physically handicapped child under age twenty-one, who is legally a ward of a ~~county public children services board or of a county department of human services~~ agency or is the recipient of aid pursuant to Chapter 5107. or 5115. of the Revised Code, shall neglect or refuse to pay such ~~board or department~~ agency the reasonable cost of maintaining such child when such father or mother is able to do so by reason of property, labor, or earnings.

An offense under this section shall be held committed in the county in which the ~~board or department~~ agency is located. The ~~board or department~~ agency shall file charges against any parent who violates this section, unless the ~~board or department~~ agency files charges under section 2919.21 of the Revised Code, or unless charges of nonsupport are filed by a relative or guardian of the child, or unless an action to enforce support is brought under Chapter 3115. of the Revised Code.

Sec. 3113.07. As used in this section, "executive director" has the same meaning as in section 5153.01 of the Revised Code.

Sentence may be suspended, if a person, after conviction under section

3113.06 of the Revised Code and before sentence thereunder, appears before the court of common pleas in which such conviction took place and enters into bond to the state in a sum fixed by the court at not less than five hundred dollars, with sureties approved by such court, conditioned that such person will pay, so long as the child remains a ward of the ~~county public children services board or county department of human services~~ agency or a recipient of aid pursuant to Chapter 5107. or 5115. of the Revised Code, to the executive director thereof or to a trustee to be named by the court, for the benefit of such ~~department or board~~ agency or if the child is a recipient of aid pursuant to Chapter 5107. or 5115. of the Revised Code, to the county department of human services, the reasonable cost of keeping such child. The amount of such costs and the time of payment shall be fixed by the court.

Sec. 3113.21. (A)(1) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court shall require the withholding or deduction of wages or assets of the obligor in accordance with division (D) of this section or require the issuance of another type of appropriate court order in accordance with division (D)(6) or (7) or (H) of this section to ensure that withholding or deduction from the wages or assets of the obligor is available from the commencement of the support order for the collection of the support and any arrearages that occur. The court shall determine the specific withholding or deduction requirements or other appropriate requirements applicable to the obligor under the support order in accordance with divisions (D) and (H) of this section and section 2301.371 of the Revised Code and shall include the specific requirements in the notices described in divisions (A)(2) and (D) of this section or in the court orders described in divisions (A)(2), (D)(6) or (7), and (H) of this section. Any person required to comply with any withholding or deduction requirement shall determine the manner of withholding or deducting from the specific requirement included in the notices described in those divisions without the need for any amendment to the support order, and any person required to comply with a court order described in division (D)(6), (D)(7), or (H) of this section shall comply with the court order without the need for any amendment to the support order. The court shall include in any action in which support is ordered as described in division (A)(1) of this section a general provision that states the following:

"All child support and spousal support under this order shall be withheld or deducted from the wages or assets of the obligor pursuant to a

withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.214 of the Revised Code."

(2) In any action in which support is ordered or modified as described in division (A)(1) of this section, the court shall determine in accordance with divisions (D) and (H) of this section the types of withholding or deduction requirements or other appropriate requirements that should be imposed relative to the obligor under the support order to collect the support due under the order. Within fifteen days after the obligor under the support order is located subsequent to the issuance of the support order or within fifteen days after the default under the support order, whichever is applicable, the court or the child support enforcement agency, as determined by agreement of the court and the agency, shall send a notice by regular mail to each person required to comply with a withholding or deduction requirement. The notice shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (D)(1)(b), (2)(b), (3)(b), (4)(b), or (5)(b) of this section that is applicable to the requirement. If the appropriate requirement is an order of the type described in division (D)(6), (D)(7), or (H) of this section, the court shall issue and send a court order in accordance with that division. The notices and court orders, and the notices provided by the court or child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court. When the court or agency issues a notice, it shall provide the notice to the obligor in accordance with division (D)(1)(c), (D)(2)(c), (D)(3)(c), (D)(4)(c), or (D)(5)(c) of this section, whichever is applicable, and shall include with the notice the additional notices described in the particular division that is applicable.

(3)(a) If support is ordered or modified on or after December 31, 1993, under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, if the court has determined in accordance with division (A)(2) of this section the types of withholding or deduction requirements or other appropriate requirements that should be imposed relative to the obligor under the support order to collect the support due under the order, if the court or a child support enforcement agency has mailed the appropriate notice to the person required to comply with the withholding or deduction requirements that the court has determined should be imposed or the court has issued and sent a court order described in

division (D)(6), (D)(7), or (H) of this section containing the other appropriate requirements that the court determined should be imposed, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor have changed and that it is more appropriate to impose another type of or an additional withholding or deduction requirement or another type of or additional court order containing another appropriate requirement, the agency immediately shall comply with section 3113.212 of the Revised Code. The notices and court orders issued under this division and section 3113.212 of the Revised Code, and the notices provided by the court or child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court.

(b) If support has been ordered prior to December 31, 1993, under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, if the support order has not been modified on or after December 31, 1993, if division (B) of this section has not been applied on or after December 31, 1993, regarding a default under the order, if the support order includes a provision that is substantively comparable to the general provision described in division (A)(1) of this section that must be included in all support orders issued or modified on or after December 31, 1993, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor under the support order have changed so that it is appropriate to impose a withholding or deduction requirement or another type of or additional appropriate requirement as described in division (D) of this section to collect the support due under the order, the agency shall comply with section 3113.212 of the Revised Code as if the support order had been issued or modified on or after December 31, 1993, and as if it included the general provision described in division (A)(1) of this section that must be included in all support orders issued or modified on or after that date. The notices and court orders issued under this provision and section 3113.212 of the Revised Code, and the notices provided by the court or child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court.

(c) If support has been ordered prior to December 31, 1993, under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49,

18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, if the support order has not been modified on or after December 31, 1993, if division (B) of this section has not been applied on or after December 31, 1993, regarding a default under the order, if the support order does not include a provision that is substantively comparable to the general provision described in division (A)(1) of this section that must be included in all support orders issued or modified on or after December 31, 1993, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor under the support order have changed so that it is appropriate to impose a withholding or deduction requirement or another type of or additional appropriate requirement as described in division (D) of this section to collect the support due under the order, the agency may request the court to reissue the support order in question to be identical to the support order except for a general provision as described in division (A) of this section requiring the withholding or deduction of wages or assets of the obligor in accordance with division (D) of this section or requiring the issuance of a court order containing another type of appropriate requirement in accordance with division (D)(6), (D)(7), or (H) of this section to ensure that withholding or deduction from the wages or assets of the obligor is available for the collection of current support and any arrearages that occur. Upon the receipt of a request from an agency, the court may reissue the order in accordance with this division. If the court reissues the order, the general provision for the withholding or deduction of wages or assets to be included in the reissued support order specifically shall include the statement prescribed in division (B)(1) of this section. Except for the inclusion of the general provision, the provisions of a reissued order under this division shall be identical to the support order in question, and the court or child support enforcement agency shall issue one or more notices requiring withholding or deduction of wages or assets of the obligor in accordance with divisions (A)(2) and (D) of this section, or the court shall issue one or more court orders imposing other appropriate requirements in accordance with division (A)(2) and division (D)(6), (D)(7), or (H) of this section. The notices shall be mailed within fifteen days after the obligor under the support order is located or within fifteen days after the default under the support order, whichever is applicable. Thereafter, section 3113.212 of the Revised Code applies to the issuance of notices and court orders under those divisions with respect to that support order. The notices and court orders issued under this division and section 3113.212 of the Revised Code, and the notices provided by the court or child support

enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court.

(4) The department of human services shall adopt standard forms for the support withholding and deduction notices that are prescribed by divisions (A)(1) to (3) and (B) of this section. All courts and child support enforcement agencies shall use the forms in issuing withholding and deduction notices in compliance with this section.

(B)(1)(a) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3111.20, 3111.21, 3111.22, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code and in which there has been a default under the order, the court shall comply with divisions (B)(1) to (6) of this section.

If the support was ordered prior to December 31, 1993, or pursuant to section 3111.20, 3111.21, or 3111.22 of the Revised Code, the court shall reissue the support order under which there has been a default and shall include in the reissued order a general provision as described in this division requiring the withholding or deduction of wages or assets of the obligor in accordance with division (D) of this section or requiring the issuance of a court order containing another type of appropriate requirement in accordance with division (D)(6), (D)(7), or (H) of this section to ensure that withholding or deduction from the wages or assets is available for the collection of current support and any arrearages that occur. If the support was ordered pursuant to section 3111.20, 3111.21, or 3111.22 of the Revised Code and the support order includes a general provision similar to the one described in this division, the court shall replace the similar general provision with the general provision described in this division. Except for the inclusion or replacement of the general provision, the provisions of the reissued order required under this division shall be identical to those of the support order under which there has been a default.

Regardless of when the support was ordered, when support has been ordered under any chapter or section described in this division, the child support enforcement agency shall initiate support withholding when the order is in default. Immediately after the identification of a default under the support order, the child support enforcement agency shall conduct the investigation described in division (B)(1)(b) of this section. Additionally, within fifteen calendar days after the identification of a default under the support order, the child support enforcement agency shall investigate the default and send advance notice to the obligor. The advance notice shall

include a notice describing the actions that may be taken against the obligor pursuant to sections 2301.373 and 2301.374 of the Revised Code if the court or agency makes a final and enforceable determination that the obligor is in default pursuant to this division. If the location of the obligor is unknown at the time of the identification of a default under the support order, the agency shall send the advance notice to the obligor within fifteen days after the agency locates the obligor. The general provision for the withholding or deduction of wages or assets to be included in the reissued support order specifically shall include the following statement:

"All child support and spousal support under this order shall be withheld or deducted from the wages or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.214 of the Revised Code."

(b) After the identification of a default under a support order as described in division (B)(1)(a) of this section, the child support enforcement agency immediately shall conduct an investigation to determine the employment status of the obligor, the obligor's social security number, the name and business address of the obligor's employer, whether the obligor is in default under a support order, the amount of any arrearages, and any other information necessary to enable the court or agency to impose any withholding or deduction requirements and issue the related notices described in division (D) of this section or to issue any court orders described in division (D)(6) or (7) of this section. The agency also shall conduct an investigation under this division when required by division (C)(1)(a) or (b) of this section, shall complete the investigation within twenty days after the obligor or obligee files the motion with the court under division (C)(1)(a) of this section or the court orders the investigation under division (C)(1)(b) of this section, and shall conduct an investigation under this division when required by section 3113.214 of the Revised Code.

(2) An advance notice to an obligor required by division (B)(1) of this section shall contain all of the following:

(a) A statement of the date on which the advance notice is sent, the amount of arrearages owed by the obligor as determined by the court or the child support enforcement agency, the types of withholding or deduction requirements and related notices described in division (D) of this section or the types of court orders described in division (D)(6), (D)(7), or (H) of this section that will be issued to pay support and any arrearages, and the amount that will be withheld or deducted pursuant to those requirements;

(b) A statement that any notice for the withholding or deduction of an amount from personal earnings or other income or assets apply to all subsequent employers of the obligor, financial institutions in which the obligor has an account, and other persons or entities who pay or distribute income to the obligor and that any withholding or deduction requirement and related notice described in division (D) of this section or any court order described in division (D)(6), (D)(7), or (H) of this section that is issued will not be discontinued solely because the obligor pays any arrearages;

(c) An explanation of the administrative and court action that will take place if the obligor contests the inclusion of any of the provisions;

(d) A statement that the contents of the advance notice are final and are enforceable by the court unless the obligor files with the child support enforcement agency, within seven days after the date on which the advance notice is sent, a written request for an administrative hearing to determine if a mistake of fact was made in the notice.

(3) If the obligor requests a hearing regarding the advance notice in accordance with division (B)(2)(d) of this section, the child support enforcement agency shall conduct an administrative hearing no later than ten days after the date on which the obligor files the request for the hearing. No later than five days before the date on which the hearing is to be conducted, the agency shall send the obligor and the obligee written notice of the date, time, place, and purpose of the hearing. The notice to the obligor and obligee also shall indicate that the obligor may present testimony and evidence at the hearing only in regard to the issue of whether a mistake of fact was made in the advance notice.

At the hearing, the child support enforcement agency shall determine whether a mistake of fact was made in the advance notice. If it determines that a mistake of fact was made, the agency shall determine the provisions that should be changed and included in a corrected notice and shall correct the advance notice accordingly. The agency shall send its determinations to the obligor. The agency's determinations are final and are enforceable by the court unless, within seven days after the agency makes ~~it~~ its determinations, the obligor files a written motion with the court for a court hearing to determine if a mistake of fact still exists in the advance notice or corrected advance notice.

(4) If, within seven days after the agency makes its determinations under division (B)(3) of this section, the obligor files a written motion for a court hearing to determine if a mistake of fact still exists in the advance notice or the corrected advance notice, the court shall hold a hearing on the request as soon as possible, but no later than ten days, after the request is

filed. If the obligor requests a court hearing, no later than five days before the date on which the court hearing is to be held, the court shall send the obligor and the obligee written notice by ordinary mail of the date, time, place, and purpose of the court hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the advance notice or the corrected advance notice.

If, at a hearing conducted under this division, the court detects a mistake of fact in the advance notice or the corrected advance notice, it immediately shall correct the notice.

(5) Upon exhaustion of all rights of the obligor to contest the withholding or deduction on the basis of a mistake of fact and no later than the expiration of forty-five days after the issuance of the advance notice under division (B)(1) of this section, the court or child support enforcement agency shall issue one or more notices requiring withholding or deduction of wages or assets of the obligor in accordance with divisions (A)(2) and (D) of this section, or the court shall issue one or more court orders imposing other appropriate requirements in accordance with division (A)(2) and division (D)(6), (D)(7), or (H) of this section. Thereafter, section 3113.212 of the Revised Code applies in relation to the issuance of the notices and court orders. The notices and court orders issued under this division or section 3113.212 of the Revised Code are final and are enforceable by the court. The court or agency shall send to the obligor by ordinary mail a copy of the withholding or deduction notice, in accordance with division (D) of this section. The failure of the court or agency to give the notice required by this division does not affect the ability of any court to issue any notice or order under this section or any other section of the Revised Code for the payment of support, does not provide any defense to any notice or order for the payment of support that is issued under this section or any other section of the Revised Code, and does not affect any obligation to pay support.

(6) The department of human services shall adopt standard forms for the advance notice prescribed by divisions (B)(1) to (5) of this section. All courts and child support enforcement agencies shall use those forms, and the support withholding and deduction notice forms adopted under division (A)(4) of this section, in complying with this section.

(C)(1) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, all of the following apply:

(a) The obligor or obligee under the order may file a motion with the court that issued the order requesting the issuance of one or more

withholding or deduction notices as described in division (D) of this section to pay the support due under the order. The motion may be filed at any time after the support order is issued. Upon the filing of a motion pursuant to this division, the child support enforcement agency immediately shall conduct, and shall complete within twenty days after the motion is filed, an investigation in accordance with division (B)(1)(b) of this section. Upon the completion of the investigation and the filing of the agency's report under division (B)(1)(b) of this section, the court shall issue one or more appropriate orders described in division (D) of this section.

(b) If any proceedings involving the support order that was issued before, on, or after December 1, 1986, are commenced in the court and if the court prior to the effective date of this amendment has not issued any orders under division (D) of this section with respect to the support order, if the court determines that any orders issued prior to the effective date of this amendment under division (D) of this section no longer are appropriate, if the court on or after the effective date of this amendment has not modified or reissued the support order under division (A) or (B) of this section and issued any notices under division (D) or court orders under division (D)(6) or (7) of this section, or if the court on or after the effective date of this amendment has modified or reissued the support order under division (A) or (B) of this section and issued one or more notices under division (D) or one or more court orders under division (D)(6) or (7) of this section but determines that the notices or court orders no longer are appropriate, the court, prior to or during any hearings held with respect to the proceedings and prior to the conclusion of the proceedings, shall order the child support enforcement agency to conduct an investigation pursuant to division (B)(1)(b) of this section. Upon the filing of the findings of the agency following the investigation, the court, as necessary, shall issue one or more notices described in division (D) or one or more court orders described in division (D)(6) or (7) of this section or modify any notices previously issued under division (D) or any court orders previously issued under division (D)(6) or (7) of this section.

(c)(i) If a child support enforcement agency, in accordance with section 3113.216 of the Revised Code, requests the court to issue a revised child support order in accordance with a revised amount of child support calculated by the agency, the court shall proceed as described in this division. If neither the obligor nor the obligee requests a court hearing on the revised amount of child support, the court shall issue a revised child support order requiring the obligor to pay the revised amount of child support calculated by the agency. However, if the obligor or the obligee

quests a court hearing on the revised amount of child support calculated by the agency, the court, in accordance with division (C)(1)(c)(ii) of this section, shall schedule and conduct a hearing to determine if the revised amount of child support is the appropriate amount and if the amount of child support being paid under the child support order otherwise should be revised.

(ii) If the court is required to schedule and conduct a hearing pursuant to division (C)(1)(c)(i) of this section, the court shall give the obligor, obligee, and agency at least thirty days' notice of the date, time, and location of the hearing; order the obligor to provide the court with a copy of the obligor's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligor within the preceding six months, and a copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligor within the preceding six months, if the obligor failed to provide any of those documents to the agency, and order the obligee to provide the court with a copy of the obligee's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligee within the preceding six months, and a copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months, if the obligee failed to provide any of those documents to the agency; give the obligor and the obligee notice that any willful failure to comply with that court order is contempt of court and, upon a finding by the court that the party is in contempt of court, the court and the agency will take any action necessary to obtain the information or make any reasonable assumptions necessary with respect to the income of the person in contempt of court to ensure a fair and equitable review of the child support order; issue a revised child support order requiring the obligor to pay the revised amount of child support calculated by the agency, if the court determines at the hearing that the revised amount of child support calculated by the agency is the appropriate amount; and determine the appropriate amount of child support and, if necessary, issue a revised child support order requiring the obligor to pay the amount of child support determined by the court, if the court determines that the revised amount of child support calculated by the agency is not the appropriate amount.

(iii) In determining, at a hearing conducted under divisions (C)(1)(c)(i) and (ii) of this section, the appropriate amount of child support to be paid by the obligor, the court shall consider, in addition to all other factors required by law to be considered, the cost of health insurance which the obligor, the obligee, or both the obligor and the obligee have been ordered to obtain for

the children specified in the order.

(d) On or after July 1, 1990, the court shall issue any order required by section 3113.217 of the Revised Code.

(e)(i) On or after July 1, 1990, an obligee under a child support order may file a motion with the court that issued the order requesting the court to modify the order to require the obligor to obtain health insurance coverage for the children who are the subject of the order, and on or after July 1, 1990, an obligor under a child support order may file a motion with the court that issued the order requesting the court to modify the order to require the obligee to obtain health insurance coverage for those children. Upon the filing of such a motion, the court shall order the child support enforcement agency to conduct an investigation to determine whether the obligor or obligee has satisfactory health insurance coverage for the children. Upon completion of its investigation, the agency shall inform the court, in writing, of its determination. If the court determines that neither the obligor nor the obligee has satisfactory health insurance coverage for the children, it shall issue an order in accordance with section 3113.217 of the Revised Code.

(ii) On or after July 1, 1990, an obligor or obligee under a child support order may file a motion with the court that issued the order requesting the court to modify the amount of child support required to be paid under the order because that amount does not adequately cover the medical needs of the child. Upon the filing of such a motion, the court shall determine whether the amount of child support required to be paid under the order adequately covers the medical needs of the child and whether to modify the order, in accordance with division (B)(4) of section 3113.215 of the Revised Code.

(f) Whenever a court modifies, reviews, or otherwise reconsiders a child support order, it may reconsider which parent may claim the children who are the subject of the child support order as dependents for federal income tax purposes as set forth in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and shall issue its determination on this issue as part of the child support order. The court in its order may permit the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes only if the payments for child support are current in full as ordered by the court for the year in which the children will be claimed as dependents. If the court determines that the parent who is not the residential parent and legal custodian may claim the children as dependents for federal income tax purposes, it shall order the residential parent to take whatever action is necessary pursuant to section 152 of the "Internal Revenue Code of

1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes in accordance with the order of the court. Any willful failure of the residential parent to comply with the order of the court is contempt of court.

(g) If the order is a child support order issued on or after July 1, 1990, or if the order modifies, on or after July 1, 1990, a prior child support order, the court shall include in the order all of the requirements, specifications, and statements described in division (B) of section 3113.218 of the Revised Code.

(2) In any action in which a support order is issued, on or after December 1, 1986, under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court issuing the order also shall conduct a hearing, prior to or at the time of the issuance of the support order, to determine the employment status of the obligor, the obligor's social security number, the name and business address of the obligor's employer, and any other information necessary to enable the court or a child support enforcement agency to issue any withholding or deduction notice described in division (D) of this section or for the court to issue a court order described in division (D)(6) or (7) of this section. The court, prior to the hearing, shall give the obligor notice of the hearing that shall include the date on which the notice is given and notice that the obligor is subject to a requirement for the withholding of a specified amount from personal earnings if employed and to one or more other types of withholding or deduction requirements described in division (D) or one or more types of court orders described in division (D)(6) or (7) of this section and that the obligor may present evidence and testimony at the hearing to prove that any of the requirements would not be proper because of a mistake of fact.

The court or child support enforcement agency, immediately upon the court's completion of the hearing, shall issue one or more of the types of notices described in division (D) of this section imposing a withholding or deduction requirement, or the court shall issue one or more types of court orders described in division (D)(6) or (7) of this section.

(D) If a court or child support enforcement agency is required under division (A), (B), or (C) of this section or any other section of the Revised Code to issue one or more withholding or deduction notices described in this division or court orders described in division (D)(6) or (7) of this section, the court shall issue one or more of the following types of notices or court orders, or the agency shall issue one or more of the following types of

notices to pay the support required under the support order in question and also, if required by any of those divisions, any other section of the Revised Code, or the court, to pay any arrearages:

(1)(a) If the court or the child support enforcement agency determines that the obligor is employed, the court or agency shall require the obligor's employer to withhold from the obligor's personal earnings a specified amount for support in satisfaction of the support order, to begin the withholding no later than the first pay period that occurs after fourteen working days following the date the notice was mailed to the employer under divisions (A)(2) or (B) and (D)(1)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated~~ for that county ~~pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the obligor is paid, and to continue the withholding at intervals specified in the notice until further notice from the court or agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, 2716.02, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the employer as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(1)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the obligor's employer by regular mail a notice that contains all of the information set forth in divisions (D)(1)(b)(i) to (xi) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's wages and a statement that the amount actually withheld for support and other purposes, including the fee described in division (D)(1)(b)(xi) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the employer is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the obligor is paid by the employer and is required to report to the agency the date on which the amount was withheld

from the obligor's wages;

(iii) A statement that the withholding is binding upon the employer until further notice from the agency;

(iv) A statement that the employer is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

(v) A statement that, if the employer fails to withhold wages in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the obligor's wages;

(vi) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same wages;

(vii) The date on which the notice was mailed and a statement that the employer is required to implement the withholding no later than the first pay period that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(viii) A requirement that the employer promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's employment, any layoff of the obligor, any leave of absence of the obligor without pay, or any other situation in which the employer ceases to pay personal earnings in an amount sufficient to comply with the order to the obligor, provide the agency with the obligor's last known address, notify the agency of the obligor's new employer, if known, and provide the agency with the new employer's name, address, and telephone number, if known;

(ix) A requirement that the employer identify in the notification given under division (D)(1)(b)(viii) of this section any types of benefits other than personal earnings that the obligor is receiving or is eligible to receive as a benefit of employment or as a result of the obligor's termination of employment, including, but not limited to, unemployment compensation, workers' compensation benefits, severance pay, sick leave, lump-sum payments of retirement benefits or contributions, and bonuses or profit-sharing payments or distributions, and the amount of such benefits, and include in the notification the obligor's last known address and telephone number, date of birth, social security number, and court case number and, if known, the name and business address of any new employer of the obligor;

(x) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the employer notify the child support enforcement agency of any lump-sum payments of any kind of five hundred dollars or more that are to be paid to the obligor, hold the lump-sum payments of five hundred dollars or more for thirty days after the date on which the lump-sum payments otherwise would have been paid to the obligor, if the lump-sum payments are workers' compensation benefits, severance pay, sick leave, lump-sum payments of retirement benefits or contributions, annual bonuses, or profit-sharing payments or distributions, and, upon order of the court, pay any specified amount of the lump-sum payment to the child support enforcement agency;

(xi) A statement that, in addition to the amount withheld for support, the employer may withhold a fee from the obligor's earnings as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The court or agency shall send the notice described in division (D)(1)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(1)(b) of this section to the employer. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court. No obligor shall fail to give the notification required by division (D)(1)(c) of this section.

(2)(a) If the court or the child support enforcement agency determines that the obligor is receiving workers' compensation payments, the court or agency may require the bureau of workers' compensation or the employer that has been granted the privilege of paying compensation directly and that is paying workers' compensation benefits to the obligor to withhold from the obligor's workers' compensation payments a specified amount for support in satisfaction of the support order, to begin the withholding no later than the

date of the first payment that occurs after fourteen working days following the date the notice was mailed to the bureau or employer under divisions (A)(2) or (B) and (D)(2)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated~~ for that county ~~pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals specified in the notice until further notice from the court or agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of section 4123.67 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by an employer as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(2)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the bureau of workers' compensation or the employer that is paying the obligor's workers' compensation benefits by regular mail a notice that contains all of the information set forth in divisions (D)(2)(b)(i) to (x) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's worker's compensation payments and a statement that the amount actually withheld for support and other purposes, including the fee described in division (D)(2)(b)(x) of this section, if applicable, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the bureau or employer is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the bureau or employer until further notice from the court or agency;

(iv) If the notice is sent to an employer who is paying the obligor's worker's compensation benefits, a statement that, if the employer fails to

withhold from the obligor's worker's compensation payments in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the obligor's payments;

(v) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of benefits;

(vi) The date on which the notice was mailed and a statement that the bureau or employer is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vii) A requirement that the bureau or employer promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's workers' compensation benefits;

(viii) A requirement that the bureau or employer include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(ix) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the bureau or employer notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment otherwise would be paid to the obligor, and, upon order of the court, pay any specified amount of the lump-sum payment to the agency;

(x) If the notice is sent to an employer who is paying the obligor's workers' compensation benefits, a statement that, in addition to the amount withheld for support, the employer may withhold a fee from the obligor's benefits as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The court or agency shall send the notice described in division (D)(2)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor to immediately notify the child support enforcement agency, in writing, of any change in the obligor's workers' compensation payments, of the obligor's commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency

shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time that it sends the notice described in division (D)(2)(b) of this section to the bureau or employer. The additional notice also shall notify the obligor that upon commencement of employment the obligor may request the court or the child support enforcement agency to cancel its workers' compensation payment withholding notice and instead issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court may cancel its workers' compensation payment withholding notice and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

(3)(a) If the court or child support enforcement agency determines that the obligor is receiving any pension, annuity, allowance, or other benefit or is to receive or has received a warrant refunding the individual account from the public employees retirement system, a municipal retirement system established subject to sections 145.01 to 145.58 of the Revised Code, the police and firemen's disability and pension fund, the state teachers retirement system, the school employees retirement system, or the state highway patrol retirement system, the court or agency may require the public employees retirement board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police and firemen's disability and pension fund, the state teachers retirement board, the school employees retirement board, or the state highway patrol retirement board to withhold from the obligor's pension, annuity, allowance, other benefit, or warrant a specified amount for support in satisfaction of the support order, to begin the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed to the board, board of trustees, or other entity under divisions (A)(2) or (B) and (D)(3)(b) of this section, to send the amount withheld to the child support enforcement agency designated for that county pursuant to section 2301.35 of the Revised Code, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals

specified in the notice until further notice from the court or agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the board, board of trustees, or other entity as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(3)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the board, board of trustees, or other entity by regular mail a notice that contains all of the information set forth in divisions (D)(3)(b)(i) to (ix) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's pension, annuity, allowance, other benefit, or warrant and a statement that the amount actually withheld for support and other purposes, including the fee described in division (D)(3)(b)(ix) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the board, board of trustees, or other entity is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the board, board of trustees, or other entity until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of the pension, annuity, allowance, other benefit, or warrant;

(v) The date on which the notice was mailed and a statement that the board, board of trustees, or other entity is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vi) A requirement that the board, board of trustees, or other entity

promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's pension, annuity, allowance, or other benefit;

(vii) A requirement that the board, board of trustees, or other entity include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the board, board of trustees, or other entity notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment would otherwise be paid to the obligor, if the lump-sum payments are lump-sum payments of retirement benefits or contributions, and, upon order of the court, pay any specified amount of the lump-sum payment to the agency;

(ix) A statement that, in addition to the amount withheld for support, the board, board of trustees, or other entity may withhold a fee from the obligor's pension, annuity, allowance, other benefit, or warrant as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The court or agency shall send the notice described in division (D)(3)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in pension, annuity, allowance, or other benefit, of the commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(3)(b) of this section to the board, board of trustees, or other entity. The additional notice also shall specify that upon commencement of employment the obligor may request the court or the child support enforcement agency to issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court may cancel its withholding notice under division (D)(3)(b) of this

section and instead will issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

(4)(a) If the court or child support enforcement agency determines that the obligor is receiving any form of income, including, but not limited to, disability or sick pay, insurance proceeds, lottery prize awards, federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under any law governing the benefits, any form of trust fund or endowment fund, vacation pay, commissions and draws against commissions that are paid on a regular basis, bonuses or profit-sharing payments or distributions, or any lump-sum payments, the court or agency may require the person who pays or otherwise distributes the income to the obligor to withhold from the obligor's income a specified amount for support in satisfaction of the support order, to begin the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed to the person paying or otherwise distributing the obligor's income under divisions (A)(2) or (B) and (D)(4)(b) of this section, to send the amount withheld to the child support enforcement agency ~~designated for that county pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the payment is made to the obligor, to provide the date on which the amount was withheld, and to continue the withholding at intervals specified in the notice until further notice from the court or agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the person paying or otherwise distributing the obligor's income as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(4)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the person paying or otherwise distributing the obligor's income by regular mail a

notice that contains all of the information set forth in divisions (D)(4)(b)(i) to (ix) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's income and a statement that the amount actually withheld for support and other purposes, including the fee described in division (D)(4)(b)(ix) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the person paying or otherwise distributing the obligor's income is required to send the amount withheld to the child support enforcement agency immediately, but not later than ten working days, after the payment is made to the obligor and is required to report to the agency the date on which the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the person paying or otherwise distributing the obligor's income until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of the income;

(v) A statement that the person paying or otherwise distributing the obligor's income is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vi) A requirement that the person paying or otherwise distributing the obligor's income promptly notify the child support enforcement agency, in writing, within ten days after the date of any termination of the obligor's income;

(vii) A requirement that the person paying or otherwise distributing the obligor's income include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the person paying or otherwise distributing the obligor's income notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment would otherwise be paid to the obligor, if the lump-sum payment is sick pay,

lump-sum payment of retirement benefits or contributions, or profit-sharing payments or distributions, and, upon order of the court, pay any specified amount of the lump-sum payment to the child support enforcement agency;

(ix) A statement that, in addition to the amount withheld for support, the person paying or otherwise distributing the obligor's income may withhold a fee from the obligor's income as a charge for its services in complying with the order and a specification of the amount that may be withheld.

(c) The court or agency shall send the notice described in division (D)(4)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in income to which the withholding notice applies, of the commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(4)(b) of this section to the person paying or otherwise distributing the obligor's income. The additional notice also shall specify that upon commencement of employment the obligor may request the court or child support enforcement agency to issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court may cancel its withholding notice under division (D)(4)(b) of this section and instead will issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

(5)(a) If the court or child support enforcement agency determines that the obligor has funds on deposit in any account in a financial institution under the jurisdiction of the court, the court or agency may require any financial institution in which the obligor's funds are on deposit to deduct from the obligor's account a specified amount for support in satisfaction of the support order, to begin the deduction no later than fourteen working days following the date the notice was mailed to the financial institution under divisions (A)(2) or (B) and (D)(5)(b) of this section, to send the amount deducted to the child support enforcement agency designated for that county

~~pursuant to section 2301.35 of the Revised Code~~, to send that amount to the agency immediately but not later than ten days after the date the latest deduction was made, to provide the date on which the amount was deducted, and to continue the deduction at intervals specified in the notice until further notice from the court or agency. To the extent possible, the amount specified in the notice to be deducted shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be deducted and the fee deducted by the financial institution as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(5)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the financial institution by regular mail a notice that contains all of the information set forth in divisions (D)(5)(b)(i) to (viii) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be deducted from the obligor's account and a statement that the amount actually deducted for support and other purposes, including the fee described in division (D)(5)(b)(viii) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the financial institution is required to send the amount deducted to the child support enforcement agency immediately, but not later than ten working days, after the date the last deduction was made and is required to report to the agency the date on which the amount was deducted from the obligor's account;

(iii) A statement that the deduction is binding upon the financial institution until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same account;

(v) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen working days following the date the notice was mailed and is required to continue the deduction at the intervals specified in the notice;

(vi) A requirement that the financial institution promptly notify the child support enforcement agency, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;

(vii) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the notice and a specification of the amount that may be deducted.

(c) The court or agency shall send the notice described in division (D)(5)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the status of the account from which the amount of support is being deducted or the opening of a new account with any financial institution, of commencement of employment, including self-employment, or of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(5)(b) of this section to the financial institution. The additional notice also shall specify that upon commencement of employment, the obligor may request the court or child support enforcement agency to cancel its financial institution account deduction notice and instead issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court may cancel its financial institution account deduction notice under division (D)(5)(b) of this section and instead will issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new accounts opened at a financial institution under the jurisdiction of the court, the name and business address of that financial institution, a description of the nature

of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

(6) The court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part of the support order or, if the support order previously has been issued, as a separate order. Any cash bond so required shall be in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the obligor will make payment as previously ordered and will pay any arrearages under any prior support order that pertained to the same child or spouse. The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, of commencement of employment, including self-employment, shall be attached to, and shall be served upon the obligor at the same time as service of, the support order or, if the support order previously has been issued, as soon as possible after the issuance of the order under this division. The additional order also shall specify that upon commencement of employment the obligor may request the court to cancel its bond order and instead issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court will proceed to collect on the bond, if the court determines that payments due under the support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under the support order, and will issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

The court shall not order an obligor to post a cash bond under this division unless the court determines that the obligor has the ability to do so. A child support enforcement agency shall not issue an order of the type described in this division. If a child support enforcement agency is required to issue a withholding or deduction notice under division (D) of this section but the agency determines that no notice of the type described in division (D)(1) to (5) of this section would be appropriate, the agency may request the court to issue a court order under this division, and, upon the request, the court may issue an order as described in this division.

(7) If the obligor is unemployed, has no income, and does not have an account at any financial institution, the court shall issue an order requiring the obligor to seek employment if the obligor is able to engage in

employment and immediately to notify the child support enforcement agency upon obtaining employment, upon obtaining any income, or upon obtaining ownership of any asset with a value of five hundred dollars or more. The court shall issue the notice as part of the support order or, if the support order previously has been issued, as a separate notice. A child support enforcement agency shall not issue a notice of the type described in this division. If a child support enforcement agency is required to issue a withholding or deduction notice under division (D) of this section but the agency determines that no notice of the type described in division (D)(1) to (5) of this section would be appropriate, the agency may request the court to issue a court order under this division, and, upon the request, the court may issue an order as described in this division.

(E) If a court or child support enforcement agency is required under division (A), (B), or (C) of this section or any other section of the Revised Code to issue one or more notices or court orders described in division (D) of this section, the court or agency to the extent possible shall issue a sufficient number of notices or court orders under division (D) of this section to provide that the aggregate amount withheld or deducted under those notices or court orders satisfies the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, 2716.13, and 4123.67 of the Revised Code. However, in no case shall the aggregate amount withheld or deducted and any fees withheld or deducted as a charge for services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(F)(1) Any withholding or deduction requirement that is contained in a notice described in division (D) of this section and that is required to be issued by division (A), (B), or (C) of this section or any other section of the Revised Code has priority over any order of attachment, any order in aid of execution, and any other legal process issued under state law against the same earnings, payments, or account.

(2) When two or more withholding or deduction notices that are described in division (D) of this section and that are required to be issued by division (A), (B), or (C) of this section or any other section of the Revised Code are received by an employer, the bureau of workers' compensation, an employer that is paying more than one person's workers' compensation benefits, the public employees retirement board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police and firemen's disability and pension fund, the state

teachers retirement board, the school employees retirement board, the state highway patrol retirement board, a person paying or otherwise distributing income for more than one obligor, or a financial institution, the employer, bureau of workers' compensation, employer paying workers' compensation benefits, board, board of trustees, or other governing entity of a retirement system, person paying or distributing income to an obligor, or financial institution shall comply with all of the requirements contained in the notices to the extent that the total amount withheld from the obligor's personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings does not exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), withhold or deduct amounts in accordance with the allocation set forth in divisions (F)(2)(a) and (b) of this section, notify each court or child support enforcement agency that issued one of the notices of the allocation, and give priority to amounts designated in each notice as current support in the following manner:

(a) If the total of the amounts designated in the notices as current support exceeds the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the employer, bureau of workers' compensation, employer paying workers' compensation benefits, board, board of trustees, or other governing entity of a municipal retirement system, person paying or distributing income to an obligor, or financial institution shall allocate to each notice an amount for current support equal to the amount designated in that notice as current support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings available for withholding and the denominator is the total amount designated in all of the notices as current support.

(b) If the total of the amounts designated in the notices as current support does not exceed the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the persons and entities listed in division (F)(2)(a) of this section shall pay all of the amounts designated as current support in the notices and shall allocate to each notice an amount for past-due support equal to the amount designated in that notice as past-due support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings remaining available for withholding after the payment of current support and the denominator is the total amount designated in all of the notices as past-due support.

(G)(1) Except when a provision specifically authorizes or requires service other than as described in this division, service of any notice on any party, the bureau of workers' compensation, an employer that is paying a person's workers' compensation benefits, the public employees retirement board, the board, board of trustees, or other governing entity of any municipal retirement system, the board of trustees of the police and firemen's disability and pension fund, the state teachers retirement board, the school employees retirement board, the state highway patrol retirement board, a person paying or otherwise distributing an obligor's income, a financial institution, or an employer, for purposes of division (A), (B), (C), or (D) of this section, may be made by personal service or ordinary first class mail directed to the addressee at the last known address, or, in the case of a corporation, at its usual place of doing business. Any service of notice by ordinary first class mail shall be evidenced by a certificate of mailing filed with the clerk of the court.

(2) Each party to a support order shall notify the child support enforcement agency of the party's current mailing address and current residence address at the time of the issuance or modification of the order and, until further notice of the court that issues the order, shall notify the agency of any change in either address immediately after the change occurs. Any willful failure to comply with this division is contempt of court. No person shall fail to give the notice required by division (G)(2) of this section.

(3) Each support order, or modification of a support order, that is subject to this section shall contain a statement requiring each party to the order to notify the child support enforcement agency in writing of the party's current mailing address, the party's current residence address, and of any changes in either address and a notice that the requirement to notify the agency of all changes in either address continues until further notice from the court and that a willful failure to supply a correct mailing address or residence address or to provide the agency with all changes in either address is contempt of court.

(4)(a) The parent who is the residential parent and legal custodian of a child for whom a support order is issued or the person who otherwise has custody of a child for whom a support order is issued immediately shall notify, and the obligor under a support order may notify, the child support enforcement agency of any reason for which the support order should terminate, including, but not limited to, death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal or physical custody of the child. A willful failure to notify the child support

t agency as required by this division is contempt of court. Upon receipt of a notice pursuant to this division, the agency immediately shall conduct an investigation to determine if any reason exists for which the support order should terminate. If the agency so determines, it immediately shall notify the court that issued the support order of the reason for which the support order should terminate.

(b) Upon receipt of a notice given pursuant to division (G)(4)(a) of this section, the court shall impound any funds received for the child pursuant to the support order and set the case for a hearing for a determination of whether the support order should be terminated or modified or whether the court should take any other appropriate action.

(c) If the court terminates a support order pursuant to divisions (G)(4)(a) and (b) of this section, the termination of the support order also terminates any withholding or deduction order as described in division (D) or (H) of this section that was issued relative to the support order prior to December 31, 1993, and any withholding or deduction notice as described in division (D) or court order as described in division (D)(6), (D)(7), or (H) of this section that was issued relative to the support order on or after December 31, 1993. Upon the termination of any withholding or deduction order or any withholding or deduction notice, the court immediately shall notify the appropriate child support enforcement agency that the order or notice has been terminated, and the agency immediately shall notify each employer, financial institution, or other person or entity that was required to withhold or deduct a sum of money for the payment of support under the terminated withholding or deduction order or the terminated withholding or deduction notice that the order or notice has been terminated and that it is required to cease all withholding or deduction under the order or notice.

(d) The department of human services shall adopt rules that provide for both of the following:

(i) The return to the appropriate person of any funds that a court has impounded under division (G)(4)(b) of this section if the support order under which the funds were paid has been terminated pursuant to divisions (G)(4)(a) and (b) of this section;

(ii) The return to the appropriate person of any other payments made pursuant to a support order if the payments were made at any time after the support order under which the funds were paid has been terminated pursuant to divisions (G)(4)(a) and (b) of this section.

(5) If any party to a support order requests a modification of the order or if any obligee under a support order or any person on behalf of the obligee files any action to enforce a support order, the court shall notify the child

support enforcement agency that is administering the support order or that will administer the order after the court's determination of the request or the action, of the request or the filing.

(6) When a child support enforcement agency receives any notice under division (G) of section 2151.23, section 2301.37, division (E) of section 3105.18, division (C) of section 3105.21, division (A) of section 3109.05, division (F) of section 3111.13, division (B) of section 3113.04, section 3113.21, section 3113.211, section 3113.212, division (K) of section 3113.31, or division (D) of section 3115.22 of the Revised Code, it shall issue the most appropriate notices under division (D) of this section. Additionally, it shall do all of the following:

(a) If the obligor is subject to a withholding notice issued under division (D)(1) of this section and the notice relates to the obligor's change of employment, send a withholding notice under that division to the new employer of the obligor as soon as the agency obtains knowledge of that employer;

(b) If the notification received by the agency specifies that a lump-sum payment of five hundred dollars or more is to be paid to the obligor, notify the court of the receipt of the notice and its contents;

(c) Comply with section 3113.212 of the Revised Code, as appropriate.

(H)(1)(a) For purposes of division (D)(1) of this section, when a person who fails to comply with a support order that is subject to that division derives income from self-employment or commission, is employed by an employer not subject to the jurisdiction of the court, or is in any other employment situation that makes the application of that division impracticable, the court may require the person to enter into a cash bond to the court in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the person will make payment as previously ordered.

(b) When a court determines at a hearing conducted under division (B) of this section, or a child support enforcement agency determines at a hearing or pursuant to an investigation conducted under division (B) of this section, that the obligor under the order in relation to which the hearing or investigation is conducted is unemployed and has no other source of income and no assets so that the application of divisions (B) and (D) of this section would be impracticable, the court shall issue an order as described in division (D)(7) of this section and shall order the obligor to notify the child support enforcement agency in writing immediately upon commencement of employment, including self-employment, of the receipt of workers' compensation payments, of the receipt of any other source of income, or of

the opening of an account in a financial institution, and to include in the notification a description of the nature of the employment, the name and business address of the employer, and any other information reasonably required by the court.

(2) When a court determines, at a hearing conducted under division (C)(2) of this section, that an obligor is unemployed, is not receiving workers' compensation payments, does not have an account in a financial institution, and has no other source of income and no assets so that the application of divisions (C)(2) and (D) of this section would be impracticable, the court shall issue an order as described in division (D)(7) of this section and shall order the obligor to notify the child support enforcement agency, in writing, immediately upon commencement of employment, including self-employment, of the receipt of workers' compensation payments, of the receipt of any other source of income, or of the opening of an account in a financial institution, and to include in the notification a description of the nature of the employment, the name and business address of the employer or the name and address of the financial institution, and any other information reasonably required by the court.

(3)(a) Upon receipt of a notice from a child support enforcement agency under division (G)(6) of this section that a lump-sum payment of five hundred dollars or more is to be paid to the obligor, the court shall do either of the following:

(i) If the obligor is in default under the support order or has any unpaid arrearages under the support order, issue an order requiring the transmittal of the lump-sum payment to the child support enforcement agency.

(ii) If the obligor is not in default under the support order and does not have any unpaid arrearages under the support order, issue an order directing the person who gave the notice to the court to immediately pay the full amount of the lump-sum payment to the obligor.

(b) Upon receipt of any moneys pursuant to division (H)(3)(a) of this section, a child support enforcement agency shall pay the amount of the lump-sum payment that is necessary to discharge all of the obligor's arrearages to the obligee and, within two business days after its receipt of the money, any amount that is remaining after the payment of the arrearages to the obligor.

(c) Any court that issued an order prior to December 1, 1986, requiring an employer to withhold an amount from an obligor's personal earnings for the payment of support shall issue a supplemental order that does not change the original order or the related support order requiring the employer to do all of the following:

(i) No later than the earlier of forty-five days before a lump-sum payment is to be made or, if the obligor's right to a lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor;

(ii) Hold the lump-sum payment for thirty days after the date on which it would otherwise be paid to the obligor, if the lump-sum payment is sick pay, a lump-sum payment of retirement benefits or contributions, or profit-sharing payments or distributions;

(iii) Upon order of the court, pay any specified amount of the lump-sum payment to the child support enforcement agency.

(d) If an employer knowingly fails to notify the child support enforcement agency in accordance with division (D) of this section of any lump-sum payment to be made to an obligor, the employer is liable for any support payment not made to the obligee as a result of its knowing failure to give the notice as required by that division.

(I)(1) Any support order, or modification of a support order, that is subject to this section shall contain the date of birth and social security number of the obligor.

(2) No withholding or deduction notice described in division (D) or court order described in division (D)(6) or (7) of this section shall contain any information other than the information specifically required by division (A), (B), (C), or (D) of this section or by any other section of the Revised Code and any additional information that the issuing court determines may be necessary to comply with the notice.

(J) No withholding or deduction notice described in division (D) or court order described in division (D)(6) or (7) of this section and issued under division (A), (B), or (C) of this section or any other section of the Revised Code shall be terminated solely because the obligor pays any part or all of the arrearages under the support order.

(K)(1) Except as provided in division (K)(2) of this section and section 2301.42 of the Revised Code and the rules adopted pursuant to division (C) of that section, if child support arrearages are owed by an obligor to the obligee and to the department of human services, any payments received on the arrearages by the child support enforcement agency first shall be paid to the obligee until the arrearages owed to the obligee are paid in full.

(2) Division (K)(1) of this section does not apply to the collection of past-due child support from refunds of paid federal taxes pursuant to section 5101.32 of the Revised Code or of overdue child support from refunds of

paid state income taxes pursuant to sections 5101.321 and 5747.121 of the Revised Code.

(L)(1) Each court with jurisdiction to issue support orders shall establish rules of court to ensure that the following percentage of all actions to establish a support requirement or to modify a previously issued support order be completed within the following time limits:

(a) Ninety per cent of all of the actions shall be completed within three months after they were initially filed;

(b) Ninety-eight per cent of all of the actions shall be completed within six months after they were initially filed;

(c) One hundred per cent of all of the actions shall be completed within twelve months after they were initially filed.

(2) If a case involves complex legal issues requiring full judicial review, the court shall issue a temporary support order within the time limits set forth in division (L)(1) of this section, which temporary order shall be in effect until a final support order is issued in the case. All cases in which the imposition of a notice or order under division (D) of this section is contested shall be completed within the period of time specified by law for completion of the case. The failure of a court to complete a case within the required period does not affect the ability of any court to issue any order under this section or any other section of the Revised Code for the payment of support, does not provide any defense to any order for the payment of support that is issued under this section or any other section of the Revised Code, and does not affect any obligation to pay support.

(3)(a) In any Title IV-D case, the judge, when necessary to satisfy the federal requirement of expedited process for obtaining and enforcing support orders, shall appoint referees to make findings of fact and recommendations for the judge's approval in the case. All referees appointed pursuant to this division shall be attorneys admitted to the practice of law in this state. If the court appoints a referee pursuant to this division, the court may appoint any additional administrative and support personnel for the referee.

(b) Any referee appointed pursuant to division (L)(3)(a) of this section may perform any of the following functions:

(i) The taking of testimony and keeping of a record in the case;

(ii) The evaluation of evidence and the issuance of recommendations to establish, modify, and enforce support orders;

(iii) The acceptance of voluntary acknowledgments of support liability and stipulated agreements setting the amount of support to be paid;

(iv) The entering of default orders if the obligor does not respond to

notices in the case within a reasonable time after the notices are issued;

(v) Any other functions considered necessary by the court.

(4) The child support enforcement agency may conduct administrative reviews of support orders to obtain voluntary notices or court orders under division (D) of this section and to correct any errors in the amount of any arrearages owed by an obligor. The obligor and the obligee shall be notified of the time, date, and location of the administrative review at least fourteen days before it is held.

(M)(1) The termination of a support obligation or a support order does not abate the power of any court to collect overdue and unpaid support or to punish any person for a failure to comply with an order of the court or to pay any support as ordered in the terminated support order and does not abate the authority of a child support enforcement agency to issue, in accordance with this section, any notice described in division (D) of this section or of a court to issue, in accordance with this section, any court order as described in division (D)(6) or (7) of this section, to collect any support due or arrearage under the support order.

(2) Any court that has the authority to issue a support order shall have all powers necessary to enforce that support order, and all other powers, set forth in this section.

(3) Except as provided in division (M)(4) of this section, a court may not retroactively modify an obligor's duty to pay a delinquent support payment.

(4) A court with jurisdiction over a support order may modify an obligor's duty to pay a support payment that becomes due after notice of a petition to modify the support order has been given to each obligee and to the obligor before a final order concerning the petition for modification is entered.

(N) If an obligor is in default under a support order and has a claim against another person of more than one thousand dollars, the obligor shall notify the child support enforcement agency of the claim, the nature of the claim, and the name of the person against whom the claim exists. If an obligor is in default under a support order and has a claim against another person or is a party in an action for any judgment, the child support enforcement agency or the agency's attorney, on behalf of the obligor, immediately shall file with the court in which the action is pending a motion to intervene in the action or a creditor's bill. The motion to intervene shall be prepared and filed pursuant to Civil Rules 5 and 24(A) and (C).

Nothing in this division shall preclude an obligee from filing a motion to intervene in any action or a creditor's bill.

(O) If an obligor is receiving unemployment compensation benefits, an amount may be deducted from those benefits for purposes of child support, in accordance with section 2301.371 and division (D)(4) of section 4141.28 of the Revised Code. Any deduction from a source in accordance with those provisions is in addition to, and does not preclude, any withholding or deduction for purposes of support under divisions (A) to (N) of this section.

(P) As used in this section, and in sections 3113.211 to 3113.217 of the Revised Code:

(1) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund in which a person who is required to pay child support has funds on deposit that are not exempt under the law of this state or the United States from execution, attachment, or other legal process.

(2) "Title IV-D case" means any case in which the child support enforcement agency is enforcing the child support order pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended.

~~(3) "Child support enforcement agency" means the child support enforcement agency designated pursuant to section 2301.35 of the Revised Code.~~

~~(4)~~ "Obligor" means the person who is required to pay support under a support order.

~~(5)~~(4) "Obligee" means the person who is entitled to receive the support payments under a support order.

~~(6)~~(5) "Support order" means an order for the payment of support and, for orders issued or modified on or after December 31, 1993, includes any notices described in division (D) or (H) of this section that are issued in accordance with this section.

~~(7)~~(6) "Support" means child support, spousal support, and support for a spouse or former spouse.

~~(8)~~(7) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes, but is not limited to, wages, salary, commissions, bonuses, draws against commissions, profit sharing, and vacation pay.

~~(9)~~(8) "Default" has the same meaning as in section 2301.34 of the Revised Code.

Sec. 3113.215. (A) As used in this section:

(1) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent, and any potential income of the parent.

(2) "Gross income" means, except as excluded in this division, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes, but is not limited to, income from salaries, wages, overtime pay and bonuses to the extent described in division (B)(5)(d) of this section, commissions, royalties, tips, rents, dividends, severance pay, pensions, interest, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, benefits received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration, spousal support actually received from a person not a party to the support proceeding for which actual gross income is being determined, and all other sources of income; income of members of any branch of the United States armed services or national guard, including, but not limited to, amounts representing base pay, basic allowance for quarters, basic allowance for subsistence, supplemental subsistence allowance, cost of living adjustment, specialty pay, variable housing allowance, and pay for training or other types of required drills; self-generated income; and potential cash flow from any source.

"Gross income" does not include any benefits of the following:

(a) Benefits received from means-tested public assistance programs, including, but not limited to, ~~aid to families with dependent children, Ohio works first, prevention, retention, and contingency,~~ supplemental security income, food stamps, or disability assistance, ~~does not include any benefits;~~

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that have not been distributed to the veteran who is the beneficiary of the benefits and that are in the possession of the United States department of veterans' affairs or veterans' administration, ~~does not include any child;~~

(c) Child support received for children who were not born or adopted during the marriage at issue, ~~does not include amounts;~~

(d) Amounts paid for mandatory deductions from wages other than taxes, social security, or retirement in lieu of social security, including, but not limited to, union dues, ~~and does not include nonrecurring;~~

(e) Nonrecurring or unsustainable income or cash flow items.

(3) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including, but not limited to, company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(4)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of replacement business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (A)(4)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(5) "Potential income" means both of the following for a parent that the court, or a child support enforcement agency pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised Code, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the parent's employment potential and probable earnings based on the parent's recent work history, the parent's occupational qualifications, and the prevailing job opportunities and salary levels in the community in which the parent resides;

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(6) "Child support order" means an order for the payment of child support.

(7) "Combined gross income" means the combined gross income of both parents.

(8) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal

custodian of at least one of those children.

(9) "Schedule" means the basic child support schedule set forth in division (D) of this section.

(10) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation and that is set forth in divisions (E) and (F) of this section.

(11) "Nonrecurring or unsustainable income or cash flow item" means any income or cash flow item that the parent receives in any year or for any number of years not to exceed three years and that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise utilizes to produce income or cash flow for a period of more than three years.

(12) "Extraordinary medical expenses" means any uninsured medical expenses that are incurred for a child during a calendar year and that exceed one hundred dollars for that child during that calendar year.

(B)(1) In any action in which a child support order is issued or modified under Chapter 3115. or section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, in any other proceeding in which the court determines the amount of child support that will be ordered to be paid pursuant to a child support order, or when a child support enforcement agency determines the amount of child support that will be paid pursuant to an administrative child support order issued pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised Code, the court or agency shall calculate the amount of the obligor's child support obligation in accordance with the basic child support schedule in division (D) of this section, the applicable worksheet in division (E) or (F) of this section, and the other provisions of this section, shall specify the support obligation as a monthly amount due, and shall order the support obligation to be paid in periodic increments as it determines to be in the best interest of the children. In performing its duties under this section, the court or agency is not required to accept any calculations in a worksheet prepared by any party to the action or proceeding. In any action or proceeding in which the court determines the amount of child support that will be ordered to be paid pursuant to a child support order or when a child support enforcement agency determines the amount of child support that will be paid pursuant to an administrative child

support order issued pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised Code, the amount of child support that would be payable under a child support order, as calculated pursuant to the basic child support schedule in division (D) of this section and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, is rebuttably presumed to be the correct amount of child support due, and the court or agency shall order that amount to be paid as child support unless both of the following apply with respect to an order issued by a court:

(a) The court, after considering the factors and criteria set forth in division (B)(3) of this section, determines that the amount calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the best interest of the child.

(b) The court enters in the journal the amount of child support calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, its determination that that amount would be unjust or inappropriate and would not be in the best interest of the child, and findings of fact supporting that determination.

(2) In determining the amount of child support to be paid under any child support order, the court, upon its own recommendation or upon the recommendation of the child support enforcement agency, shall or the child support enforcement agency, pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised Code, shall do all of the following:

(a) If the combined gross income of both parents is less than six thousand six hundred dollars per year, the court or agency shall determine the amount of the obligor's child support obligation on a case-by-case basis using the schedule as a guideline. The court or agency shall review the obligor's gross income and living expenses to determine the maximum amount of child support that it reasonably can order without denying the obligor the means for self-support at a minimum subsistence level and shall order a specific amount of child support, unless the obligor proves to the court or agency that the obligor is totally unable to pay child support and the court or agency determines that it would be unjust or inappropriate to order the payment of child support and enters its determination and supporting findings of fact in the journal.

(b) If the combined gross income of both parents is greater than one hundred fifty thousand dollars per year, the court or agency shall determine

the amount of the obligor's child support obligation on a case-by-case basis and shall consider the needs and the standard of living of the children who are the subject of the child support order and of the parents. When the court or agency determines the amount of the obligor's child support obligation for parents with a combined gross income greater than one hundred fifty thousand dollars, the court or agency shall compute a basic combined child support obligation that is no less than the same percentage of the parents' combined annual income that would have been computed under the basic child support schedule and under the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, for a combined gross income of one hundred fifty thousand dollars, unless the court or agency determines that it would be unjust or inappropriate and would not be in the best interest of the child, obligor, or obligee to order that amount and enters in the journal the figure, determination, and findings.

(c) The court shall not order an amount of child support that deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, unless both of the following apply:

(i) The court, after considering the factors and criteria set forth in division (B)(3) of this section, determines that the amount calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the best interest of the child;

(ii) The court enters in the journal the amount of child support calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, its determination that that amount would be unjust or inappropriate and would not be in the best interest of the child, and findings of fact supporting that determination.

(3) The court, in accordance with divisions (B)(1) and (2)(c) of this section, may deviate from the amount of support that otherwise would result from the use of the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, in cases in which the application of the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the best interest of the child. In determining whether that amount

would be unjust or inappropriate and would not be in the best interest of the child, the court may consider any of the following factors and criteria:

- (a) Special and unusual needs of the children;
- (b) Extraordinary obligations for minor children or obligations for handicapped children who are not stepchildren and who are not offspring from the marriage or relationship that is the basis of the immediate child support determination;
- (c) Other court-ordered payments;
- (d) Extended times of visitation or extraordinary costs associated with visitation, provided that this division does not authorize and shall not be construed as authorizing any deviation from the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, or any escrowing, impoundment, or withholding of child support because of a denial of or interference with a right of companionship or visitation granted by court order;
- (e) The obligor obtains additional employment after a child support order is issued in order to support a second family;
- (f) The financial resources and the earning ability of the child;
- (g) Disparity in income between parties or households;
- (h) Benefits that either parent receives from remarriage or sharing living expenses with another person;
- (i) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;
- (j) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;
- (k) The relative financial resources, other assets and resources, and needs of each parent;
- (l) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;
- (m) The physical and emotional condition and needs of the child;
- (n) The need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen;
- (o) The responsibility of each parent for the support of others;
- (p) Any other relevant factor.

The court may accept an agreement of the parents that assigns a monetary value to any of the factors and criteria listed in division (B)(3) of this section that are applicable to their situation.

(4) If an obligor or obligee under a child support order requests the court to modify the amount of support required to be paid pursuant to the child support order, the court shall recalculate the amount of support that would be required to be paid under the support order in accordance with the schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, and if that amount as recalculated is more than ten per cent greater than or more than ten per cent less than the amount of child support that is required to be paid pursuant to the existing child support order, the deviation from the recalculated amount that would be required to be paid under the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, shall be considered by the court as a change of circumstance that is substantial enough to require a modification of the amount of the child support order. In determining pursuant to this division the recalculated amount of support that would be required to be paid under the support order for purposes of determining whether that recalculated amount is more than ten per cent greater than or more than ten per cent less than the amount of child support that is required to be paid pursuant to the existing child support order, the court shall consider, in addition to all other factors required by law to be considered, the cost of health insurance which the obligor, the obligee, or both the obligor and the obligee have been ordered to obtain for the children specified in the order. Additionally, if an obligor or obligee under a child support order requests the court to modify the amount of support required to be paid pursuant to the child support order and if the court determines that the amount of support does not adequately meet the medical needs of the child, the inadequate coverage shall be considered by the court as a change of circumstance that is substantial enough to require a modification of the amount of the child support order. If the court determines that the amount of child support required to be paid under the child support order should be changed due to a substantial change of circumstances that was not contemplated at the time of the issuance of the original child support order or the last modification of the child support order, the court shall modify the amount of child support required to be paid under the child support order to comply with the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, unless the court determines that the amount calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the

st interest of the child and enters in the journal the figure, determination, and findings specified in division (B)(2)(c) of this section.

(5) When a court computes the amount of child support required to be paid under a child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order issued pursuant to section 3111.20, 3111.21, or 3111.22 of the Revised Code, all of the following apply:

(a) The parents shall verify current and past income and personal earnings with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(b) The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support paid to a former spouse shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the court-ordered spousal support is verified by supporting documentation.

(c) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption.

(d) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(i) The yearly average of all overtime and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(ii) The total overtime and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(e) When the court or agency calculates the gross income of a parent, it shall not include any income earned by the spouse of that parent.

(f) The court shall not order an amount of child support for reasonable and ordinary uninsured medical or dental expenses in addition to the amount of the child support obligation determined in accordance with the schedule. The court shall issue a separate order for extraordinary medical or dental

expenses, including, but not limited to, orthodontia, psychological, appropriate private education, and other expenses, and may consider the expenses in adjusting a child support order.

(g) When a court or agency calculates the amount of child support to be paid pursuant to a child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

(h) When the court or agency calculates gross income, the court or agency, when appropriate, may average income over a reasonable period of years.

(6)(a) If the court issues a shared parenting order in accordance with section 3109.04 of the Revised Code, the court shall order an amount of child support to be paid under the child support order that is calculated in accordance with the schedule and with the worksheet set forth in division (E) of this section, through line 24, except that, if the application of the schedule and the worksheet, through line 24, would be unjust or inappropriate to the children or either parent and would not be in the best interest of the child because of the extraordinary circumstances of the parents or because of any other factors or criteria set forth in division (B)(3) of this section, the court may deviate from the amount of child support that would be ordered in accordance with the schedule and worksheet, through line 24, shall consider those extraordinary circumstances and other factors or criteria if it deviates from that amount, and shall enter in the journal the amount of child support calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet, through line 24, its determination that that amount would be unjust or inappropriate and would not be in the best interest of the child, and findings of fact supporting that determination.

(b) For the purposes of this division, "extraordinary circumstances of the parents" includes, but is not limited to, all of the following:

- (i) The amount of time that the children spend with each parent;
- (ii) The ability of each parent to maintain adequate housing for the children;
- (iii) Each parent's expenses, including, but not limited to, child care

expenses, school tuition, medical expenses, and dental expenses.

(7)(a) In any action in which a child support order is issued or modified under Chapter 3115. or section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, or 3113.31 of the Revised Code or in any other proceeding in which the court determines the amount of child support that will be ordered to be paid pursuant to a child support order and except as otherwise provided in this division, the court shall issue a minimum support order requiring the obligor to pay a minimum amount of fifty dollars a month for child support under the child support order. The court, in its discretion and in appropriate circumstances, may issue a minimum support order requiring the obligor to pay an amount of child support that is less than fifty dollars a month or not requiring the obligor to pay an amount for support. The appropriate circumstances for which a court may issue a minimum support order requiring an obligor to pay an amount of child support that is less than fifty dollars a month or not requiring the obligor to pay an amount for support include, but are not limited to, the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness. If the court issues a minimum support order pursuant to this division and the obligor under the support order is the recipient of need-based public assistance, any unpaid amounts of support due under the support order shall accrue as arrearages from month to month, the obligor's current obligation to pay the support due under the support order is suspended during any period of time that the obligor is receiving need-based public assistance and is complying with any seek work orders issued pursuant to division (D)(7) of section 3113.21 of the Revised Code, and the court, obligee, and child support enforcement agency shall not enforce the obligation of the obligor to pay the amount of support due under the support order during any period of time that the obligor is receiving need-based public assistance and is complying with any seek work orders issued pursuant to division (D)(7) of section 3113.21 of the Revised Code.

(b) Notwithstanding division (B)(7)(a) of this section, if the amount of support payments that federal law requires or permits to be disregarded in determining eligibility for aid under Chapter 5107. of the Revised Code exceeds fifty dollars, instead of fifty dollars the amount of a minimum support order described in division (B)(7)(a) of this section shall be the amount federal law requires or permits to be disregarded.

(C) Except when the parents have split parental rights and responsibilities, a parent's child support obligation for a child for whom the parent is the residential parent and legal custodian shall be presumed to be

spent on that child and shall not become part of a child support order, and a parent's child support obligation for a child for whom the parent is not the residential parent and legal custodian shall become part of a child support order. If the parents have split parental rights and responsibilities, the child support obligations of the parents shall be offset, and the court shall issue a child support order requiring the parent with the larger child support obligation to pay the net amount pursuant to the child support order. If neither parent of a child who is the subject of a child support order is the residential parent and legal custodian of the child and the child resides with a third party who is the legal custodian of the child, the court shall issue a child support order requiring each parent to pay that parent's child support obligation pursuant to the child support order.

Whenever a court issues a child support order, it shall include in the order specific provisions for regular, holiday, vacation, and special visitation in accordance with section 3109.05, 3109.11, or 3109.12 of the Revised Code or in accordance with any other applicable section of the Revised Code. The court shall not authorize or permit the escrowing, impoundment, or withholding of any child support payment because of a denial of or interference with a right of visitation included as a specific provision of the child support order or as a method of enforcing the specific provisions of the child support order dealing with visitation.

~~(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the~~
The following basic child support schedule shall be used by all courts and child support enforcement agencies when calculating the amount of child support that will be paid pursuant to a child support order or an administrative child support order, unless the combined gross income of the parents is less than sixty-six hundred dollars or more than one hundred fifty thousand dollars:

<u>Income</u>	Basic Child Support Schedule					
	One	Two	Three	Four	Five	Combined Gross Number of Children
6600	600	600	600	600	600	Six
6600	600	600	600	600	600	600
7200	600	600	600	600	600	600
7800	600	600	600	600	600	600
8400	600	600	600	600	600	600
9000	849	859	868	878	887	896
9600	1259	1273	1287	1301	1315	1329

102001669	1687	1706	1724	1743	1761
108002076	2099	2122	2145	2168	2192
114002331	2505	2533	2560	2588	2616
120002439	2911	2943	2975	3007	3039
126002546	3318	3354	3390	3427	3463
132002654	3724	3765	3806	3846	3887
138002761	4029	4175	4221	4266	4311
144002869	4186	4586	4636	4685	4735
150002976	4342	4996	5051	5105	5159
156003079	4491	5321	5466	5524	5583
162003179	4635	5490	5877	5940	6003
168003278	4780	5660	6254	6355	6423
174003378	4924	5830	6442	6771	6843
180003478	5069	5999	6629	7186	7262
186003578	5213	6169	6816	7389	7682
192003678	5358	6339	7004	7592	8102
198003778	5502	6508	7191	7796	8341
204003878	5647	6678	7378	7999	8558
210003977	5790	6847	7565	8201	8774
216004076	5933	7015	7750	8402	8989
222004176	6075	7182	7936	8602	9204
228004275	6216	7345	8116	8798	9413
234004373	6357	7509	8297	8994	9623
240004471	6498	7672	8478	9190	9832
246004570	6639	7836	8658	9386	10042
252004668	6780	8000	8839	9582	10251
258004767	6920	8163	9020	9778	10461
264004865	7061	8327	9200	9974	10670
270004963	7202	8490	9381	10170	10880
276005054	7332	8642	9548	10351	11074
282005135	7448	8776	9697	10512	11246
288005216	7564	8911	9845	10673	11418
294005297	7678	9045	9995	10833	11592
300005377	7792	9179	10143	10994	11764
306005456	7907	9313	10291	11154	11936
312005535	8022	9447	10439	11315	12107
318005615	8136	9581	10587	11476	12279
324005694	8251	9715	10736	11636	12451
330005774	8366	9849	10884	11797	12623
336005853	8480	9983	11032	11957	12794

342005933	8595	10117	11180	12118	12966
348006012	8709	10251	11328	12279	13138
354006091	8824	10385	11476	12439	13310
360006171	8939	10519	11624	12600	13482
366006250	9053	10653	11772	12761	13653
372006330	9168	10787	11920	12921	13825
378006406	9275	10913	12058	13071	13988
384006447	9335	10984	12137	13156	14079
390006489	9395	11055	12215	13242	14170
396006530	9455	11126	12294	13328	14261
402006571	9515	11197	12373	13413	14353
408006613	9575	11268	12451	13499	14444
414006653	9634	11338	12529	13583	14534
420006694	9693	11409	12607	13667	14624
426006735	9752	11479	12684	13752	14714
432006776	9811	11549	12762	13836	14804
438006817	9871	11619	12840	13921	14894
444006857	9930	11690	12917	14005	14985
450006898	9989	11760	12995	14090	15075
456006939	10049	11830	13073	14174	15165
462006978	10103	11897	13146	14251	15250
468007013	10150	11949	13203	14313	15316
474007048	10197	12000	13260	14375	15382
480007083	10245	12052	13317	14437	15448
486007117	10292	12103	13374	14498	15514
492007152	10339	12155	13432	14560	15580
498007187	10386	12206	13489	14622	15646
504007222	10433	12258	13546	14684	15712
510007257	10481	12309	13603	14745	15778
516007291	10528	12360	13660	14807	15844
522007326	10575	12412	13717	14869	15910
528007361	10622	12463	13774	14931	15976
534007396	10669	12515	13832	14992	16042
540007431	10717	12566	13889	15054	16108
546007468	10765	12622	13946	15120	16178
552007524	10845	12716	14050	15232	16298
558007582	10929	12814	14159	15350	16425
564007643	11016	12918	14273	15474	16558
570007704	11104	13021	14388	15598	16691
576007765	11192	13125	14502	15722	16824

582007825	11277	13225	14613	15842	16953
588007883	11361	13324	14723	15961	17079
594007941	11445	13423	14832	16079	17206
600008000	11529	13522	14941	16197	17333
606008058	11612	13620	15050	16315	17460
612008116	11696	13719	15160	16433	17587
618008175	11780	13818	15269	16552	17714
624008233	11864	13917	15378	16670	17840
630008288	11945	14011	15481	16783	17958
636008344	12024	14102	15582	16893	18075
642008399	12103	14194	15683	17002	18193
648008454	12183	14285	15784	17111	18310
654008510	12262	14376	15885	17220	18427
660008565	12341	14468	15986	17330	18544
666008620	12421	14559	16087	17439	18661
672008676	12500	14650	16188	17548	18778
678008731	12579	14741	16289	17657	18895
684008786	12659	14833	16390	17767	19012
690008842	12738	14924	16491	17876	19129
696008897	12817	15015	16592	17985	19246
702008953	12897	15107	16693	18094	19363
708009008	12974	15196	16791	18201	19476
714009060	13047	15281	16885	18302	19585
720009111	13120	15366	16979	18404	19694
726009163	13194	15451	17073	18506	19803
732009214	13267	15536	17167	18608	19912
738009266	13340	15621	17261	18709	20021
744009318	13413	15706	17355	18811	20130
750009369	13487	15791	17449	18913	20239
756009421	13560	15876	17543	19015	20347
762009473	13633	15961	17636	19116	20456
768009524	13707	16046	17730	19218	20565
774009576	13780	16131	17824	19320	20674
780009627	13853	16216	17918	19422	20783
786009679	13927	16300	18012	19523	20892
792009731	14000	16385	18106	19625	21001
798009782	14073	16470	18200	19727	21109
804009834	14147	16555	18294	19829	21218
810009885	14220	16640	18387	19930	21326
816009936	14292	16723	18480	20030	21434

822009987	14364	16807	18573	20131	21541
8280010038	14439	16891	18665	20235	21651
8340010090	14514	16979	18762	20340	21763
8400010142	14589	17066	18859	20444	21875
8460010194	14663	17154	18956	20549	21987
8520010246	14738	17241	19052	20653	22099
8580010298	14813	17329	19149	20758	22211
8640010350	14887	17417	19246	20863	22323
8700010403	14962	17504	19343	20967	22435
8760010455	15037	17592	19440	21072	22547
8820010507	15111	17679	19537	21176	22659
8880010559	15186	17767	19633	21281	22771
8940010611	15261	17855	19730	21386	22883
9000010663	15335	17942	19827	21490	22995
9060010715	15410	18030	19924	21595	23107
9120010767	15485	18118	20021	21700	23219
9180010819	15559	18205	20118	21804	23331
9240010872	15634	18293	20215	21909	23443
9300010924	15709	18380	20311	22013	23555
9360010976	15783	18468	20408	22118	23667
9420011028	15858	18556	20505	22223	23779
9480011080	15933	18643	20602	22327	23891
9540011132	16007	18731	20699	22432	24003
9600011184	16082	18818	20796	22536	24115
9660011236	16157	18906	20892	22641	24227
9720011289	16231	18994	20989	22746	24339
9780011341	16306	19081	21086	22850	24451
9840011393	16381	19169	21183	22955	24563
9900011446	16450	19255	21279	23062	24676
9960011491	16516	19334	21366	23156	24777
10020011536	16583	19413	21453	23250	24878
10080011581	16649	19491	21539	23345	24978
10140011625	16714	19569	21625	23437	25077
10200011670	16779	19646	21710	23530	25177
10260011714	16844	19724	21796	23623	25276
10320011759	16909	19801	21881	23715	25375
10380011803	16974	19879	21967	23808	25475
10440011847	17039	19956	22052	23901	25574
10500011892	17104	20034	22138	23994	25673
10560011934	17167	20108	22220	24083	25769

10620011979	17232	20186	22305	24176	25868
10680012023	17297	20263	22391	24269	25968
10740012068	17362	20341	22476	24361	26067
10800012110	17425	20415	22559	24451	26162
10860012155	17490	20493	22644	24543	26262
10920012199	17555	20570	22730	24636	26361
10980012243	17620	20648	22815	24729	26460
11040012286	17683	20722	22897	24818	26556
11100012331	17748	20800	22983	24911	26655
11160012375	17813	20877	23068	25004	26755
11220012419	17878	20955	23154	25096	26854
11280012462	17941	21029	23236	25186	26949
11340012506	18006	21107	23322	25278	27049
11400012551	18071	21184	23407	25371	27148
11460012595	18136	21262	23493	25464	27247
11520012640	18202	21339	23578	25557	27347
11580012682	18264	21414	23660	25646	27442
11640012727	18329	21491	23746	25739	27542
11700012771	18394	21569	23831	25832	27641
11760012815	18460	21646	23917	25924	27740
11820012858	18522	21721	23999	26013	27836
11880012902	18587	21798	24084	26106	27935
11940012947	18652	21876	24170	26199	28034
12000012991	18718	21953	24256	26292	28134
12060013034	18780	22028	24338	26381	28229
12120013078	18845	22105	24423	26474	28329
12180013123	18910	22183	24509	26567	28428
12240013167	18976	22260	24594	26659	28527
12300013210	19038	22335	24676	26749	28623
12360013254	19103	22412	24762	26841	28722
12420013299	19168	22490	24847	26934	28821
12480013343	19234	22567	24933	27027	28921
12540013386	19296	22642	25015	27116	29016
12600013430	19361	22719	25101	27209	29115
12660013474	19426	22797	25186	27302	29215
12720013519	19492	22874	25272	27395	29314
12780013561	19554	22949	25354	27484	29410
12840013606	19619	23026	25439	27576	29509
12900013650	19684	23104	25525	27669	29608
12960013695	19750	23181	25610	27762	29708

13020013739	19815	23259	25696	27855	29807
13080013783	19879	23335	25780	27946	29905
13140013828	19945	23414	25868	28041	30007
13200013874	20012	23494	25955	28136	30108
13260013919	20079	23573	26043	28231	30210
13320013963	20143	23649	26127	28323	30308
13380014008	20210	23729	26215	28418	30410
13440014054	20276	23808	26302	28513	30511
13500014099	20343	23887	26390	28608	30613
13560014143	20407	23964	26474	28699	30711
13620014188	20474	24043	26561	28794	30813
13680014234	20541	24123	26649	28889	30914
13740014279	20607	24202	26737	28984	31016
13800014323	20671	24278	26821	29075	31114
13860014368	20738	24358	26908	29170	31215
13920014414	20805	24437	26996	29265	31317
13980014459	20872	24516	27083	29361	31419
14040014503	20936	24593	27168	29452	31517
14100014549	21002	24672	27255	29547	31618
14160014594	21069	24751	27343	29642	31720
14220014639	21136	24831	27430	29737	31822
14280014683	21200	24907	27515	29828	31920
14340014729	21267	24986	27602	29923	32021
14400014774	21333	25066	27690	30018	32123
14460014820	21400	25145	27777	30113	32225
14520014865	21467	25225	27865	30208	32327
14580014909	21531	25301	27949	30300	32424
14640014963	21596	25377	28041	30396	32526
14700015006	21659	25452	28124	30486	32622
14760015049	21722	25527	28207	30576	32718
14820015090	21782	25599	28286	30662	32810
14880015133	21845	25674	28369	30752	32907
14940015176	21908	25749	28452	30842	33003
15000015218	21971	25823	28534	30931	33099

~~(2) Until July 1, 1994, or a later date specified pursuant to division (D)(3) of this section, the following basic child support schedule shall be used by all courts and child support enforcement agencies to calculate the amount of child support that will be paid pursuant to a child support order or an administrative child support order when combined gross income is at least six thousand dollars but not more than twenty one thousand six~~

hundred dollars:

Basic Child Support Schedule					Gross Number of Children	
Income	One	Two	Three	Four	Five	Six
6000	240	372	468	528	576	612
7200	1068	1308	1428	1608	1656	1692
8400	1884	2244	2388	2688	2736	2784
9600	2052	3180	3348	3768	3816	3876
10800	2208	3432	4308	4848	4896	4968
12000	2439	3684	4620	5208	5676	6060
13200	2654	3924	4920	5556	6048	6456
14400	2869	4186	5208	5880	6408	6840
15600	3079	4491	5508	6204	6756	7224
16800	3278	4780	5796	6528	7116	7608
18000	3478	5069	6072	6840	7464	7980
19200	3678	5358	6339	7140	7788	8352
20400	3878	5647	6678	7440	8112	8688
21600	4078	5935	7018	7755	8448	9036

~~(3) The office of budget and management and the department of human services shall conduct a study of the impact on the general revenue fund of implementing the basic child support schedule in division (D)(1) of this section for combined gross incomes of at least six thousand dollars but not more than twenty one thousand six hundred dollars. If, prior to July 1, 1994, the department and the office conclude from the study that implementing the basic child support schedule in division (D)(1) of this section for those incomes will have a negative impact on the general revenue fund, the department shall inform the controlling board of the impact and recommend to the board continued use of the schedule in division (D)(2) until a date which the department shall specify. On receipt of the department's recommendation, the board shall specify a date for discontinuance of the schedule in division (D)(2), which may be the date recommended by the department or any other date considered appropriate by the board. On the date specified by the board, the schedule in division (D)(2) shall cease to be used and child support shall be calculated pursuant to the schedule in division (D)(1) of this section.~~

(E) When a court or child support enforcement agency calculates the amount of child support that will be required to be paid pursuant to a child support order or an administrative child support order in a proceeding in

high one parent is the residential parent and legal custodian of all of the children who are the subject of the child support order or the court issues a shared parenting order, the court or child support enforcement agency shall use a worksheet that is identical in content and form to the following worksheet:

"Worksheet
 County Domestic Relations Court (or)
 County Child Support Enforcement Agency
 Child Support Computation
 Sole Residential Parent or
 Shared Parenting Order

Name of parties

Case No.

Number of minor children The following parent was designated as the residential parent and legal custodian (disregard if shared parenting order):

..... mother; father.

Father has pay periods annually; mother has pay periods annually.

	Column I Father	Column II Mother	Column III Combined
1a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years (exclude overtime and bonuses).....	\$.....	\$.....	
b. Amount of overtime and bonuses	Father	Mother	
Yr. 3 (Three years ago)	\$.....	\$.....	
Yr. 2 (Two years ago)	\$.....	\$.....	
Yr. 1 (Last calendar year)	\$.....	\$.....	
Average: (Include in Column I and/or Column II the average of the three years or the year 1 amount,	\$.....	\$.....	
	\$.....	\$.....	

whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the three years or the year 1 amount, include only the amount reasonably expected to be earned this

year.).....		
2. Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....
3. Annual income from unemployment compensation.....	\$.....	\$.....
4. Annual income from workers' compensation or disability insurance benefits.....	\$.....	\$.....
5. Other annual income (identify).....	\$.....	\$.....
6. Total annual gross income (add lines 1-5).....	\$.....	\$.....
7. Annual court-ordered support paid for other children.....	\$.....	\$.....
8. Adjustment for minor children born to either parent and another parent, which children are living with this parent (number of	\$.....	\$.....

ldren times federal income tax exemption less child support received for the year, not to exceed the federal tax exemption).....

9. Annual court-ordered spousal support paid to a former spouse..... \$..... \$.....

10. Amount of local income taxes actually paid or estimated to be paid..... \$..... \$.....

11. For self-employed individuals, deduct 5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate..... \$..... \$.....

12. For self-employed individuals, deduct ordinary and necessary business expenses..... \$..... \$.....

13. Total gross income adjustments (add lines 7-12)..... \$..... \$.....

14. Adjusted annual gross income (subtract line 13 from line 6)..... \$..... \$.....

15. Combined annual income that is basis for child support order (add line 14, Col. I and Col. II)..... \$.....

16. Percentage parent's income to total income

a. Father (divide line 14, Col. I by line 15, Col. III).....%

b. Mother (divide line 14, Col. II by line 15, Col. III) + = 100%

17. Basic combined child support \$..... %

obligation (Refer to basic child support schedule in division (D) of section 3113.215 of the Revised Code; in the first column of the schedule, locate the sum that is nearest to the combined annual income listed in line 15, Col. III of this worksheet, then refer to the column of the schedule that corresponds to the number of children in this family. If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you may calculate the basic combined child support obligation based upon the obligation for those two sums.).....

18. Annual child care expenses \$..... \$.....
 for the children who are the subject of this order that are work, employment training, or education related, as approved by the court or agency (deduct the tax credit from annual cost, whether or not claimed).....

19. Marginal, out-of-pocket costs, \$..... \$.....
 necessary to provide for health insurance for the children who are the subject of this order.....

20. Total child care and medical \$..... \$.....
 expenses (add lines 18 and 19, Column I and Column II).....

21. Combined annual child \$.....
 support obligation for this family (add lines 17 and 20, Column I

and Column

II).....

22. Annual support

obligation/parent

a. Father (multiply line 21, Col. \$.....

III, by line

16a).....

b. Mother (multiply line 21, Col.

\$.....

III, by line

16b).....

23. Adjustment for actual \$..... \$.....

expenses paid for annual child

care expenses and marginal,

out-of-pocket costs, necessary to

provide for health insurance

(enter number from line 18 or 19

if

applicable).....

24. Actual annual obligation \$..... \$.....

(subtract line 23 from line 22a or

22b).....

25. Gross household income per \$..... \$.....

party after exchange of child

support (add lines 14 and 24

Column I or II for residential

parent or, in the case of shared

parenting order, the parent to

whom child support will be paid;

subtract line 24 Column I or II

from line 14 for parent who is not

the residential parent or, in the

case of shared parenting order,

the parent who will pay child

support).....

26. Comments, rebuttal, or \$..... \$.....

adjustments to correct figures in

lines 24, Column I and 24,

Column II if they would be unjust

or inappropriate and would not be

in best interest of the child or

children (specific facts to support adjustments must be included).....

(Addendum sheet may be attached)

27. Final figure (this amount \$..... father/mother reflects final annual child support obligor obligation).....

28. For decree: child support per \$..... child per week or per month (divide obligor's annual share, line 27, by 12 or 52 and by number of children).....

29. For deduction order: child \$..... support per pay period (calculate support per pay period from figure on line 28) plus appropriate poundage.....

Calculations have been reviewed.

Signatures

Father

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, this day of, 19...

Notary Public

Mother

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, this day of, 19...

Notary Public

Attorney for father

Attorney for mother"

(F) When a court or child support enforcement agency calculates the amount of child support that will be required to be paid pursuant to a child support order in a proceeding in which both parents have split parental rights and responsibilities with respect to the children who are the subject of

the child support order, the court or child support enforcement agency shall use a worksheet that is identical in content and form to the following worksheet:

"Worksheet
 County Domestic Relations Court (or)
 County Child Support Enforcement Agency
 Child Support Computation
 Split Parental Rights and Responsibilities

Name of parties

Case No.

Number of minor children The following parent was designated residential parent and legal custodian:

..... mother; father.

Father has pay periods annually; mother has pay periods annually.

	Column I Father	Column II Mother	Column III Combined
1a. Annual gross income from employment or, when determined to be appropriate by the court or agency, average annual gross income from employment over a reasonable period of years (exclude overtime and bonuses).....	\$.....	\$.....	
b. Amount of overtime and bonuses	Father	Mother	
Yr. 3 (Three years ago)	\$.....	\$.....	
Yr. 2 (Two years ago)	\$.....	\$.....	
Yr. 1 (Last calendar year)	\$.....	\$.....	
Average:	\$.....	\$.....	
(Include in Column I and/or Column II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime	\$.....	\$.....	

or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the three years or the year 1 amount, include only the amount reasonably expected to be earned this

year.).....		
2. Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....
3. Annual income from unemployment compensation.....	\$.....	\$.....
4. Annual income from workers' compensation or disability insurance benefits.....	\$.....	\$.....
5. Other annual income (identify).....	\$.....	\$.....
6. Total annual gross income (add lines 1-5).....	\$.....	\$.....
7. Annual court-ordered support paid for other children.....	\$.....	\$.....
8. Adjustment for minor children born to either parent and another parent, which children are living with this parent (number of children times federal income tax exemption less child support received for the year, not to	\$.....	\$.....

exceed the federal tax exemption).....			
9. Annual court-ordered spousal support paid to a former spouse.....	\$.....	\$.....	
10. Amount of local income taxes actually paid or estimated to be paid.....	\$.....	\$.....	
11. For self-employed individuals, deduct 5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate.....	\$.....	\$.....	
12. For self-employed individuals, deduct ordinary and necessary business expenses.....	\$.....	\$.....	
13. Total gross income adjustments (add lines 7-12).....	\$.....	\$.....	
14. Adjusted annual gross income (subtract line 13 from line 6).....	\$.....	\$.....	
15. Combined annual income that is basis for child support order (add line 14, Col. I and Col. II).....			\$.....
16. Percentage parent's income to total income			
a. Father (divide line 14, Col. I by line 15, Col. III).....%			
b. Mother (divide line 14, Col. II by line 15, Col. III).....%	+	= 100%	
17. Basic combined child support obligation/household			
a. For children for whom the			\$.....

father is the residential parent and legal custodian (Refer to basic child support schedule in division (D) of section 3113.215 of the Revised Code; in the first column of the schedule, locate the sum that is nearest to the combined annual income listed in line 15, Col. III of this worksheet, then refer to the column of the schedule that corresponds to the number of children for whom the father is the residential parent and legal custodian. If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you may calculate the basic combined child support obligation based upon the obligation for those two sums.).....

b. For children for whom the mother is the residential parent and the legal custodian. (Refer to basic child support schedule in division (D) of section ~~3313.215~~ 3113.215 of the Revised Code; in the first column of the schedule, locate the sum that is nearest to the combined annual income listed in line 15, Col. III of this worksheet, then refer to the column of the schedule that corresponds to the number of children for whom the mother is the residential parent and the legal custodian. If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you

\$.....

may calculate the basic combined child support obligation based upon the obligation for those two sums.).....

18. Annual child care expenses for the children who are the subject of this order that are work, employment training, or education related, as approved by the court or agency (deduct the ~~as approved by the court or agency~~ tax credit from annual cost, whether or not claimed)

a. Expenses paid by the father..... \$.....

b. Expenses paid by the mother..... \$.....

19. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order

a. Costs paid by the father..... \$.....

b. Costs paid by the mother..... \$.....

20. Total annual child care and medical expenses

a. Of father (add lines 18a and 19a)..... \$.....

b. Of mother (add lines 18b and 19b)..... \$.....

21. Total annual child support obligation

a. Of father for child(ren) for whom the mother is the residential parent and legal custodian (add lines 20a and 17b and multiply by line 16a)..... \$.....

b. Of mother for child(ren) for

whom the father is the residential parent and legal custodian (add lines 20b and ~~17b~~ 17a and multiply by line

16b).....

22. Adjustment for actual expenses paid for annual child care expenses, and marginal, out-of-pocket costs, necessary to provide for health insurance

a. For father (enter number from \$..... line

20a).....

b. For mother (enter number from \$..... line

20b).....

23. Actual annual obligation \$..... \$.....

(subtract line 22a from line 21a and insert in Column I; subtract line 22b from line 21b and insert in Column

II).....

24. Net annual support obligation \$..... \$.....

(greater amount on line 23 Column I or line 23 Column II minus lesser amount on line 23 Column I or line 23 Column

II).....

25. Gross household income per \$..... \$.....

party after exchange of child support.....

(add line 14 and line 24 for the parent receiving a child support payment; subtract line 24 from line 14 for the parent making a child support payment)

26. Comments, rebuttal, or \$..... \$.....

adjustments to correct figures in lines 24, Column I and 24, Column II if they would be unjust

or inappropriate and would not be in best interest of the children (specific facts to support adjustments must be included).....

(Addendum sheet may be attached)

27. Final figure (this amount \$..... father/mother reflects final annual child support obligor obligation).....

28. For decree: child support per \$..... child per week or per month (divide obligor's annual share, line 27, by 12 or 52 and by the number of children).....

29. For deduction order: child support per day (calculate support per pay period from figure on line 28) and add appropriate poundage..... \$.....

Calculations have been reviewed.

Signatures

Father

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, this day of, 19...

Notary Public

Mother

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, this day of, 19...

Notary Public

.....
Attorney for father

.....
Attorney for mother"

(G) At least once every four years, the department of human services shall review the basic child support schedule set forth in division (D) of this section to determine whether support orders issued in accordance with the

schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, adequately provide for the needs of the children who are subject to the support orders, prepare a report of its review, and submit a copy of the report to both houses of the general assembly. For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of obligors, obligees, judges of courts of common pleas who have jurisdiction over domestic relations cases, attorneys whose practice includes a significant number of domestic relations cases, representatives of child support enforcement agencies, other persons interested in the welfare of children, three members of the senate appointed by the president of the senate, no more than two of whom are members of the same party, and three members of the house of representatives appointed by the speaker of the house, no more than two of whom are members of the same party. The department shall consider input from the council prior to the completion of any report under this section. The advisory council shall cease to exist at the time that it submits its report to the general assembly. Any expenses incurred by an advisory council shall be paid by the department.

On or before March 1, 1993, the department shall submit its initial report under this division to both houses of the general assembly. On or before the first day of March of every fourth year after 1993, the department shall submit a report under this division to both houses of the general assembly.

Sec. 3113.216. (A) As used in this section, "obligor;" and "obligee;" ~~and~~ "~~child support enforcement agency~~" have the same meanings as in section 3113.21 of the Revised Code.

(B) No later than October 13, 1990, the department of human services shall adopt rules pursuant to Chapter 119. of the Revised Code establishing a procedure for determining when existing child support orders should be reviewed to determine whether it is necessary and in the best interest of the children who are the subject of the child support order to change the child support order. The rules shall include, but are not limited to, all of the following:

(1) Any procedures necessary to comply with section 666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any regulations adopted pursuant to, or to enforce, that section;

(2) Procedures for determining what child support orders are to be subject to review upon the request of either the obligor or the obligee or

periodically by the child support enforcement agency administering the child support order;

(3) Procedures for the child support enforcement agency to periodically review and to review, upon the request of the obligor or the obligee, any child support order that is subject to review to determine whether the amount of child support paid under the child support order should be adjusted in accordance with the basic child support schedule set forth in division (D) of section 3113.215 of the Revised Code;

(4) Procedures for giving obligors and obligees notice of their right to request a review of a child support order that is determined to be subject to review, notice of any proposed revision of the amount of child support to be paid under the child support order, notice of the procedures for requesting a hearing on any proposed revision of the amount of child support to be paid under a child support order, notice of any administrative hearing to be held on a proposed revision of the amount of child support to be paid under a child support order, at least sixty days' prior notice of any review of their child support order, and notice that a failure to comply with any request for documents or information to be used in the review of a child support order is contempt of court;

(5) Procedures for obtaining the necessary documents and information necessary to review child support orders and for holding administrative hearings on a proposed revision of the amount of child support to be paid under a child support order;

(6) Procedures for adjusting child support orders in accordance with the basic child support schedule set forth in division (D) of section 3113.215 of the Revised Code and the applicable worksheet in division (E) of that section, through line 24 or in division (F) of that section, through line 23.

(C)(1) If a child support enforcement agency, periodically or upon request of an obligor or obligee, plans to review a child support order in accordance with the rules adopted pursuant to division (B) of this section or otherwise plans to review a child support order, it shall do all of the following prior to formally beginning the review:

(a) Establish a date certain upon which the review will formally begin;

(b) At least sixty days before formally beginning the review, send the obligor and the obligee notice of the planned review and of the date when the review will formally begin;

(c) Request the obligor to provide the agency, no later than the scheduled date for formally beginning the review, with a copy of the obligor's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligor within the preceding six months, a copy of all

other records evidencing the receipt of any other salary, wages, or compensation by the obligor within the preceding six months, and any other information necessary to properly review the child support order, and request the obligee to provide the agency, no later than the scheduled date for formally beginning the review, with a copy of the obligee's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligee within the preceding six months, a copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months, and any other information necessary to properly review the child support order;

(d) Include in the notice sent pursuant to division (C)(1)(b) of this section, a notice that a willful failure to provide the documents and other information requested pursuant to division (C)(1)(c) of this section is contempt of court.

(2) If either the obligor or the obligee fails to comply with a request for information made pursuant to division (C)(1)(c) of this section, it is contempt of court, and the agency shall notify the court of the failure to comply with the request for information. The agency may request the court to issue an order requiring the obligor or the obligee to provide the information as requested or take whatever action is necessary to obtain the information and make any reasonable assumptions necessary with respect to the income of the person in contempt of court to ensure a fair and equitable review of the child support order. If the agency decides to conduct the review based upon reasonable assumptions with respect to the income of the person in contempt of court, it shall proceed under division (C)(3) of this section in the same manner as if all requested information has been received.

(3) Upon the date established pursuant to division (C)(1)(a) of this section for formally beginning the review of a child support order, the agency shall review the child support order and shall do all of the following:

(a) Calculate a revised amount of child support to be paid under the child support order;

(b) Give the obligor and obligee notice of the revised amount of child support to be paid under the child support order, of their right to request an administrative hearing on the revised amount of child support, of the procedures and time deadlines for requesting the hearing, and that the revised amount of child support will be submitted to the court for inclusion in a revised child support order unless the obligor or obligee requests an administrative hearing on the proposed change within thirty days after receipt of the notice under this division;

(c) If neither the obligor nor the obligee timely requests an

administrative hearing on the revised amount of child support to be paid under the child support order, submit the revised amount of child support to the court for inclusion in a revised child support order;

(d) If the obligor or the obligee timely requests an administrative hearing on the revised amount of child support to be paid under the child support order, the agency shall schedule a hearing on the issue, give the obligor and obligee notice of the date, time, and location of the hearing, conduct the hearing in accordance with the rules adopted under division (B) of this section, redetermine at the hearing a revised amount of child support to be paid under the child support order, and give notice of all of the following to the obligor and obligee:

(i) The revised amount of child support to be paid under the child support order;

(ii) That they may request a court hearing on the revised amount of child support;

(iii) That the agency will submit the revised amount of child support to the court for inclusion in a revised child support order, if neither the obligor nor the obligee requests a court hearing on the revised amount of child support.

(e) If neither the obligor nor the obligee requests a court hearing on the revised amount of child support to be paid under the child support order, submit the revised amount of child support to the court for inclusion in a revised child support order.

(4) In calculating a revised amount of child support to be paid under a child support order under division (C)(3)(a) of this section, and in redetermining, at an administrative hearing conducted under division (C)(3)(d) of this section, a revised amount of child support to be paid under a child support order, the child support enforcement agency shall consider, in addition to all other factors required by law to be considered, the cost of health insurance which the obligor, the obligee, or both the obligor and the obligee have been ordered to obtain for the children specified in the order.

(D) If an obligor or obligee files a request for a court hearing on a revised amount of child support to be paid under a child support order in accordance with division (C) of this section and the rules adopted under division (B) of this section, the court shall conduct a hearing in accordance with division (C)(1)(c) of section 3113.21 of the Revised Code.

(E) A child support enforcement agency is not required to review a child support order pursuant to this section if the review is not otherwise required by section 666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any

regulations adopted pursuant to, or to enforce, that section and if either of the following apply:

(1) The obligee has made an assignment under section ~~5107.07~~ 5107.20 of the Revised Code of ~~his~~ the right to receive child support payments, the agency determines that the review would not be in the best interest of the children who are the subject of the child support order, and neither the obligor nor the obligee has requested that the review be conducted;

(2) The obligee has not made an assignment under section ~~5107.07~~ 5107.20 of the Revised Code of ~~his~~ the right to receive child support payments, neither the obligor nor the obligee has requested that the review be conducted.

Sec. 3113.217. (A) As used in this section:

(1) "Obligor;" and "obligee;" ~~and "child support enforcement agency"~~ have the same meanings as in section 3113.21 of the Revised Code.

(2) "Insurer" means any person that is authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(B) In any action or proceeding in which a child support order is issued or modified on or after July 1, 1990, under Chapter 3115. or section 2151.23, 2151.231, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the child support enforcement agency shall determine whether the obligor or obligee has satisfactory health insurance coverage, other than medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for the children who are the subject of the child support order. If the agency determines that neither the obligor nor the obligee has satisfactory health insurance coverage for the children, it shall file a motion with the court requesting the court to issue an order in accordance with divisions (C) to (K) of this section.

(C) In any action or proceeding in which a child support order is issued or modified on or after July 1, 1990, under Chapter 3115. or section 2151.23, 2151.231, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, in addition to any requirements in those sections, the court also shall issue a separate order that includes all of the following:

(1) A requirement that the obligor under the child support order obtain health insurance coverage for the children who are the subject of the child support order from an insurer that provides a group health insurance or health care policy, contract, or plan that is specified in the order and a

requirement that the obligor, no later than thirty days after the issuance of the order under division (C)(1) of this section, furnish written proof to the child support enforcement agency that the required health insurance coverage has been obtained, if that coverage is available at a reasonable cost through a group health insurance or health care policy, contract, or plan offered by the obligor's employer or through any other group health insurance or health care policy, contract, or plan available to the obligor and if health insurance coverage for the children is not available for a more reasonable cost through a group health insurance or health care policy, contract, or plan available to the obligee under the child support order;

(2) If the obligor is required under division (C)(1) of this section to obtain health insurance coverage for the children who are the subject of the child support order, a requirement that the obligor supply the obligee with information regarding the benefits, limitations, and exclusions of the health insurance coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the health insurance coverage, and a copy of any necessary insurance cards, a requirement that the obligor submit a copy of the court order issued pursuant to division (C) of this section to the insurer at the time that the obligor makes application to enroll the children in the health insurance or health care policy, contract, or plan, and a requirement that the obligor, no later than thirty days after the issuance of the order under division (C)(2) of this section, furnish written proof to the child support enforcement agency that division (C)(2) of this section has been complied with;

(3) A requirement that the obligee under the child support order obtain health insurance coverage for the children who are the subject of the child support order from an insurer that provides a group health insurance or health care policy, contract, or plan that is specified in the order and a requirement that the obligee, no later than thirty days after the issuance of the order under division (C)(1) of this section, furnish written proof to the child support enforcement agency that the required health insurance coverage has been obtained, if that coverage is available through a group health insurance or health care policy, contract, or plan offered by the obligee's employer or through any other group health insurance or health care policy, contract, or plan available to the obligee and if that coverage is available at a more reasonable cost than health insurance coverage for the children through a group health insurance or health care policy, contract, or plan available to the obligor;

(4) If the obligee is required under division (C)(3) of this section to obtain health insurance coverage for the children who are the subject of the

child support order, a requirement that the obligee submit a copy of the court order issued pursuant to division (C) of this section to the insurer at the time that the obligee makes application to enroll the children in the health insurance or health care policy, contract, or plan;

(5) A list of the group health insurance and health care policies, contracts, and plans that the court determines are available at a reasonable cost to the obligor or to the obligee and the name of the insurer that issues each policy, contract, or plan;

(6) A statement setting forth the name, address, and telephone number of the individual who is to be reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for each child who is the subject of the support order and a statement that the insurer that provides the health insurance coverage for the children may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance or health care policy, contract, or plan;

(7) A requirement that the obligor and the obligee designate the children who are the subject of the child support order as covered dependents under any health insurance or health care policy, contract, or plan for which they contract;

(8) A requirement that the obligor, the obligee, or both of them under a formula established by the court pay co-payment or deductible costs required under the health insurance or health care policy, contract, or plan that covers the children;

(9) If health insurance coverage for the children who are the subject of the order is not available at a reasonable cost through a group health insurance or health care policy, contract, or plan offered by the obligor's employer or through any other group health insurance or health care policy, contract, or plan available to the obligor and is not available at a reasonable cost through a group health insurance or health care policy, contract, or plan offered by the obligee's employer or through any other group health insurance or health care policy, contract, or plan available to the obligee, a requirement that the obligor and the obligee share liability for the cost of the medical and health care needs of the children who are the subject of the order, under an equitable formula established by the court, and a requirement that if, after the issuance of the order, health insurance coverage for the children who are the subject of the order becomes available at a reasonable cost through a group health insurance or health care policy, contract, or plan offered by the obligor's or obligee's employer or through any other group health insurance or health care policy, contract, or plan

available to the obligor or obligee, the obligor or obligee to whom the coverage becomes available immediately inform the court of that fact;

(10) A notice that, if the obligor is required under divisions (C)(1) and (2) of this section to obtain health insurance coverage for the children who are the subject of the child support order and if the obligor fails to comply with the requirements of those divisions, the court immediately shall issue an order to the employer of the obligor, upon written notice from the child support enforcement agency, requiring the employer to take whatever action is necessary to make application to enroll the obligor in any available group health insurance or health care policy, contract, or plan with coverage for the children who are the subject of the child support order, to submit a copy of the court order issued pursuant to division (C) of this section to the insurer at the time that the employer makes application to enroll the children in the health insurance or health care policy, contract, or plan, and, if the obligor's application is accepted, to deduct any additional amount from the obligor's earnings necessary to pay any additional cost for that health insurance coverage;

(11) A notice that during the time that an order under this section is in effect, the employer of the obligor is required to release to the obligee or the child support enforcement agency upon written request any necessary information on the health insurance coverage of the obligor, including, but not limited to, the name and address of the insurer and any policy, contract, or plan number, and to otherwise comply with this section and any court order issued under this section;

(12) A statement setting forth the full name and date of birth of each child who is the subject of the child support order;

(13) A requirement that the obligor and the obligee comply with any requirement described in division (C)(1), (2), (3), (4), or (7) of this section that is contained in the order issued under this section no later than thirty days after the issuance of the order.

(D) In any action in which a child support order is issued or modified on or after July 1, 1990, under Chapter 3115. or section 2151.23, 2151.231, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court, in addition to any requirements in those sections and in lieu of an order issued under division (C) of this section, may issue a separate order requiring both the obligor and the obligee to obtain health insurance coverage for the children who are the subject of the child support order, if health insurance coverage is available for the children and if the court determines that the coverage is available at a reasonable cost to both the obligor and the obligee

and that the dual coverage by both parents would provide for coordination of medical benefits without unnecessary duplication of coverage. If the court issues an order under this division, it shall include in the order any of the requirements, notices, and information set forth in divisions (C)(1) to (13) of this section that are applicable.

(E) Any order issued under this section shall be binding upon the obligor and the obligee, their employers, and any insurer that provides health insurance coverage for either of them or their children. The court shall send a copy of any order issued under this section that contains any requirement or notice described in division (C)(1), (2), (3), (4), (7), (8), or (10) of this section by ordinary mail to the obligor, the obligee, and any employer that is subject to the order. The court shall send a copy of any order issued under this section that contains any requirement contained in division (C)(9) of this section by ordinary mail to the obligor and obligee.

(F) If an obligor does not comply with any order issued under this section that contains any requirement or notice described in division (C)(1), (2), (4), (7), (8), or (10) of this section within thirty days after the order is issued, the child support enforcement agency shall notify the court in writing of the failure of the obligor to comply with the order. Upon receipt of the notice from the agency, the court shall issue an order to the employer of the obligor requiring the employer to take whatever action is necessary to make application to enroll the obligor in any available group health insurance or health care policy, contract, or plan with coverage for the children who are the subject of the child support order, to submit a copy of the court order issued pursuant to division (C) of this section to the insurer at the time that the employer makes application to enroll the children in the health insurance or health care policy, contract, or plan, and, if the obligor's application is accepted, to deduct from the wages or other income of the obligor the cost of the coverage for the children. Upon receipt of any order under this division, the employer shall take whatever action is necessary to comply with the order.

During the time that any order issued under this section is in effect and after the employer has received a copy of the order, the employer of the obligor who is the subject of the order shall comply with the order and, upon request from the obligee or agency, shall release to the obligee and the child support enforcement agency all information about the obligor's health insurance coverage that is necessary to ensure compliance with this section or any order issued under this section, including, but not limited to, the name and address of the insurer and any policy, contract, or plan number. Any information provided by an employer pursuant to this division shall be

used only for the purpose of the enforcement of an order issued under this section.

Any employer who receives a copy of an order issued under this section shall notify the child support enforcement agency of any change in or the termination of the obligor's health insurance coverage that is maintained pursuant to an order issued under this section.

(G) Any insurer that receives a copy of an order issued under this section shall comply with this section and any order issued under this section, regardless of the residence of the children. If an insurer provides health insurance coverage for the children who are the subject of a child support order in accordance with an order issued under this section, the insurer shall reimburse the parent, who is designated to receive reimbursement in the order issued under this section, for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses incurred on behalf of the children subject to the order.

(H) If an obligee under a child support order is eligible for medical assistance under Chapter 5111. or 5115. of the Revised Code and the obligor has obtained health insurance coverage pursuant to an order issued under division (C) of this section, the obligee shall notify any physician, hospital, or other provider of medical services for which medical assistance is available of the name and address of the obligor's insurer and of the number of the obligor's health insurance or health care policy, contract, or plan. Any physician, hospital, or other provider of medical services for which medical assistance is available under Chapter 5111. or 5115. of the Revised Code who is notified under this division of the existence of a health insurance or health care policy, contract, or plan with coverage for children who are eligible for medical assistance first shall bill the insurer for any services provided for those children. If the insurer fails to pay all or any part of a claim filed under this division by the physician, hospital, or other medical services provider and the services for which the claim is filed are covered by Chapter 5111. or 5115. of the Revised Code, the physician, hospital, or other medical services provider shall bill the remaining unpaid costs of the services in accordance with Chapter 5111. or 5115. of the Revised Code.

(I) Any obligor who fails to comply with an order issued under this section is liable to the obligee for any medical expenses incurred as a result of the failure to comply with the order.

(J) Whoever violates an order issued under this section may be punished as for contempt under Chapter 2705. of the Revised Code. If an obligor is found in contempt under that chapter for failing to comply with an order issued under this section and if the obligor previously has been found in

contempt under that chapter, the court shall consider the obligor's failure to comply with the court's order as a change in circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under this section.

(K) Nothing in this section shall be construed to require an insurer to accept for enrollment any child who does not meet the underwriting standards of the health insurance or health care policy, contract, or plan for which application is made.

(L) Notwithstanding section 3109.01 of the Revised Code, if a court issues an order under this section requiring a parent to obtain health insurance coverage for the children who are the subject of a child support order, the order shall remain in effect beyond the child's eighteenth birthday as long as the child continuously attends on a full-time basis any recognized and accredited high school. Any parent ordered to obtain health insurance coverage for the children who are the subject of a child support order shall continue to obtain the coverage for the children under the order, including during seasonal vacation periods, until the order terminates.

Sec. 3113.218. (A) As used in this section:

~~(1) "Child support enforcement agency" has the same meaning as in section 3113.21 of the Revised Code.~~

~~(2)~~ "Child child support order" has the same meaning as in section 3113.215 of the Revised Code.

(B) In any action or proceeding in which a child support order is issued or modified on or after July 1, 1990, under Chapter 3115. or section 2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court that issues or modifies the order shall include in the order, in addition to any provision required by any of those sections or by any other section of the Revised Code, all of the following:

(1) A requirement that, regardless of the frequency or amount of child support payments to be made under the order, the child support enforcement agency that is required to administer the order shall administer it on a monthly basis, in accordance with this section;

(2) A specification of the monthly amount due under the child support order for purposes of its monthly administration, as determined under division (D) of this section;

(3) A statement that payments under the order are to be made in the manner ordered by the court, and that if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the child support payments to

be made under the order.

(C) If a child support enforcement agency is required by statute or court order to administer a child support order that was issued or modified on or after July 1, 1990, the agency shall administer the order on a monthly basis, in accordance with the provisions of the order that contain the information described in division (B) of this section.

(D) If a court issues or modifies a child support order on or after July 1, 1990, and if the child support payments due under the order are to be made other than on a monthly basis, the court shall calculate a monthly amount due under the child support order, for purposes of its monthly administration, in the following manner:

(1) If the child support order is to be paid weekly, multiply the weekly amount of child support due under the order by fifty-two and divide the resulting product by twelve;

(2) If the child support order is to be paid biweekly, multiply the biweekly amount of child support due under the order by twenty-six and divide the resulting product by twelve;

(3) If the child support order is to be paid periodically but is not to be paid weekly, biweekly, or monthly, multiply the periodic amount of child support due by an appropriate number to obtain the annual amount of child support due under the order and divide the annual amount of child support due by twelve.

(E) If the payments under a child support order are to be made other than on a monthly basis, the required monthly administration of the order by a child support enforcement agency pursuant to this section shall not affect the frequency or the amount of the child support payments to be made under the order.

(F) The provisions of this section do not apply in relation to a child support order unless the order was issued or modified on or after July 1, 1990.

Sec. 3115.24. (A) A court shall give full faith and credit to a parentage determination made under the laws of a state, regardless of whether the parentage determination was made pursuant to a voluntary acknowledgement of paternity, an administrative procedure, or a court proceeding.

(B) If the obligor asserts as a defense that he is not the father of the child for whom support is sought, and if the issue of parentage previously has not been determined by a court or administrative body of this state or another state, the court, upon its own motion or the motion of any party to the action, shall order the child's mother, the child, the alleged father of the

child, and any other person who is a defendant in the action to submit to genetic tests for use in determining the paternity of the child in accordance with divisions (B), (C), and (D) of section 3111.09 of the Revised Code.

(C) If the court orders any persons to submit to genetic tests pursuant to division (B) of this section, the fees charged for the tests shall be paid by the party that requested the genetic tests unless the custodian of the child is represented by the child support enforcement agency in its role as the agency providing enforcement of child support orders under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, the custodian of the child is a ~~recipient of aid to dependent children~~ participant in Ohio works first under Chapter 5107. of the Revised Code for the benefit of the child or the defendant in the action is found to be indigent, in which case the child support enforcement agency shall pay the costs of the genetic testing. The child support enforcement agency, within guidelines contained in that federal law, shall use funds received pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, to pay the fees charged for the tests. If there is a dispute as to who shall pay the fees charged for genetic testing, the child support enforcement agency shall pay the fees, but in no instance shall genetic testing be delayed due to a dispute as to who shall pay the genetic testing fees. The child support enforcement agency or the person who paid the fees charged for the genetic tests may seek reimbursement for the fees charged for the genetic tests from the person against whom the court assesses the costs of the action. Any funds used in accordance with this division by the child support enforcement agency shall be in addition to any other funds that the agency is entitled to receive as a result of any contractual provision for specific funding allocations for the agency between the county, the state, and the federal government.

Sec. 3301.0719. (A) As used in this section:

(1) "~~Aid to dependent children~~ Ohio works first rate" means the percentage that equals the quotient obtained by dividing the number of children ages five to seventeen residing in the district and living in a family ~~receiving aid to dependent children~~ participating in Ohio works first, as certified for the most recent year under section 3317.10 of the Revised Code, by the total of the number of students in average daily membership in grades kindergarten through twelve, as certified for the most recent year under section 3317.03 of the Revised Code.

(2) "At-risk school district" means any city, exempted village, or local school district that has a dropout rate, rounded to the nearest one-half per cent, of thirty per cent or more and to whom one or both of the following

apply:

(a) ~~The aid to dependent children~~ Ohio works first rate of the district is more than thirty per cent.

(b) The amount of the average personal income per tax return of the district, as reported for the most recent tax year by the department of taxation to the department of education, is less than eighty per cent of the amount of the statewide average personal income per tax return for that tax year.

(3) "Dropout rate" for any at-risk school district means the percentage that equals the difference between one hundred per cent and the graduation rate for the most recent school year calculated in accordance with division (B)(1)(r) of section 3301.0714 of the Revised Code.

(B) During the first two weeks of July each year, beginning in 1992, the state board of education shall determine each school district that is an at-risk school district and that receives at least three hundred thousand dollars under division (B)(3) of section 3317.023 of the Revised Code and shall notify any such district of this determination and the requirements of division (B)(4) of section 3317.023 of the Revised Code.

Notwithstanding division (B)(4) of section 3317.023 of the Revised Code, in the school year in which a school district is initially identified as at-risk, in lieu of the expenditure required by that division, each district board shall expend at least one-eightieth of the amount designated under that division on preparation for the implementation of the programs required by that division for the following school year. Such preparation shall include submission of a report to the state board of education detailing the preparation and the actual plans for implementation of the specified programs and the provision of at least ten days of in-service training for teachers who will be participating in such programs. The preparation may include the purchase of materials and the hiring of consultants.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child

and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, family foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A ~~public children services board or county department of human services that has assumed the administration of child welfare functions prescribed by Chapter 5153. of the Revised Code~~ agency;

(b) An organization that holds a certificate issued by the Ohio department of human services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.06 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as

defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who has not entered kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or

person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first; or

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first; or

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.357 of the Revised Code by the court at the time it vests custody of the child in the person or government agency.

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or

city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of

the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district may be admitted to the schools of the

district where the child's parent is employed, provided the board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with his parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying

that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712 and 3313.713 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of

compulsory school age.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (G) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (G) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (G) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (G) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(J) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(K) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the Revised Code, the amounts required to be paid to a district under that section shall be adjusted by the amount of the computations made under divisions (B) to (L) of this section.

As used in this section:

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.

(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for services rendered for the first full week of October of the fiscal year for which the adjustment is made under division (D) of this section. It shall not include any salary payments for supplemental teachers contracts.

(B)(1) As used in this division, "per cent figure" means a school district's three-year average number of ~~ADC~~ children participating in Ohio works first (OWF) under Chapter 5107. Of the Revised Code divided by the district's three-year average of the average daily membership in grades one through twelve and one-half the kindergarten average daily membership, multiplied by one hundred.

If the three-year average of the number of children ages five to seventeen residing in the district and living in a family ~~receiving aid to dependent children~~ participating in Ohio works first, as certified or adjusted under section 3317.10 of the Revised Code for the current and preceding two fiscal years, is equal to five per cent or more of the number of pupils in the three-year average of the average daily membership in grades one

through twelve and one-half the kindergarten average daily membership, certified under section 3317.03 of the Revised Code for the current and preceding two fiscal years, add the amount computed for the district in accordance with the following schedule:

THREE-YEAR AVERAGE NUMBER OF ~~ADC~~ OWF CHILDREN DIVIDED BY THREE-YEAR AVERAGE OF THE AVERAGE DAILY MEMBERSHIP IN GRADES ONE THROUGH TWELVE AND ONE-HALF THE KINDERGARTEN AVERAGE DAILY MEMBERSHIP

PAYMENT PER ~~ADC~~ OWF CHILD IN THE THREE-YEAR AVERAGE

At least 5%, but less than 10%

\$198.00 x number of ~~ADC~~ OWF children

At least 10%, but less than 20%

(((\$101.50 x per cent figure) minus \$817.00) x number of ~~ADC~~ OWF children

At least 20%, but less than 30%

(((\$7.50 x per cent figure) plus \$1,063.00) x number of ~~ADC~~ OWF children

At least 30%

\$1,288.00 x number of ~~ADC~~ OWF children

(2) If in any year the sum of the additions made under this division is less than ninety-seven per cent of the amount appropriated for this division for that year, the department of education shall increase the amount added for each district under this division. The amount so added for each district shall equal (1) the difference between ninety-seven per cent of the amount appropriated and the total amount of the additions prior to such increase, times (2) the percentage that the amount added for the district prior to the increase was of the total of such amount added for all districts.

(3) Except as provided in division (B)(4) of this section, a district shall expend at least seventy per cent of any addition received under this division for any of the following:

(a) The purchase of technology for instructional purposes;

- (b) All-day kindergarten;
- (c) Reduction of class sizes;
- (d) Summer school remediation or other remedial programs;
- (e) Dropout prevention programs;
- (f) Guaranteeing that all third graders are ready to progress to more advanced work;
- (g) Summer education and work programs;
- (h) Adolescent pregnancy programs;
- (i) Head start or preschool programs;
- (j) Reading improvement programs described by the department of education;
- (k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;
- (l) Furnishing free of charge materials used in courses of instruction, except for the necessary textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families ~~receiving aid to dependent children~~ participating in Ohio works first in accordance with section 3313.642 of the Revised Code;
- (m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.

(4) Except as provided in division (B) of section 3301.0719 of the Revised Code, each at-risk school district, as defined in division (A)(2) of section 3301.0719 of the Revised Code, that receives at least three hundred thousand dollars under divisions (B)(1) and (2) of this section shall expend at least one-tenth of the amount described in division (B)(3) of this section for either all-day kindergarten classes with a student teacher ratio of fifteen to one or for reduction of class sizes in grades kindergarten to four to a fifteen to one student teacher ratio, or both. Such districts shall also expend such funds to provide training for teachers participating in such programs on an ongoing basis, including at least six days of training each school year. Amounts expended for all-day kindergarten under this section shall only be expended to provide additional all-day kindergarten classes not in existence on July 26, 1991. Upon the request of a board of education, the state board of education may grant an exemption from the requirement of division (B)(4) of this section if the district board satisfies the state board that the district has insufficient physical facilities to implement this requirement.

(5) Each district shall maintain the portion required to be spent under division (B)(3) of this section in a separate district account. Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended

funds under this division.

(C) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in ADM in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's ADM;

(3) Multiply the difference in (2) by seven hundred fifty-two dollars.

(D) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's ADM. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.

(E) This division does not apply to a school district that has entered into an agreement under division (A) of section 3313.42 of the Revised Code. Deduct the amount obtained from the following computations if the district employs fewer than five full-time equivalent educational service personnel, including elementary school art, music, and physical education teachers, counselors, librarians, visiting teachers, school social workers, and school nurses for each one thousand pupils in ADM:

(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths;

(2) Subtract the quotient in (1) from the district's ADM;

(3) Multiply the difference in (2) by ninety-four dollars.

(F) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.

(G)(1) If the district is required to pay to or entitled to receive tuition

from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (I) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition under division (A)(1) of section 3317.082 or under division (B)(1) of section 3323.091 of the Revised Code, deduct the amount of tuition for which the district is responsible.

(H) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.

(I) If the amount computed by the department of education under division (I)(1) of this section is less than the amount computed under division (I)(2) of this section, add an amount equal to the result obtained by subtracting the amount computed under division (I)(1) from the amount computed under division (I)(2) of this section.

The department of education shall compute both of the following for each district:

(1) The sum of the amounts computed for the district under section 3317.022 and division (N) of section 3317.024 of the Revised Code for units approved under division (B) of section 3317.05 of the Revised Code.

(2) The amount the district would be entitled to receive under section 3317.022 of the Revised Code if the ADM used in the computation required by that section included the number of full-time equivalent pupils enrolled in the units for handicapped children approved under division (B) of section 3317.05 of the Revised Code that are used to make the computation required by division (N)(1)(a) of section 3317.024 of the Revised Code.

(J) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(K)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to

have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (K)(1) of this section, add the amount of such payments.

(L) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

Sec. 3317.10. (A)(~~H~~) On or before the first day of March of each year, the department of human services shall certify to the state board of education the number of children ages five through seventeen residing in each school district and living in a family that ~~received aid to dependent children~~ participated in Ohio works first under Chapter 5107. Of the Revised Code during the preceding October according to the school district of residence for each child. Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in the calculation of the distribution of moneys for the ensuing fiscal year provided in division (B) of section 3317.023 of the Revised Code.

(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number certified under division (A)(~~H~~) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of children ages five through seventeen who reside in the district and live in a family that ~~receives aid to dependent children~~ participates in Ohio works first. Within sixty days of receipt of a request for information from the department of education, the department of human services shall provide any information the department of education determines is necessary to make such adjustments. The department of education may use the adjusted number for any district for the applicable fiscal year in lieu of the number certified for the district for that fiscal year under division (A)(~~H~~) of this section in the calculation of the distribution of moneys provided in division (B) of section 3317.023 ~~and~~ of the Revised Code.

Sec. 3317.14. Any school district board of education or educational service center governing board participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a teachers' salary schedule with provision for increments based upon training and years of

service. Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 Of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the Revised Code and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of section 3317.13 of the Revised Code is given to each teacher.

On the fifteenth day of October of each year the salary schedule in effect on that date in each school district and each educational service center shall be filed with the superintendent of public instruction. A copy of such schedule shall also annually be filed by the board of education of each local school district with the educational service center superintendent, who thereupon shall certify to the treasurer of such local district the correct salary to be paid to each teacher in accordance with the adopted schedule.

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and section 3317.13 of the Revised Code, in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of service to the superintendent of public instruction. No teacher shall be paid less than the salary to which such teacher is entitled pursuant to section 3317.13 of the Revised Code.

Sec. 3319.089. the board of education of any city, local, or exempted village school district may adopt a resolution approving a contract with a county department of human services under section 5107.541 Of the Revised Code to provide for a participant of the work experience program who has a child enrolled in a public school in that district to fulfill the work requirements of the work experience program by volunteering or working in that public school in accordance with section 5107.541 of the Revised Code. Such recipients are not employees of such board of education.

Before a school district places a participant in a public school under this section, the appointing officer or hiring officer of the board of education of a school district shall request a criminal records check of the participant to be conducted in the same manner as required for a person responsible for the

care, custody, or control of a child in accordance with section 3319.39 Of the Revised Code. The records check shall be conducted even though the participant, if subsequently hired, would not be considered an employee of the school district for purposes of working at the school. A participant shall not be placed in a school if the participant previously has been convicted of or pleaded guilty to any of the offenses listed in division (B)(1)(a) or (b) of section 3319.39 Of the Revised Code.

Sec. 3701.503. As used in sections 3701.504 to 3701.507 of the Revised Code:

(A) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian.

(B) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(C) "Custodian" means, except as used in division (A) of this section, a government agency or an individual, other than the parent or guardian, with legal or permanent custody of a child as defined in divisions (B)(~~8~~)(17) and (~~10~~)(27) of section 2151.011 of the Revised Code.

(D) "Address," in the case of an individual, means the individual's residence and, in the case of a government agency, means the office at which the records pertaining to a particular child are maintained.

(E) "Risk screening" means the identification of infants who are at risk of hearing impairment, through the use of a high-risk questionnaire developed by the department of health under division (A) of section 3701.504 of the Revised Code.

(F) "Hearing assessment" means the use of audiological procedures by or under the supervision of an audiologist licensed under section 4753.07 of the Revised Code, or by a neurologist or otolaryngologist, to identify infants who are at risk of hearing impairment.

Sec. 3727.17. Each hospital shall provide a staff person to do all of the following:

(A) Meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours after the birth or before the mother is released from the hospital;

(B) Attempt to meet with the father of the unmarried mother's child if possible;

(C) Explain to the unmarried mother and the father, if ~~he~~ the father is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

(D) Present to the unmarried mother and, if possible, the father, a pamphlet or statement regarding the rights and responsibilities of a natural parent prepared by the department of human services;

(E) Provide the unmarried mother, and if possible the father, all forms, statements, or agreements necessary to voluntarily establish a parent and child relationship, including the acknowledgment of paternity form prescribed under section 2105.18 of the Revised Code and the voluntary agreement to be bound by the results of genetic testing set forth in section ~~2301.373~~ or 3111.21 of the Revised Code;

(F) Upon both the mother's and father's request, help the mother and father complete any specific form, statement, or agreement necessary to establish a parent and child relationship;

(G) Present to an unmarried mother who is not a recipient of medicaid or ~~aid to dependent children~~ a participant in Ohio works first an application for Title IV-D services;

(H) Upon both the mother's and father's request, mail the voluntary acknowledgment of paternity to the probate court in the county in which the father, the mother, or the child resides.

Sec. 4115.04. Every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking such construction with its own forces, shall have the bureau of employment services determine the prevailing rates of wages of mechanics and laborers in accordance with section 4115.05 of the Revised Code for the class of work called for by the public improvement, in the locality where the work is to be performed. Such schedule of wages shall be attached to and made part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank shall be filed with the bureau before such contract is awarded. A minimum rate of wages for common laborers, on work coming under the jurisdiction of the department of transportation, shall be fixed in each county of the state by said department of transportation, in accordance with section 4115.05 of the Revised Code.

Sections 4115.03 to 4115.16 of the Revised Code do not apply to:

(A) Public improvements in any case where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided the federal government or any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvements;

(B) A participant ~~of the subsidized employment program established~~

under section 5101.82 of the Revised Code in a work activity, developmental activity, or the an alternative work experience program established activity under section 5101.83 sections 5107.40 to 5107.69 of the Revised Code when a public authority directly uses the labor of the participant to construct a public improvement IF THE PARTICIPANT is not ENGAGED IN paid employment or subsidized employment pursuant to the activity;

(C) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center.

Sec. 4117.01. As used in this chapter:

(A) "Person," in addition to those included in division (C) of section 1.59 of the Revised Code, includes employee organizations, public employees, and public employers.

(B) "Public employer" means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a population of at least five thousand according to the most recent federal decennial census; county; township with a population of at least five thousand in the unincorporated area of the township according to the most recent federal decennial census; school district; state institution of higher learning; public or special district; state agency, authority, commission, or board; or other branch of public employment.

(C) "Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except:

(1) Persons holding elective office;

(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;

(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;

(4) Persons who are members of the organized militia, while on active duty;

(5) Employees of the state employment relations board;

- (6) Confidential employees;
- (7) Management level employees;
- (8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;
- (9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;
- (10) Supervisors;
- (11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;
- (12) Employees of county boards of election;
- (13) Seasonal and casual employees as determined by the state employment relations board;
- (14) Part-time faculty members of an institution of higher education;
- (15) Employees of the state personnel board of review;
- (16) Employees of the board of directors of the Ohio low-level radioactive waste facility development authority created in section 3747.05 of the Revised Code;
- (17) Participants of the subsidized employment program established under section 5101.82 of the Revised Code or the work experience program established under section 5101.83 in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity.

(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.

(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely

outine or clerical nature, but requires the use of independent judgment, provided that:

(1) Employees of school districts who are department ~~chairmen~~ chairpersons or consulting teachers shall not be deemed supervisors;

(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this section.

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy;

(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01, 3319.011, or 3319.02 of the Revised Code and is assigned to a position for which a license deemed to be for administrators under state board rules is required pursuant to section 3319.22 of the Revised Code.

(G) "To bargain collectively" means to perform the mutual obligation of the public employer, by its representatives, and the representatives of its employees to negotiate in good faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession.

(H) "Strike" means continuous concerted action in failing to report to

duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Unauthorized strike" includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of a collective bargaining agreement or during or after the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code.

(J) "Professional employee" means any employee engaged in work that is predominantly intellectual, involving the consistent exercise of discretion and judgment in its performance and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship; or an employee who has completed the courses of specialized intellectual instruction and is performing related work under the supervision of a professional person to become qualified as a professional employee.

(K) "Confidential employee" means any employee who works in the personnel offices of a public employer and deals with information to be used by the public employer in collective bargaining; or any employee who works in a close continuing relationship with public officers or representatives directly participating in collective bargaining on behalf of the employer.

(L) "Management level employee" means an individual who formulates policy on behalf of the public employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the public employer to assist in the preparation for the conduct of collective negotiations, administer collectively negotiated agreements, or have a major

role in personnel administration. Assistant superintendents, principals, and assistant principals whose employment is governed by section 3319.02 of the Revised Code are management level employees. With respect to members of a faculty of a state institution of higher education, no person is a management level employee because of the person's involvement in the formulation or implementation of academic or institution policy.

(M) "Wages" means hourly rates of pay, salaries, or other forms of compensation for services rendered.

(N) "Member of a police department" means a person who is in the employ of a police department of a municipal corporation as a full-time regular police officer as the result of an appointment from a duly established civil service eligibility list or under section 737.15 or 737.16 of the Revised Code, a full-time deputy sheriff appointed under section 311.04 of the Revised Code, a township constable appointed under section 509.01 of the Revised Code, or a member of a township police district police department appointed under section 505.49 of the Revised Code.

(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code.

(P) "Member of a fire department" means a person who is in the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular fire fighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code.

(Q) "Day" means calendar day.

Sec. 4123.27. Information contained in the annual statement provided for in section 4123.26 of the Revised Code, and such other information as may be furnished to the bureau of workers' compensation by employers in pursuance of that section, or as the bureau develops or creates, and records kept by the division of safety and hygiene pertaining to workplace injuries and illnesses or occupational safety and health conditions in specific workplaces, including, but not limited to, industrial hygiene reports, ergonomic survey reports, team approach reports, safety consultant reports, accident investigation reports, loss control analysis reports, and illness and injury data pertaining to specific workplaces, are for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the bureau is a party to the action or proceeding; but the information contained in the statement may be tabulated and published by the bureau in statistical form for the use and information of other state

departments and the public. No person in the employ of the bureau, except those who are authorized by the administrator of workers' compensation, shall divulge any information secured by the person while in the employ of the bureau in respect to the transactions, property, claim files, records, or papers of the bureau or in respect to the business or mechanical, chemical, or other industrial process of any company, firm, corporation, person, association, partnership, or public utility to any person other than the administrator or to the superior of such employee of the bureau.

Notwithstanding the restrictions imposed by this section, the governor, select or standing committees of the general assembly, the auditor of state, the attorney general, or their designees, pursuant to the authority granted in this chapter and Chapter 4121. of the Revised Code, may examine any records, claim files, or papers in possession of the industrial commission or the bureau. They also are bound by the privilege that attaches to these papers.

The administrator shall report to the director of human services or to the county director of human services the name, address, and social security number or other identification number of any person receiving workers' compensation whose name or social security number or other identification number is the same as that of a person required by a court or child support enforcement agency to provide support payments to a recipient or participant of public assistance, and whose name is submitted to the administrator by the director under section 5101.36 of the Revised Code. The administrator also shall inform the director of the amount of workers' compensation paid to the person during such period as the director specifies.

Within fourteen days after receiving from the director of human services a list of the names and social security numbers of recipients or participants of public assistance pursuant to section 5101.181 of the Revised Code, the administrator shall inform the auditor of state of the name, current or most recent address, and social security number of each person receiving workers' compensation pursuant to this chapter whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The administrator also shall inform the auditor of state of the amount of workers' compensation paid to the person during such period as the director specifies.

The bureau and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients or participants of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

For the purposes of this section, "public assistance" means medical

assistance provided through the medical assistance program established under section 5111.01 of the Revised Code, ~~aid to dependent children~~ Ohio works first provided under Chapter 5107. of the Revised Code, prevention, retention, and contingency assistance provided under Chapter 5108. Of the Revised Code, or disability assistance provided under Chapter 5115. of the Revised Code.

Sec. 4141.16. (A) The administrator of the bureau of employment services shall make available, upon request, to the director of human services or to the county directors of human services in the state the name, address, ordinary occupation, and employment status of each recipient of unemployment benefits under this chapter, and a statement of such recipient's rights to further benefits under this chapter.

(B) The administrator shall also furnish, upon request of a public agency administering or supervising the administration of a state plan approved under part A of Title IV of the "Social Security Act," 49 Stat. 627 (1935), 42 U.S.C.A. 601, or of a public agency charged with any duty or responsibility under any program or activity authorized or required under part D of Title IV of such act, information with respect to any individual specified in the request as to:

(1) Whether the individual is receiving, has received, or has made application for unemployment compensation, and the amount of any compensation being received by the individual;

(2) The current or most recent home address of the individual;

(3) Whether the individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.

The public agency shall pay to the bureau of employment services the actual costs of furnishing the information described in this division, as provided in the "Unemployment Compensation Amendments of 1976," 90 Stat. 2667, 42 U.S.C. 603a.

(C)(1) The administrator shall disclose, upon request, to officers, agents, or employees of any state or local child support enforcement agency, any wage information contained in the records of the bureau of employment services with respect to an individual identified in the request.

(2) The officer, agent, or employee of the state or local child support enforcement agency shall state in the request that the wage information shall be used only for the purpose of establishing and collecting child support obligations from, and locating, individuals owing these obligations which are being enforced pursuant to a plan described in section 454 of the "Social Security Act," 88 Stat. 2354 (1975), 42 U.S.C.A. 654, which has been

approved by the United States secretary of health and human services under part D of Title IV of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651.

(3) State and local child support enforcement agencies, pursuant to section 303(d) of the "Social Security Act," 94 Stat. 441 (1980), 42 U.S.C.A. 503, as set forth in the "Social Security Disability Amendments of 1980," section 408(B) of P.L. 96-265, shall pay to the bureau the actual costs of furnishing the information described in this division.

(4) Requirements with respect to the confidentiality of information obtained in the administration of this chapter and any sanctions imposed on improper disclosure of information obtained therein shall apply to the redisclosure of information disclosed under this section.

(D) The administrator also shall furnish, as required by section 303(h) of the "Social Security Act," to the United States secretary of health and human services, and on a reimbursable basis, prompt access to wage and claims information, including any information useful in locating an absent parent or such parent's employer for use by the "Parent Locator Service," section 453, part D of Title IV of the "Social Security Act" and as required under section 303(h) of such act.

(E)(1) If the director of human services determines that direct, on-line access to the automated information system maintained by the bureau of employment services is an effective and efficient means of obtaining necessary information to aid in the enforcement or collection of child support obligations, the director shall make a written request to the administrator of the bureau of employment services to permit the following to have direct, on-line access to the information system:

(a) The department of human services;

(b) Officers, agents, or employees of a state or local child support enforcement agency of this state or of another state as designated by the director;

(c) Officers, agents, or employees of any private agency designated by the director that is operating pursuant to a contract entered into with a state or local child support enforcement agency of this state for the exchange of information related to the enforcement and collection of child support obligations.

(2) The director of human services shall not designate pursuant to division (E)(1) of this section a state or local child support enforcement agency of this state or of another state or any private agency to have access to the automated information system maintained by the bureau unless ~~he~~ the director also determines that on-line direct access to the bureau's automated

information system by that agency is necessary for the implementation of a child support enforcement program operating pursuant to a plan described in section 454 of the "Social Security Act," 88 Stat. 2354 (1975), 42 U.S.C.A. 654, that has been approved by the secretary of health and human services under part D of Title IV of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651.

(3) Upon receipt of a request made under division (E)(1) of this section, the administrator of the bureau shall comply with the request and shall adopt rules pursuant to this section and section 111.15 of the Revised Code to regulate access to the bureau's automated information system. The rules shall include a confidentiality requirement that conforms to division (E)(5) of this section.

(4)(a) State and local child support enforcement agencies, pursuant to section 303(d) of the "Social Security Act," 94 Stat. 441 (1980), 42 U.S.C.A. 503, as set forth in the "Social Security Disability Amendments of 1980," section 408(B) of P.L. 96-265, shall pay to the bureau the actual costs to the bureau of accessing its automated information system.

(b) Any private agency designated by the director of human services pursuant to division (E)(1) of this section that is operating pursuant to a contract entered into with a state or local child support enforcement agency of this state for the exchange of information related to the enforcement and collection of child support obligations shall pay or provide contractually for the payment of the actual costs to the bureau of accessing its automated information system.

(5) The requirements with respect to the confidentiality of information obtained in the administration of this chapter and any sanctions imposed on improper disclosure of information obtained in the administration of this chapter shall apply to any information obtained pursuant to division (E) of this section through on-line access to the bureau's automated information system.

(F) The director of human services, ~~his~~ the director's employees, and other individuals to whom information is made available pursuant to this section are subject to section 4141.22 of the Revised Code and the penalty for violation of that section as specified in section 4141.99 of the Revised Code.

(G) As used in this section, "state or local child support enforcement agency" means either of the following:

(1) In this state, the department of human services, the division of child support created pursuant to section 5101.31 of the Revised Code, or a child support enforcement agency ~~designated by the board of county~~

~~commissioners pursuant to section 2301.35 of the Revised Code;~~

(2) In a state other than this state, any agency of a state or of a political subdivision of a state operating pursuant to a plan described in section 454 of the "Social Security Act," which has been approved by the secretary of health and human services under part D of Title IV of the "Social Security Act."

Sec. 4141.162. (A) The administrator of the bureau of employment services shall establish an income and eligibility verification system that complies with section 1137 of the "Social Security Act." The programs included in the system are:

(1) Unemployment compensation pursuant to section 3304 of the "Internal Revenue Code of 1954";

(2) ~~Aid to families with dependent children pursuant to~~ The state programs funded in part under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. Of the Revised Code;

(3) Medicaid assistance pursuant to Title XIX of the "Social Security Act";

(4) Food stamps pursuant to the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. ~~2042~~ 2011, as amended;

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

Wage information provided by employers to the bureau shall be furnished to the income and eligibility verification system. Such information shall be used by the bureau to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A)(2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

The bureau shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.

Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under ~~part D of Title IV~~ IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act."

(B) The administrator shall adopt rules as necessary under which the bureau of employment services, the department of human services, and other state agencies the administrator determines must participate in order to

ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to:

(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;

(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;

(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;

(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;

(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the administrator be reimbursed by the participating programs for any actual costs incurred in operating the system;

(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the administrator determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."

(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the administrator, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."

(D) Notwithstanding the information disclosure requirements of this section and sections 4141.16, 4141.161, 4141.21, and division (D)(4)(a) of section 4141.28 of the Revised Code, the administrator shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."

(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.

Sec. 4141.163. The administrator of the bureau of employment services shall disclose wage information, as defined by the administrator, to a requesting agency only by agreement between the agency and the administrator. The administrator shall be paid by the requesting agency for the actual cost of providing the information.

As used in this section, "requesting agency" means a state agency, including the auditor of state, charged with the responsibility of enforcing any of the following:

(A) ~~The aid to families of dependent children program state programs funded in part~~ under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. Of the Revised Code;

(B) ~~The medical assistance~~ medicaid program under Title XIX of the "Social Security Act";

(C) The food stamp program under the "Food Stamp Act of 1977";

(D) A program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

Information disclosed under this section shall be used only for the enforcement of the programs listed in divisions (A) to (D) of this section. Requirements with respect to the confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of information obtained therein shall apply to the redisclosure of information disclosed under this section.

Sec. 4141.28. (A) Applications for determination of benefit rights and claims for benefits shall be filed with a deputy of the administrator of the bureau of employment services designated for the purpose. Such applications and claims may also be filed with an employee of another state or federal agency or with an employee of the unemployment insurance commission of Canada, charged with the duty of accepting applications and claims for unemployment benefits.

When a former employee of a state agency, board, or commission that has terminated its operations files an application under this division, the former employee shall give notice that the agency, board, or commission has terminated its operations. All notices or information required to be sent under this chapter to or furnished by the applicant's employer shall be sent to or furnished by the director of administrative services.

(B)(1) When an unemployed individual files an application for determination of benefit rights, the administrator shall furnish the individual with the information specified in division (A) of section 4141.321 of the Revised Code and with a pamphlet giving instructions for the steps an applicant may take if the applicant's claim for benefits is disallowed. The pamphlet shall state the applicant's right of appeal, clearly describe the different levels of appeal, and explain where and when each appeal must be filed. In filing an application, the individual shall, for the individual's most recent employment, furnish the administrator with either:

(a) The information furnished by the employer as provided for in division (B)(2) of this section;

(b) The name and address of the employer for whom the individual performed services and the individual's written statement of the reason for separation from the employer.

Where the claimant has furnished information in accordance with division (B)(1)(b) of this section, the administrator shall promptly send a notice in writing that such filing has been made to the individual's most recent employer, which notice shall request from the employer the reason for the individual's unemployment. The notice shall inform such employer of the employer's right, upon request, to be present at a fact-finding interview conducted prior to the making of any determination under that division. Upon receipt of any request, the claimant and the employer making the request shall have at least three days' prior notice of the time and place of the fact-finding interview. In the conduct of the interview, the administrator is not bound by rules of evidence or of procedure for the conduct of hearings. The administrator may request from any base period employer information necessary for the determination of the applicant's rights to benefits. Information as to the reason for unemployment preceding an additional claim shall be obtained in the same manner. Requests for such information shall be stamped by the administrator with the date on which they are mailed. If the employer fails to mail or deliver such information within ten working days from the date the administrator mailed and date stamped such request, and if necessary to assure prompt payment of benefits when due, the administrator shall make the determination, and shall base the determination on such information as is available to the administrator, which shall include the applicant's statement made under division (B)(1)(b) of this section. The determination, as it relates to the claimant's determination of benefit rights, shall be amended upon receipt of correct remuneration information at any time within the benefit year and any benefits paid and charged to an employer's account prior to the receipt of such information

shall be adjusted, effective as of the beginning of the claimant's benefit year.

(2) An employer who separates within any seven-day period fifty or more individuals because of lack of work, and these individuals upon separation will be unemployed as defined in division (R) of section 4141.01 of the Revised Code, shall furnish notice to the administrator of the dates of separation and the approximate number of individuals being separated. The notice shall be furnished at least three working days prior to the date of the first day of such separations. In addition, at the time of separation the employer shall furnish to the individual being separated or to the administrator separation information necessary to determine the individual's eligibility, on forms and in a manner approved by the administrator.

An employer who operates multiple business establishments at which both the effective authority for hiring and separation of employees and payroll information is located and who, because of lack of work, separates a total of fifty or more individuals at two or more business establishments is exempt from the first paragraph of division (B)(2) of this section. This paragraph shall not be construed to relieve an employer who operates multiple business establishments from complying with division (B)(2) of this section where the employer separates fifty or more individuals at any business establishment within a seven-day period.

An employer of individuals engaged in connection with the commercial canning or commercial freezing of fruits and vegetables is exempt from the provision of division (B)(2) of this section that requires an employer to furnish notice of separation at least three working days prior to the date of the first day of such separations.

(3) Where an individual at the time of filing an application for determination of benefit rights furnishes separation information provided by the employer or where the employer has provided the administrator with the information in accordance with division (B)(2) of this section, the administrator shall make a determination of eligibility on the basis of the information furnished. The administrator shall promptly notify all interested parties under division (D)(1) of this section of the determination.

(4) Where an employer has furnished separation information under division (B)(2) of this section which is insufficient to enable the administrator to make a determination of a claim for benefits of an individual, or where the individual fails at the time of filing an application for determination of benefit rights to produce the separation information furnished by an employer, the administrator shall follow the provisions specified in division (B)(1) of this section.

(C) The administrator or the administrator's deputy shall promptly

examine any application for determination of benefit rights filed, and on the basis of any facts found by the administrator or deputy shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The claimant, the most recent employer, and any other employer in the claimant's base period shall promptly be notified of the determination and the reasons therefor. In addition, the determination issued to the claimant shall include the total amount of benefits payable, and the determination issued to each chargeable base period employer shall include the total amount of benefits which may be charged to the employer's account.

(D)(1) The administrator or the administrator's deputy shall examine the first claim for benefits filed in any benefit year, and any additional claim, and on the basis of any facts found by the administrator or deputy shall determine whether division (D) of section 4141.29 of the Revised Code is applicable to the claimant's most recent separation and, to the extent necessary, prior separations from work, and whether the separation reason is qualifying or disqualifying for the ensuing period of unemployment. Notice of such determination shall be mailed to the claimant, the claimant's most recent employer, and any other employer involved in the determination.

(a) Whenever the administrator has reason to believe that the unemployment of twenty-five or more individuals relates to a labor dispute, the administrator shall, within five calendar days after their claims are filed, schedule a hearing concerning the reason for unemployment. Notice of the hearing shall be sent to all interested parties, including the duly authorized representative of the parties, as provided in division (D)(1) of this section. The hearing date shall be scheduled so as to provide at least ten days' prior notice of the time and date of the hearing. A similar hearing, in such cases, may be scheduled when there is a dispute as to the duration or ending date of the labor dispute.

(b) The administrator shall appoint a hearing officer to conduct the hearing of the case under division (D)(1)(a) of this section. The hearing officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but shall take any steps that are reasonable and necessary to obtain the facts and determine whether the claimants are entitled to benefits under the law. The failure of any interested party to appear at the hearing shall not preclude a decision based upon all the facts available to the hearing officer. The proceeding at the hearing shall be recorded by mechanical means or by other means prescribed by the administrator. The record need not be transcribed unless an application for appeal is filed on the decision and the chairperson of the unemployment

compensation review commission requests a transcript of the hearing within fourteen days after the application for appeal is received by the commission. The administrator shall prescribe rules concerning the conduct of the hearings and all related matters and appoint an attorney to direct the operation of this function.

(c) The administrator shall issue the hearing officer's decisions and reasons therefor on the case within ten calendar days after the hearing. The hearing officer's decision issued by the administrator is final unless an application for appeal is filed with the review commission within twenty-one days after the decision was mailed to all interested parties. The administrator may, within the twenty-one-day appeal period, remove and vacate the decision and issue a revised determination and appeal date.

(d) Upon receipt of the application for appeal, the full review commission shall review the administrator's decision and either schedule a further hearing on the case or disallow the application. The review commission shall review the administrator's decision within fourteen days after receipt of the decision or the receipt of a transcript requested under division (D)(1)(b) of this section, whichever is later.

(i) When a further hearing is granted, the commission shall make the administrator's decision and record of the case, as certified by the administrator, a part of the record and shall consider the administrator's decision and record in arriving at a decision on the case. The commission's decision affirming, modifying, or reversing the administrator's decision, following the further appeal, shall be mailed to all interested parties within fourteen days after the hearing.

(ii) A decision of the disallowance of a further appeal shall be mailed to all interested parties within fourteen days after the commission makes the decision to disallow. The disallowance is deemed an affirmation of the administrator's decision.

(iii) The time limits specified in divisions (D)(1)(a), (b), (c), and (d) of this section may be extended by agreement of all interested parties or for cause beyond the control of the administrator or the commission.

(e) An appeal of the commission's decision issued under division (D)(1)(d) of this section may be taken to the court of common pleas as provided in division (O) of this section.

(f) A labor dispute decision involving fewer than twenty-five individuals shall be determined under division (D)(1) of this section and the review commission shall determine any appeal from the decision pursuant to division (M) of this section and within the time limits provided in division (D)(1)(d) of this section.

(2) The administrator or the administrator's deputy shall also examine each continued claim for benefits filed, and on the basis of any facts found by the administrator or the administrator's deputy shall determine whether such claim shall be allowed.

(a) The determination of a first or additional claim, including the reasons therefor, shall be mailed to the claimant, the claimant's most recent employer, and any other employer involved in the determination.

(b) When the determination of a continued claim results in a disallowed claim, the administrator shall notify the claimant of such disallowance and the reasons therefor.

(3) Where the claim for benefits is directly attributable to unemployment caused by a major disaster, as declared by the president of the United States pursuant to the "Disaster Relief Act of 1970," 84 Stat. 1745, 42 U.S.C.A. 4402, and the individual filing the claim would otherwise have been eligible for disaster unemployment assistance under that act, then upon application by the employer any benefits paid on the claim shall not be charged to the account of the employer who would have been charged on such claim but instead shall be charged to the mutualized account described in section 4141.25 of the Revised Code, provided that this division is not applicable to an employer electing reimbursing status under section 4141.241 of the Revised Code, except reimbursing employers for whom benefit charges are charged to the mutualized account pursuant to division (C) of section 4141.33 of the Revised Code.

(4)(a) An individual filing a new claim for unemployment compensation shall disclose, at the time of filing, whether or not the individual owes child support obligations. In such a case, the administrator shall notify the state or local child support enforcement agency enforcing the obligation only if the claimant has been determined to be eligible for unemployment compensation.

(b) The administrator shall deduct and withhold from unemployment compensation payable to an individual who owes child support obligations:

(i) Any amount required to be deducted and withheld from the unemployment compensation pursuant to legal process, as that term is defined in section 462(e) of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, and properly served upon the administrator, as described in division (D)(4)(c) of this section; or

(ii) Where division (D)(4)(b)(i) of this section is inapplicable, in the amount determined pursuant to an agreement submitted to the administrator under section 454(20)(B)(i) of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, by the state or local child support enforcement

agency; or

(iii) If neither division (D)(4)(b)(i) nor (ii) of this section is applicable, then in the amount specified by the individual.

(c) The state department of human services shall be designated to receive all legal process described in division (D)(4)(b)(i) of this section from each local child support enforcement agency, which legal process was received by the agency under section 2301.371 of the Revised Code or otherwise was received by the agency. The processing of cases under part D of Title IV of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall be determined pursuant to agreement between the administrator and the state department of human services. The department shall pay, pursuant to that agreement, all of the costs of the bureau of employment services that are associated with a deduction and withholding under division (D)(4)(b)(i) of this section.

(d) The amount of unemployment compensation subject to being withheld pursuant to division (D)(4)(b) of this section is that amount which remains payable to the individual after application of any recoupment provisions for recovery of overpayments and after deductions which have been made under this chapter for deductible income received by the individual.

(e) Any amount deducted and withheld under division (D)(4)(b) of this section shall be paid to the appropriate state or local child support enforcement agency in the following manner:

(i) The administrator shall determine the amounts that are to be deducted and withheld on a per county basis.

(ii) For each county, the administrator shall forward to the local child support enforcement agency of the county, at intervals to be determined pursuant to the agreement referred to in division (D)(4)(c) of this section, the amount determined for that county under division (D)(4)(e)(i) of this section for disbursement to the obligees or assignees of such support obligations.

(f) Any amount deducted and withheld under division (D)(4)(b) of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support agency in satisfaction of the individual's child support obligations.

(g) Division (D)(4) of this section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the administrator under this section which are associated with or attributable to

child support obligations being enforced by the state or local child support enforcement agency.

(h) As used in division (D)(4) of this section:

(i) "Child support obligations" means only obligations which are being enforced pursuant to a plan described in section 454 of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, which has been approved by the United States secretary of health and human services under part D of Title IV of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended.

(ii) "State child support enforcement agency" means the department of human services, bureau of child support, designated as the single state agency for the administration of the program of child support enforcement pursuant to part D of Title IV of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended.

(iii) "Local child support enforcement agency" means ~~the a~~ a child support enforcement agency ~~designated pursuant to section 2301.35 of the Revised Code~~ or any other agency of a political subdivision of the state operating pursuant to a plan mentioned in division (D)(4)(h)(i) of this section.

(iv) "Unemployment compensation" means any compensation payable under this chapter including amounts payable by the administrator pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(E)(1) Any base period or subsequent employer of a claimant who has knowledge of specific facts affecting such claimant's right to receive benefits for any week may notify the administrator in writing of such facts. The administrator shall prescribe a form to be used for such eligibility notice, but failure to use the prescribed form shall not preclude the administrator's examination of any notice.

(2) An eligibility notice is timely filed if received by the administrator or the administrator's deputy or postmarked prior to or within forty-five calendar days after the end of the week with respect to which a claim for benefits is filed by the claimant. An employer who does not timely file an eligibility notice shall not be an interested party with respect to the claim for benefits which is the subject of the notice.

(3) The administrator or the administrator's deputy shall consider the information contained in the eligibility notice, together with other facts found by the administrator or the administrator's deputy and, after giving notice to the notifying employer, if the employer timely filed the eligibility notice, and to the claimant, and other interested parties and informing them

of their right to be present at a predetermination fact-finding interview, shall determine, unless a prior determination on the same eligibility issue has become final, whether such claim shall be allowed, and shall mail notice of such determination to the notifying employer who timely filed the eligibility notice, to the claimant, and to other interested parties. If the determination disallows benefits for any week in question, the payment of benefits with respect to that week shall be withheld pending further appeal, or an overpayment order shall be issued by the administrator as prescribed in section 4141.35 of the Revised Code, if applicable.

(F) In making determinations on applications for determination of benefit rights and claims for benefits, the administrator and the administrator's deputy shall follow decisions of the unemployment compensation review commission which have become final with respect to claimants similarly situated.

(G)(1) Any interested party notified of a determination of an application for determination of benefit rights or a claim for benefits may, within twenty-one calendar days after the notice was mailed to the party's last known post-office address, apply in writing for a reconsideration of the administrator's or deputy's determination.

(2) Unless an application for reconsideration is filed within the twenty-one-day period, or within an extended period pursuant to division (R) of this section, such determination of the administrator or deputy is final, except that upon discovery, within the benefit year, of an error in an employer's report other than a report to correct remuneration information as provided in division (B) of this section or any typographical or clerical error in the administrator's determination or a decision on reconsideration, the administrator or the administrator's deputy shall issue a corrected determination or decision to all interested parties, which determination or decision shall take precedence over and void the prior determination or decision of the administrator or the administrator's deputy, provided no appeal has been filed with the commission. If a request for reconsideration is filed within the twenty-one-day period, the administrator shall promptly consider such request and, after giving notice to the interested parties and informing them of their right to be present at a predetermination fact-finding interview, conducted as described in division (B) of this section, shall issue the decision to the interested parties; except that, if in the administrator's judgment the issues are such as to require a hearing, the administrator may refer any request for reconsideration to the commission as an appeal.

(3) If benefits are allowed by the administrator in the initial determination or the decision on reconsideration, or in a decision by a

referee, the review commission, or a court, the benefits shall be paid promptly, notwithstanding any further appeal, provided that if benefits are denied upon reconsideration or appeal, of which the parties have notice and an opportunity to be heard, the payment of benefits shall be withheld pending a decision on any further appeal.

(4) Any benefits paid to a claimant under this section prior to a final determination of the claimant's right to the benefits shall be charged to the employer's account as provided in division (D) of section 4141.24 of the Revised Code, provided that if there is no final determination of the claim by the subsequent thirtieth day of June, the employer's account will be credited with the total amount of benefits which has been paid prior to that date, based on the determination which has not become final. The total amount credited to the employer's account shall be charged to a suspense account which shall be maintained as a separate bookkeeping account and administered as a part of section 4141.24 of the Revised Code, and shall not be used in determining the account balance of the employer for the purpose of computing the employer's contribution rate under section 4141.25 of the Revised Code. If it is finally determined that the claimant is entitled to all or a part of the benefits in dispute, the suspense account shall be credited and the appropriate employer's account charged with the benefits. If it is finally determined that the claimant is not entitled to all or any portion of the benefits in dispute, the benefits shall be credited to the suspense account and a corresponding charge made to the mutualized account established in division (D) of section 4141.25 of the Revised Code, provided that, except as otherwise provided in this division, if benefits are chargeable to an employer or group of employers who is required or elects to make payments to the fund in lieu of contributions under section 4141.241 of the Revised Code, the benefits shall be charged to the employer's account in the manner provided in division (D) of section 4141.24 and division (B) of section 4141.241 of the Revised Code, and no part of the benefits may be charged to the suspense account provided in this division. To the extent that benefits which have been paid to a claimant and charged to the employer's account are found not to be due the claimant and are recovered by the administrator as provided in section 4141.35 of the Revised Code, they shall be credited to the employer's account.

(H) Any interested party may appeal the administrator's decision on reconsideration to the commission and unless an appeal is filed from such decision on reconsideration with the commission within twenty-one calendar days after such decision was mailed to the last known post-office address of the appellant, or within an extended period pursuant to division

(R) of this section, such decision on reconsideration is final and benefits shall be paid or denied in accordance therewith.

(I) Requests for reconsideration, appeals, or applications for further appeals may be filed with the commission, with the administrator or one of the administrator's deputies, with an employee of another state or federal agency, or with an employee of the unemployment insurance commission of Canada charged with the duty of accepting claims.

(1) Any timely written notice stating that the interested party desires a review of the previous determination or decision and the reasons therefor, shall be accepted.

(2) The administrator, commission, or authorized agent must receive the request, appeal, or application within the specified appeal period in order for the request, appeal, or application to be deemed timely filed, except that:

(a) If the United States postal service is used as the means of delivery, the enclosing envelope must have a postmark date, as governed by United States postal regulations, that is on or before the last day of the specified appeal period; and

(b) Where the postmark date is illegible or missing, the request, appeal, or application is timely filed if received no later than the end of the third calendar day following the last day of the specified appeal period.

(J) When an appeal from a decision on reconsideration of the administrator or deputy is taken, all interested parties shall be notified and the commission or a referee shall, after affording such parties reasonable opportunity for a fair hearing, affirm, modify, or reverse the findings of fact and the decision of the administrator or deputy in the manner which appears just and proper. In the conduct of such hearing or any other hearing on appeal to the commission which is provided in this section, the commission and the referees are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The commission and the referees shall take any steps in the hearings, consistent with the impartial discharge of their duties, which appear reasonable and necessary to ascertain the facts and determine whether the claimant is entitled to benefits under the law. For the purpose of any hearing on appeal which is provided in this section, the file of the administrator pertaining to the case shall be certified by the administrator and shall automatically become a part of the record in the appeal hearing. All information in the file which pertains to the claim, including statements made to the administrator or the administrator's deputy by the individual claiming benefits or other interested parties, shall be considered by the commission and the referees in arriving at a decision, together with any other information which is produced at the hearing. The

commission and referees may conduct any such hearing in person or by telephone. The commission shall adopt rules which designate the circumstances under which the commission or referees may conduct a hearing by telephone, grant a party to the hearing the opportunity to object to a hearing by telephone, and govern the conduct of hearings by telephone. An interested party whose hearing would be by telephone pursuant to the commission rules may elect to have an in-person hearing, provided that the party electing the in-person hearing agrees to have the hearing at the time and place the commission determines pursuant to rule.

(1) The failure of the claimant or other interested party to appear at a hearing, unless the claimant or interested party is the appealing party, shall not preclude a decision in the claimant's or interested party's favor, if on the basis of all the information in the record, including that contained in the file of the administrator, the claimant or interested party is entitled to the decision.

(2) If the party appealing fails to appear at the hearing, the referee or the commission shall dismiss the appeal, provided that the referee or commission shall vacate the dismissal upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for the failure to appear is shown to the referee or the commission within fourteen days after the hearing date. No further appeal from the decision may thereafter be instituted by such party. If the other party fails to appear at the hearing, the referee or the commission shall proceed with the hearing and shall issue a decision without further hearing, provided that the referee or commission shall vacate the decision upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for such party's failure to appear is shown to the referee or the commission within fourteen days after the hearing date.

(3) Where a party requests that a hearing be scheduled in the evening because the party is employed during the day, the commission or referee shall schedule the hearing during such hours as the party is not employed.

(K) The proceedings at the hearing before the referee, or the commission, shall be recorded by mechanical means or otherwise as may be prescribed by the commission. Unless the claim is further appealed, such record of proceedings need not be transcribed.

(L) All interested parties shall be notified of the referee's decision, which shall include the reasons therefor. The referee's decision shall become final unless, within twenty-one days after the decision was mailed to the last known post-office address of such parties, or within an extended period pursuant to division (R) of this section, the commission on its own motion

removes or transfers such claim to itself or an application to institute a further appeal before the commission is filed by any interested party and such appeal is allowed by the commission.

(M) When any claim is removed or transferred to the commission on its own motion, or when an application to institute a further appeal is allowed by the commission, the commission shall review the decision of the referee and shall either affirm, modify, or reverse such decision. Before rendering its decision, the commission may remand the case to the referee for further proceedings. When the commission disallows an application to institute a further appeal, or renders its decision affirming, modifying, or reversing the decision of the referee, all interested parties shall be notified of such decision or order by mail addressed to the last known post-office address of such parties. A disallowance by the commission of an application for further appeal shall be deemed an affirmation by the commission of the referee's decision under appeal.

(N) Whenever the administrator and the chairperson of the review commission determine in writing and certify jointly that a controversy exists with respect to the proper application of this chapter to more than five hundred claimants similarly situated whose claims are pending before the administrator or the review commission or both on reconsideration or appeal applied for or filed by three or more employers or by such claimants, the chairperson of the review commission shall select one such claim which is representative of all such claims and assign it for a fair hearing and decision. Any other claimant or employer in the group who makes a timely request to participate in the hearing and decision shall be given a reasonable opportunity to participate as a party to the proceeding.

Such joint certification by the administrator and the chairperson of the commission shall constitute a stay of further proceedings in the claims of all claimants similarly situated until the issue or issues in controversy are adjudicated by the supreme court of Ohio. At the time the decision of the commission is issued, the chairperson shall certify the commission's decision directly to the supreme court of Ohio and the chairperson shall file with the clerk of the supreme court a certified copy of the transcript of the proceedings before the commission pertaining to such decision. Hearings on such issues shall take precedence over all other civil cases. If upon hearing and consideration of such record the court decides that the decision of the commission is unlawful, the court shall reverse and vacate the decision or modify it and enter final judgment in accordance with such modification; otherwise such court shall affirm such decision. The notice of the decision of the commission to the interested parties shall contain a certification by

the chairperson of the commission that the decision is of great public interest and that a certified transcript of the record of the proceedings before the commission has been filed with the clerk of the supreme court as an appeal to the court. Promptly upon the final judgment of the court, the administrator and the commission shall decide those claims pending before them where the facts are similar and shall notify all interested parties of such decision and the reason therefor in the manner provided for in this section. Nothing in this division shall be construed so as to deny the right of any such claimant, whose claim is pending before the administrator on reconsideration or before the commission, to apply for and be granted an opportunity for a fair hearing to show that the facts in the claimant's case are different from the facts in the claim selected as the representative claim as provided in this division, nor shall any such claimant be denied the right to appeal the decision of the administrator or the commission which is made as a result of the decision of the court in the representative case.

(O)(1) Any interested party as defined in division (I) of section 4141.01 of the Revised Code, within thirty days after notice of the decision of the commission was mailed to the last known post-office address of all interested parties, may appeal from the decision of the commission to the court of common pleas of the county where the appellant, if an employee, is resident or was last employed or of the county where the appellant, if an employer, is resident or has the principal place of business in this state. The commission shall provide on its decision the names and addresses of all interested parties. Such appeal shall be taken within such thirty days by the appellant by filing a notice of appeal with the clerk of the court of common pleas. Such filing shall be the only act required to perfect the appeal and vest jurisdiction in the court. Failure of an appellant to take any step other than timely filing of a notice of appeal does not affect the validity of the appeal, but is grounds only for such action as the court deems appropriate, which may include dismissal of the appeal. Such notice of appeal shall set forth the decision appealed from. The appellant shall mail a copy of the notice of appeal to the commission and to all interested parties by certified mail to their last known post-office address and proof of the mailing of the notice shall be filed with the clerk within thirty days of filing the notice of appeal. All interested parties shall be made appellees. The commission upon receipt of the notice of appeal shall within thirty days file with the clerk a certified transcript of the record of the proceedings before the commission pertaining to the decision complained of, and mail a copy of the transcript to the appellant's attorney or to the appellant, if not represented by counsel. The appellant shall file a statement of the assignments of error presented for

review within sixty days of the filing of the notice of appeal with the court. The appeal shall be heard upon such record certified by the commission. After an appeal has been filed in the court, the commission may, by petition, be made a party to such appeal. If the court finds that the decision was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse and vacate such decision or it may modify such decision and enter final judgment in accordance with such modification; otherwise such court shall affirm such decision. Any interested party shall have the right to appeal from the decision of the court as in civil cases.

(2) If an appeal is filed after the thirty-day appeal period established in division (O)(1) of this section, the court of common pleas shall conduct a hearing to determine whether the appeal was timely filed pursuant to division (R) of this section. At the hearing, additional evidence may be introduced and oral arguments may be presented regarding the timeliness of the filing of the appeal. If the court of common pleas determines that the time for filing the appeal is extended as provided in division (R) of this section and that the appeal was filed within the extended time provided in that division, the court shall thereafter make its decision on the merits of the appeal. If the court of common pleas determines that the time for filing the appeal may not be extended as provided in division (R) of this section, the court shall dismiss the appeal accordingly. The determination on timeliness by the court of common pleas may be appealed to the court of appeals as in civil cases, and such appeal shall be consolidated with any appeal from the decision by the court of common pleas on the merits of the appeal.

(P) Any application for reconsideration, any appeal from a decision on reconsideration of the determination of the administrator, application to institute a further appeal, and any notice of intention to appeal the decision or order of the commission to a court of common pleas may be executed in behalf of any party or any group of claimants by an agent.

(Q)(1) The administrator, the administrator's deputy, the referee, the review commission, or the court that has the authority or jurisdiction pursuant to this section to hear an application for reconsideration or an appeal that is timely filed shall render a decision on the application for reconsideration or the appeal and upon any further application for reconsideration or appeal that is timely filed, whether or not the claimant meets the able to work, available for suitable work, or the actively seeking work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code, if all of the following apply:

(a) The claimant's claim for benefits is allowed or denied upon initial determination by the administrator or the administrator's deputy or upon

reconsideration, review, or appeal by a decision of the administrator, the administrator's deputy, a referee, the review commission, or a court.

(b) After the claim is allowed or disallowed, the claimant is subjected to criminally injurious conduct, as defined in section 2743.51 of the Revised Code.

(c) Pursuant to this section, any interested party timely applies for reconsideration, or timely files an appeal, of the determination or decision.

(d) The claimant files an application for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code, for the loss of unemployment benefits.

(2) Any decision that is rendered pursuant to division (Q)(1) of this section when a claimant fails to meet the able to work, available for suitable work, or the actively seeking work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code shall apply only for the purposes of any claim for an award of reparations filed pursuant to sections 2743.51 to 2743.72 of the Revised Code and shall not enable a claimant who does not meet the able to work, available for suitable work, or the actively seeking work requirements of division (A)(4)(a) of section 4141.29 of the Revised Code to obtain any benefits pursuant to this chapter.

(R) The time for filing a request for reconsideration, an appeal, an application to institute further appeal, or a court appeal, under division (G), (H), (L), or (O) of this section shall be extended as follows:

(1) When the last day of an appeal period is a Saturday, Sunday, or legal holiday, the appeal period is extended to the next work day after the Saturday, Sunday, or legal holiday; or

(2) When an interested party provides certified medical evidence stating that the interested party's physical condition or mental capacity prevented the interested party from filing a request for reconsideration, an appeal, or an application to institute further appeal pursuant to division (G), (H), or (L) of this section within the appropriate twenty-one-day period, the appeal period is extended to twenty-one days after the end of the physical or mental condition and the request, appeal, or application is considered timely filed if filed within that extended period;

(3) When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive the determination or decision within the applicable appeal period pursuant to division (G), (H), or (L) of this section, and the administrator or the commission finds that the interested party did not actually receive the determination or decision within the applicable appeal period, then the appeal period is extended to twenty-one

days after the interested party actually receives the determination or decision.

(4) When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive a decision within the thirty-day appeal period provided in division (O)(1) of this section, and a court of common pleas finds that the interested party did not actually receive the decision within that thirty-day appeal period, then the appeal period is extended to thirty days after the interested party actually receives the decision.

(S) No finding of fact or law, decision, or order of the administrator, referee, or the review commission, or a reviewing court pursuant to this section, shall be given collateral estoppel or res judicata effect in any separate or subsequent judicial, administrative, or arbitration proceeding, other than a proceeding arising under this chapter.

Sec. 4141.44. The bureau of employment services shall cooperate and collaborate with one-stop career center systems, the state department of human services, and county departments of human services concerning the availability of programs and funding the bureau administers or provides to assist participants in ohio works first, particularly participants who are convicted felons, in achieving self-sufficiency.

Sec. 5101.02. The director of human services is the executive head of the department of human services. All duties conferred on the various offices, divisions, bureaus, sections, and institutions of the department by law or by order of the director shall be performed under such rules as the director prescribes, and shall be under the director's control.

~~The director of human services may enter into agreements with county boards of commissioners, as provided in section 329.05 of the Revised Code, to create a single administrative unit within the county for the administration of the aid to dependent children and disability assistance programs.~~

~~Any such agreement entered into shall provide, either in specific terms or by prescribing a method for determining the amounts, for any payments to be made into the county treasury in consideration of the performance of the agreement, and may provide for the transfer to the board of county commissioners of any property, real or personal, used or useful in the performance of functions or the rendering of services under such agreement. Such transfer may limit the power of the board to dispose of such property, and may provide for its return, disposition, division, or distribution, in the event of the rescission or expiration of the agreement.~~

~~To the extent provided by such agreement the functions and duties of~~

~~the department of human services shall be vested in the board of county commissioners.~~

~~Payments authorized by the agreement shall be made by the state not less than four times during each fiscal year on vouchers prepared by the department of human services and may include any funds appropriated or allocated to the department of human services for carrying out the duties and responsibilities which, under terms of the agreement, are transferred to the board of county commissioners, including, but not limited to, funds for personal service and maintenance.~~

Sec. 5101.06. The director of human services may establish offices, divisions, bureaus, and sections and prescribe their powers and duties.

Sec. 5101.07. Each office, division, bureau, and section authorized by section 5101.06 of the Revised Code shall consist of a chief and the officers and employees, ~~including those in institutions,~~ necessary for the performance of the functions assigned to it. The director of human services shall supervise the work of each office, division, bureau, and section and shall be responsible for the determination of general policies in the exercise of powers vested in the department and powers assigned to each office, division, bureau, and section. The chief of each office, division, bureau, and section shall be responsible to the director for the organization, direction, and supervision of the work of the office, division, bureau, or section and the exercise of the powers and the performance of the duties of the department assigned to such office, division, bureau, or section, and, with the approval of the director, may establish ~~bureaus or~~ other administrative units therein. The director shall appoint the chief of each office, division, bureau, and section, who, unless placed in the unclassified service under section 124.11 of the Revised Code, shall be in the classified service, and all other employees of the department. The chief of each office, division, bureau, and section shall be a person who has had special training and experience in the type of work with the performance of which the office, division, bureau, or section is charged. If the director certifies that any such position can best be filled under division (B) of section 124.30 of the Revised Code or without regard to residence of the appointee, the department of administrative services shall be governed by such certification. Each chief of a an office, division, bureau, or section, under the director of human services, shall have entire executive charge of the office, division, bureau, or section for which ~~he~~ the chief is appointed.

All employees holding positions in the classified service within the department on June 30, 1966, shall continue to hold such positions and this section does not affect their civil service status.

~~Employees of any division that is abolished by Amended Substitute House Bill No. 376 of the 106th general assembly shall be transferred to a comparable position in another division of the department.~~

Sec. 5101.071. (A) Not later than ninety days after the effective date of this section, the director of human services shall develop and provide a training program to assist caseworkers in county departments of human services and ~~county~~ public children services ~~boards~~ agencies in understanding the dynamics of domestic violence and the relationship domestic violence has to child abuse. The program shall be coordinated with other department programs regarding family violence.

(B) Not later than ninety days after the effective date of this section, the director of human services shall adopt rules in accordance with section 111.15 of the Revised Code establishing policies for dealing with domestic violence and the victims of domestic violence. The rules shall include all of the following:

(1) A rule designating types and categories of employees of county departments of human services and employees of ~~county~~ public children services ~~boards~~ agencies to receive training in the handling of domestic violence cases and a policy for the training of the designated types and categories of employees in the handling of those cases.

(2) Guidelines directing how county departments of human services and county children services boards shall respond to identified domestic violence problems and to the needs of children directly or indirectly involved in situations involving domestic violence.

(C) Each county department of human services and each ~~county~~ public children services ~~board~~ agency shall require its employees to complete the training described in divisions (A) and (B) of this section in accordance with the rules adopted by the director of human services pursuant to division (B) of this section.

Sec. 5101.10. The director of human services may expend funds appropriated or available to the department of human services ~~to match federal funds that are or may become available~~ for the purposes of ~~personnel~~ the administration of, and training, education, and research in, human services, ~~and the delivery of human services~~ from public or private entities, including other governmental agencies; public or private institutions, organizations, agencies, and corporations; and individuals. For purposes of this section, the director may enter into contracts or agreements with public and private entities and make grants to public and private entities.

The department may adopt rules in accordance with section 111.15 Of the Revised Code to define terms and adopt procedures and other provisions

necessary to implement this section.

Sec. 5101.14. (A) Within available funds, the department of human services shall make payments to the counties within thirty days after the beginning of each calendar quarter for a part of their costs for services to children performed pursuant to Chapter 5153. of the Revised Code. ~~The~~

Funds provided to the county under this section shall be deposited in a special fund in the county treasury, known as the children services fund, and shall be used for no other purpose than to meet expenses of the children services program.

(B) THE funds distributed under this section shall be used to provide home-based services to children and families; to provide protective services to children; to find, develop, and approve adoptive homes; and to provide short-term, out-of-home care and treatment for children. No funds shall be used for the costs of maintaining a child in a children's home owned and operated by the county.

In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (A)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty line bears to the total number of

h persons in this state.

As used in this division, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

~~(B)~~(C) The department may adopt rules as necessary for the allocation of funds under this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

~~(C)~~(D)(1) As used in this division, "services to children" includes only children's protective services, home-based services to children and families, family foster home services, residential treatment services, adoptive services, and independent living services.

(2) Except as otherwise provided in this section, the allocation of funds for a fiscal year to a county under this section shall be reduced by the department if in the preceding calendar year the total amount expended for services to children from local funds and funds distributed to the county under section ~~5101.462~~ 5101.46 of the Revised Code was less than the total expended from those sources in the second preceding calendar year. The reduction shall be equal to the difference between the total expended in the preceding calendar year and the total expended in the second preceding calendar year.

The determination of whether the amount expended for services to children was less in the preceding calendar year than in the second preceding calendar year shall not include a difference due to any of the following factors to the extent that the difference does not exceed the amount attributable to that factor:

- (a) An across-the-board reduction in the county budget as a whole;
- (b) A reduced or failed levy specifically earmarked for children services;
- (c) A reduced allocation of funds to the county under section ~~5101.462~~ 5101.24 of the Revised Code;
- (d) The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.

(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.

~~(D)~~(E) No funds shall be paid to any county under this section until the director of human services has approved a plan for services to children submitted by ~~the county department of human services or the county public~~

children services ~~board~~ agency for the current calendar year. The department of human services shall adopt rules prescribing the general content of the county children services plan and the general content of the evaluation required by division (B)(16) of section 5153.16 of the Revised Code.

~~(E)~~(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

~~(F)~~(G) Within ninety days after the end of each fiscal year, each county shall return any unspent funds to the department.

~~(G)~~(H) The department shall prepare an annual report detailing on a county-by-county basis the services provided with funds distributed under this section. The report shall be submitted to the general assembly by the thirtieth day of September each year and also shall be made available to the public.

~~(H)~~(I) In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend and rescind, rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. 5101.141. (A) The state department of human services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, and shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this authority. Title IV-E funds distributed by the state department to a ~~county public children services board or county department of human services that has assumed the administration of child welfare agency~~ shall be administered by the ~~board or county department~~ agency in accordance with those rules.

(B)(1) The county shall, on behalf of each child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(2) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more family foster homes operated

by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in division (B)(1) of this section.

(C) To the extent that either foster care maintenance payments under division (B) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the state department of human services.

(D) The state department shall distribute to counties that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than two per cent of the federal financial participation received. The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(E) All federal funds received by a county pursuant to this section shall be deposited in the county's children services fund created pursuant to division (A) of section 5101.14 of the Revised Code and shall be used solely for services to children under Chapter 5153. of the Revised Code. This requirement is satisfied if, by clear audit trail, the county can demonstrate that those funds were properly used to reimburse the county general fund for children services expenditures made pursuant to Chapter 5153. of the Revised Code.

(F) The department of human services shall periodically publish and distribute the maximum amounts that the department will reimburse ~~county public children services boards and county departments of human services agencies~~ for making payments on behalf of children eligible for foster care maintenance payments.

Sec. 5101.15. Within available funds the department of human services may reimburse counties in accordance with this section for a portion of the salaries paid to child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare

worker for each one hundred thousand of population in excess of eighty thousand.

The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:

(A) Twenty-seven hundred dollars a year for a child welfare worker who is a graduate of an accredited high school, college, or university;

(B) Thirty-three hundred dollars a year for a child welfare worker who has one year or more of graduate training in social work or a field which the department finds to be related to social work;

(C) Thirty-nine hundred dollars a year for a child welfare worker who has completed two years of social work training.

The salary of the executive director, designated in accordance with section 5153.10 of the Revised Code, shall be subject to reimbursement under this section, provided that the executive director qualifies under division (A), (B), or (C) of this section. No funds shall be allocated under this section until the director of human services has approved a plan of child welfare services for the county submitted by the ~~county department of human services or county public children services board~~ agency.

Sec. 5101.16. (A) As used in this section and ~~section sections~~ sections 5101.161 and 5101.162 of the Revised Code:

~~(1) "Aid to dependent children" means the program established by Chapter 5107. of the Revised Code, excluding publicly funded child day care provided to aid to dependent children recipients under Chapter 5104. of the Revised Code and transitional child day care provided to former aid to dependent children recipients under section 5104.32 of the Revised Code.~~

~~(2)~~ "Disability assistance" means financial and medical assistance provided under Chapter 5115. of the Revised Code.

~~(3)~~(2) "Food stamps" means the program established by the "Food Stamp Act of 1977," 92 Stat. 856, 7 U.S.C. 2026, as amended administered by the department of human services pursuant to section 5101.54 Of the Revised Code.

~~(4)~~(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.

(4) "Ohio works first" means the program established by Chapter 5107. Of the Revised Code.

(5) "Prevention, retention, and contingency" means the program established by Chapter 5108. Of the Revised Code.

(6) "Public assistance expenditures" means expenditures for all of the

following:

- (a) ~~Aid to dependent children~~ Ohio works first;
- (b) County administration of ~~aid to dependent children~~ Ohio works first;
- (c) Prevention, retention, and contingency;
- (d) County administration of prevention, retention, and contingency;
- (e) Disability assistance;
- ~~(d)~~(f) County administration of disability assistance;
- ~~(e)~~(g) County administration of food stamps;
- ~~(f)~~(h) County administration of medicaid.

(B) Each board of county commissioners shall pay the county share of public assistance expenditures ~~as specified in this division. Payment of the county share shall be made as provided in accordance with~~ section 5101.161 of the Revised Code.

~~(1). Except as provided in division (B)(2)(C) of this section for calendar year 1997 and each calendar year thereafter, a county's share of public assistance expenditures is the sum of all of the county's shares determined under divisions (C), (D)(1), and (D)(2) of this section.~~

~~(2) A county's share of public assistance expenditures for a calendar year shall not exceed one hundred ten per cent of the county's share of public assistance expenditures for the immediately preceding calendar year. If a county's share determined under division (B)(1) of this section exceeds this limit, the department of human services shall reduce each of the county's shares determined under divisions (C), (D)(1), and (D)(2) of this section so that the total of those county shares equals one hundred ten per cent of the county's share of public assistance expenditures for the immediately preceding calendar year.~~

~~(C) For calendar~~ Following for state fiscal year ~~1997~~ 1998 and each calendar state fiscal year thereafter, a county's share of expenditures for aid to dependent children and county administration of aid to dependent children, food stamps, and medicaid is an amount equal to ten per cent, or other percentage determined under division (E) of this section, of the amount of such expenditures that is chargeable to the county for the state fiscal year that ended in the previous calendar year less the amount of federal reimbursement credited to the county for such expenditures under division (F) of this section for the state fiscal year that ended the previous calendar year.

~~(D)(1) For calendar year 1997 and each calendar year thereafter, a county's share of expenditures for disability assistance is an amount equal to:~~

- (1) The amount that is twenty-five per cent of the ~~amount of such~~

county's total expenditures chargeable to the county for disability assistance and county administration of disability assistance during the state fiscal year that ended ending in the previous calendar year that the department of human services determines are allowable.

(2) For calendar year 1997 and each calendar year thereafter, a county's share of expenditures for county administration of disability assistance is an amount equal to twenty five that is ten per cent, or other percentage determined under division (D) of this section, of the county's total amount the county; expenditures for county administration of food stamps and medicaid during the state fiscal year that ended ending in the previous calendar year; spent for such expenditures that the department determines are allowable administrative expenditures, less the amount of federal reimbursement credited to the county under division (E) of this section for the state fiscal year ending in the previous calendar year;

(3)(a) Except as provided in division (B)(3)(b) of this section, the actual amount, as determined by the department of human services from expenditure reports submitted to the United States department of health and human services, of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child day-care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105.

(b) For state fiscal years 1998 and 1999, eighty per cent of the amount determined under division (B)(3)(a) of this section.

(C)(1) If a county's share of public assistance expenditures determined under division (B) of this section for a state fiscal year exceeds one hundred ten per cent of the county's share for those expenditures for the immediately preceding state fiscal year, the department of human services shall reduce the county's share for expenditures under divisions (B)(1) and (2) of this section so that the total of the county's share for expenditures under division (B) of this section equals one hundred ten per cent of the county's share of those expenditures for the immediately preceding state fiscal year.

(2) A county's share of public assistance expenditures determined under division (B) of this section may be increased pursuant to a sanction under section 5101.24 of the Revised Code.

(E)(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (E)(D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (E)(B)(2) of this section is the product of ten multiplied

by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of human services shall compute the per capita tax duplicate for the state and for each county by dividing the tax duplicate for the most recent available year by the current estimate of population prepared by the department of development.

(2) If the percentage of families in a county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state and division ~~(E)(D)~~(1) of this section does not apply to the county, the percentage to be used for the purpose of division ~~(C)(B)~~(2) of this section is the product of ten multiplied by a fraction of which the numerator is the percentage of families in the state with an annual income of less than three thousand dollars a year and the denominator is the percentage of such families in the county. The department of human services shall compute the percentage of families with an annual income of less than three thousand dollars for the state and for each county by multiplying the most recent estimate of such families published by the department of development, by a fraction, the numerator of which is the estimate of average annual personal income published by the bureau of economic analysis of the United States department of commerce for the year on which the census estimate is based and the denominator of which is the most recent such estimate published by the bureau.

(3) If divisions ~~(E)(1)~~ and ~~(E)(2)~~ of this section apply to the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and the percentage of families in the county with an annual income of less than three thousand dollars is greater than the percentage of such families in the state, the percentage to be used for the purpose of division ~~(C)(B)~~(2) of this section shall be determined as follows:

(a) Multiply ten by the fraction determined under division ~~(E)(D)~~(1) of this section;

(b) Multiply the product determined under division ~~(E)(D)~~(3)(a) of this section by the fraction determined under division ~~(E)(D)~~(2) of this section.

(4) The department of human services shall determine, for each county, the percentage to be used for the purpose of division ~~(C)(B)~~(2) of this section not later than the first day of July of the year preceding the calendar state fiscal year for which the percentage is used.

~~(F)(E)~~ The department of human services shall credit to a county the amount of federal reimbursement the department receives from the United States department of health and human services for the county's total gross expenditures for aid to dependent children, less the amount of any canceled

~~or voided warrants for aid to dependent children. The department shall credit to a county the amount of federal reimbursement the department receives from the United States department departments of agriculture and health and human services for the county's expenditures for administration of aid to dependent children, food stamps, and medicaid that the department determines are allowable administrative expenditures.~~

~~(G)(F)~~ The department of human services ~~may~~ shall adopt rules in accordance with section 111.15 of the Revised Code to ~~implement this section. If the department adopts such rules, the rules shall specify the establish all of the following:~~

(1) ~~The~~ method the department is to use to reduce change a county's ~~shares share of public assistance expenditures determined under divisions (C), (D)(1), and (D)(2) division (B) of this section for the purpose of as provided in division (B)(2)(C) of this section;~~

(2) The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section;

(3) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(4) Other procedures and requirements necessary to implement this section.

Sec. 5101.161. Prior to the sixteenth day of ~~December~~ May annually, the department of human services shall certify to the board of county commissioners of each county the amount estimated by the department to be needed in the following ~~calendar~~ state fiscal year to meet the county share, as determined under division (B) of section 5101.16 of the Revised Code, of public assistance expenditures. ~~At the beginning of the calendar year~~ Each January, the board of ~~county commissioners~~ shall appropriate the amount certified by the department for the current calendar year, ~~reduced or increased by the amount of the adjusted balance or deficit in the public assistance fund at the end of the preceding calendar year as determined by department of human services rules. The attorney general shall bring mandamus proceedings against any board which fails to make such an appropriation and timely transfer to the public assistance fund as directed by department of human services rules and an additional five per cent of that amount. Each June, the board may reappropriate, for any purpose the board determines to be appropriate, the amount appropriated in January that exceeds the total of the amount certified by the department for the last six months of the current state fiscal year and the first six months of the following state fiscal year.~~

~~The department of human services shall divide each calendar year into quarterly or more frequent payment periods for the purpose of paying counties the state and federal share of public assistance expenditures. Before the beginning fifteenth day of each payment period the department establishes by rule, the department shall pay a county the estimated state and federal share of the county's public assistance expenditures for the that payment period about to begin increased or decreased by the amount the department underpaid or overpaid the county for the most recent payment period for which it is known that the department knows an underpayment or overpayment was made.~~

If the department establishes a maximum amount that it will reimburse a county ~~may spend for aid to dependent children or county administration of aid to dependent children, food stamps, or medicaid~~ public assistance expenditures and a county spends more for such an expenditure than is allowed reimbursable, the department shall not pay the county a state or, except as provided in section 5101.162 Of the Revised Code, a federal share for the amount of the expenditure that exceeds the maximum allowable reimbursement amount. County expenditures that exceed the maximum allowable reimbursement amount shall not be credited to a county's share of public assistance expenditures under section 5101.16 Of the Revised Code. The department also shall not pay a county a state or, except as provided in section 5101.162 Of the Revised Code, a federal share for an administrative expenditure that is not allowed by the department.

A county shall deposit all funds appropriated by a board of county commissioners and received from the department ~~of human services~~ under this section in a special fund in the county treasury known as the public assistance fund. A county shall make payments for public assistance expenditures from the public assistance fund.

The attorney general shall bring mandamus proceedings in the Franklin county court of appeals against any board of county commissioners that fails to make appropriations or deposits into the public assistance fund required by this section.

The department ~~of human services may shall~~ shall adopt internal management rules in accordance with section 111.15 of the Revised Code to ~~implement this section. If the department adopts such rules, the rules shall~~ do all of the following:

(A) Establish the method by which the department is to make payments to counties under this section;

(B) Establish procedures for payment by counties of the county share of public assistance expenditures ~~for disability assistance benefits~~;

(C) Establish payment periods for paying a county its estimated state and federal share of public assistance expenditures;

(D) Allow county departments of human services to use the public assistance fund for other purposes and programs similar to the purposes and programs specified in this section.

The department may adopt internal management rules in accordance with section 111.15 of the Revised Code to establish a maximum amount that it will reimburse a county for public assistance expenditures.

Sec. 5101.162. The department of human services may use available federal funds to reimburse county expenditures for county administration of food stamps or medicaid even though the county expenditures exceed the maximum allowable reimbursement amount established by rules adopted under section 5101.161 Of the Revised Code if the board of county commissioners has not entered into a partnership agreement with the director of human services under section 5101.21 Of the Revised Code. The department may adopt internal management rules in accordance with section 111.15 Of the Revised Code to implement this section.

Sec. 5101.18. (A) ~~The director~~ When the department of human services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section 5115.05 of the Revised Code regarding income and resource requirements for the disability assistance program, the department shall determine what payments to any individual applying for or receiving aid under Chapter 5107. or 5115. of the Revised Code shall be regarded as income or resources or disregarded. In making this determination, the ~~director~~ department shall consider:

- (1) The source of the payment;
- (2) The amount of the payment;
- (3) The purpose for which the payment was made;
- (4) Whether regarding the payment as income would be in the public interest:

~~(B) The director also shall take into consideration whether:~~

(5) Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department of ~~human services~~ and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code. ~~The director shall establish such rules as are necessary for carrying out this section and shall revise such rules at such times as he finds it necessary.~~

(B) Any recipient of aid participant in the Ohio works first program established under Chapter 5107. of the Revised Code or recipient of aid

under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old-age, survivors, and disability insurance benefits under such act, shall remain a participant or recipient of aid for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to ~~aid to dependent children~~, Ohio works first; prevention, retention, and contingency; medicaid; and disability assistance, general assistance provided prior to the effective date of this amendment July 17, 1995, under former Chapter 5113. of the Revised Code.

(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107., ~~5108.~~, 5111., or 5115. of the Revised Code, the director of human services shall furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The director of administrative services, administrator, boards, and any agent or employee of those officials and boards shall comply with the rules of the department of human services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.

(C) The auditor of state may enter into a reciprocal agreement with the director of human services or comparable officer of any other state for the exchange of names, current or most recent addresses, or social security numbers of persons receiving public assistance under ~~part A of Title IV~~ IV-A or under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(D)(1) The auditor of state shall retain, for not less than two years, at least one copy of all information received under this section and sections 145.27, 742.41, 3307.21, 3309.22, 4123.27, 5101.182, and 5505.04 of the

Revised Code. The auditor shall review the information to determine whether overpayments were made to recipients of public assistance under Chapters 5107., 5108., 5111., and 5115. of the Revised Code. The auditor of state shall initiate action leading to prosecution, where warranted, of recipients who received overpayments by forwarding the name of each recipient who received overpayment, together with other pertinent information, to the director of human services and the attorney general, to the district director of human services of the district through which public assistance was received, and to the county director of human services and county prosecutor of the county through which public assistance was received.

(2) The auditor of state and the attorney general or their designees may examine any records, whether in computer or printed format, in the possession of the director of human services or any county director of human services. They shall provide safeguards which restrict access to such records to purposes directly connected with an audit or investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the programs and shall comply with the rules of the department of human services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.

(3) Costs incurred by the auditor of state in carrying out ~~his~~ the auditor of state's duties under this division shall be borne by the auditor of state.

Sec. 5101.183. (A) The department of human services, in accordance with section 111.15 of the Revised Code, may adopt rules under which county departments of human services or ~~county~~ public children services ~~boards~~ agencies shall take action to recover the cost of social services provided to any of the following:

(1) Persons who were not eligible for social services but who secured social services through fraud or misrepresentation;

(2) Persons who were eligible for social services but who intentionally diverted the services to other persons who were not eligible for the services.

(B) A county department of human services or ~~county~~ public children services ~~board~~ agency may bring a civil action against a recipient of social services to recover any costs described in division (A) of this section. ~~In seeking to recover those costs, the department or board shall not terminate or reduce social services to any person who is entitled to them.~~

(C) A county department of human services or ~~county~~ public children

services ~~board~~ agency shall retain any money it recovers under division (A) of this section and shall use the money for the provision of social services, except that, if federal law requires the state department of human services to return any portion of the money so recovered to the federal government, the county department or ~~county board~~ agency shall pay that portion to the state department.

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.25 Of the Revised Code, "county social service agency" and "social service duty" have the same meanings as in section 307.981 Of the Revised Code.

(B) The director of human services shall enter into a written partnership agreement with each board of county commissioners regarding the administration and design of the Ohio works first program established under Chapter 5107. Of the Revised Code, the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code, duties assumed by a county department of human services pursuant to an agreement entered into under section 329.05 Of the Revised Code, and other county department of human services' duties that the director and board mutually agree to include in the agreement. The director and board may include in the partnership agreement provisions regarding the administration and design of the duties of child support enforcement agencies and public children services agencies included in a plan of cooperation entered into under section 307.983 Of the Revised Code that the director and board mutually agree to include in the agreement. Social service duties included in the agreement shall be vested in the board. The agreement shall comply with federal statutes and regulations, state statutes, and, except as provided in division (B)(9) of this section, state rules governing the social service duties included in the agreement.

A partnership agreement shall include responsibilities that the state department of human services and county social service agencies administering social service duties included in the agreement must satisfy. The agreement shall establish, specify, or provide for all of the following:

(1) Requirements governing the administration and design of, and county social service agencies' cooperation to enhance, social service duties included in the agreement;

(2) Outcomes that county social service agencies are expected to achieve from the administration and design of social service duties included in the agreement and assistance, services, and technical support the state department will provide the county social service agencies to aid the agencies in achieving the expected outcomes;

(3) Performance standards county social service agencies are required to

meet in the design, administration, and outcomes of social service duties included in the agreement and assistance, services, and technical support the state department will provide the county social service agencies to aid the agencies in meeting the performance standards;

(4) Criteria and methodology the state department will use to evaluate whether expected outcomes are achieved and performance standards are met and county social service agencies will use to evaluate whether the state department is providing agreed upon assistance, services, and technical support;

(5) Annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code for exceeding performance standards;

(6) The state department taking action against a county social service agency pursuant to division (B) of section 5101.24 of the Revised Code if division (A)(1), (2), or (3) of that section applies to the agency;

(7) The funding of social service duties included in the agreement and whether the state department will provide funding for two or more county department of human services' duties included in the agreement pursuant to a combined funding allocation under division (C) of this section. The agreement shall either specify the amount of payments to be made for the social service duties included in the agreement or the method that will be used to determine the amount of payments.

(8) Audits required by federal statutes and regulations and state law and requirements for prompt release of audit findings and prompt action to correct problems identified in an audit;

(9) Which, if any, of the state department's rules will be waived so that a policy provided for in the agreement may be implemented;

(10) The method of amending or terminating the agreement and an expedited process for correcting terms or conditions of the agreement that the director and board agree are erroneous;

(11) Dispute resolution procedures for anticipated and unanticipated disputes. The agreement may establish different dispute resolution procedures for different types of disputes. Dispute resolution procedures may include negotiation, mediation, arbitration, adjudication conducted by a hearing officer or fact-finding panel, and other procedures.

(12) The date the agreement is to commence or end. An agreement may not commence before it is entered into nor end later than the last day of the state fiscal biennium for which it is entered into.

(13) Other provisions determined necessary by the state department and the county social services agency.

(C) The state department shall make payments authorized by a partnership agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out social service duties vested in the board of county commissioners under the agreement, including funds for personal services and maintenance.

To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the department may establish a consolidated funding allocation for two or more of a county department of human services' duties included in the agreement. A county department of human services shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.

(D) The director of human services may enter into partnership agreements with one or more boards of county commissioners at a time but an agreement must be entered into with each board not later than January 1, 2000. Until a partnership agreement with a board is entered into and implemented, a county social service agency serving the county that the board serves shall perform its social service duties in the manner they are performed on the effective date of this section with the exception that a county social services agency may implement changes authorized by federal statutes or regulations, state statutes, or state department rules.

Sec. 5101.211. The director of human services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the social service duties of a county social service agency. The director also may enter into written agreements or contracts with, or issue grants to, private and government entities under which funds are provided for the enhancement or innovation of human service activities on the state or local level. The terms of an agreement, contract, or grant under this section may be incorporated into a partnership agreement the director enters into with a board of county commissioners under section 5101.21 of the Revised Code, if the director and board and state agency, state university or college, or private or government entity agree.

Sec. 5101.212. If the director of human services enters into an agreement or contracts with, or issues a grant to, a religious organization under section 5101.211 of the Revised Code, the religious organization shall comply with section 104 of the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193).

Sec. 5101.22. The department of human services may establish

formance standards for the administration and outcomes of social service duties and determine at intervals the department decides the degree to which a county social service agency complies with a performance standard. The department may use statistical sampling, performance audits, case reviews, or other methods it determines necessary and appropriate to determine compliance with performance standards.

A performance standard established under this section for a social service duty does not apply to a county social service agency administering the duty if a different performance standard is specified for the agency's administration of the duty pursuant to a partnership agreement entered into under section 5101.21 of the Revised Code.

Sec. 5101.23. Subject to the availability of funds, the department of human services may provide annual financial, administrative, or other incentive awards to county social service agencies that exceed performance standards specified in a partnership agreement entered into under section 5101.21 or established under section 5101.22 Of the Revised Code. The amount of a financial incentive award shall be based on the degree to which a county social service agency exceeds a performance standard and the amount of money available in the social services incentive fund established under this section. A county social service agency may spend funds provided as a financial incentive award only for the purpose for which the funds are appropriated.

There is hereby created in the state treasury the social services incentive fund. The director of human services may request that the director of budget and management transfer funds in the Title IV-A reserve fund created under section 5101.82 Of the Revised Code and other funds appropriated for social service duties into the fund. If the director of budget and management determines that the funds identified by the director of human services are available and appropriate for transfer, the director of budget and management shall make the transfer. Money in the fund shall be used to provide incentive awards under this section.

Sec. 5101.24. (A) The department of human services may take action against a county social service agency under division (B) of this section if the department determines any of the following apply to the agency as regards a social service duty:

(1) The agency fails to meet a performance standard specified in a partnership agreement entered into under section 5101.21 or established under section 5101.22 Of the Revised Code;

(2) The agency fails to comply with a requirement established by federal statute or regulations, state statute, or a department rule;

(3) The agency is solely or partially responsible for, or contributes to, an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty.

(B) The department may take one or more of the following actions against a county social service agency if division (A)(1), (2), or (3) of this section applies to the agency:

(1) Require the agency to submit to and comply with a corrective action plan pursuant to a time schedule specified by the department;

(2) Impose a financial or administrative sanction against the agency, which may include requiring the agency to share with the department a final disallowance of federal financial participation or other sanction or penalty. A sanction may be increased if the department has previously taken action against the agency under this division.

(3) Perform a social service duty for the agency until the department is satisfied that the agency will perform the duty satisfactorily. If the department administers a social service duty under division (B)(3) of this section, the department may spend funds in the county treasury appropriated for the duty.

(4) Request that the attorney general bring mandamus proceedings to compel the agency to take or cease the action that causes division (A)(1), (2), or (3) of this section to apply to the agency. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

(C) If the department decides to take action against a county social service agency under division (B) of this section, the department shall notify the agency, board of county commissioners, and county auditor in writing.

The county social service agency may request an administrative review of the proposed action by sending a written request to the department not later than forty-five days after the department mails the notice to the agency. If an administrative review is requested, the department and agency may enter into a written agreement setting forth the dispute resolution procedures to be used to resolve the dispute and any other procedural matters the department and agency agree will assist in reaching a prompt, fair, and equitable resolution. If the department and agency fail to enter into such an agreement not later than sixty days after the agency requests the administrative review, the department shall conduct a hearing in accordance with Chapter 119. of the Revised Code, except that the department, notwithstanding section 119.07 of the Revised Code, is not required to schedule the hearing within fifteen days of the agency's request.

Sec. 5101.25. The department of human services, in consultation with

county representatives, shall develop annual training goals and model training curriculum for employees of county social services agencies and identify a variety of state funded training opportunities to meet the proposed goals.

Sec. ~~5101.20~~ 5101.26. ~~(A)~~ As used in this section and in sections 5101.27 to 5101.30 Of the Revised Code:

~~(1)~~(A) "County agency" means a county department of human services established under Chapter 329. of the Revised Code or a public children services agency, as defined in section 2151.011 of the Revised Code.

~~(2)~~(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

~~(3)~~(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the state department of human services, a county agency, or an entity performing duties on behalf of the state department or a county agency.

~~(4)~~(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

~~(5)~~(E) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the state department or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

~~(6)~~(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance or participant or former participant in Ohio works first or the prevention, retention, and contingency program.

~~(B) The state department shall enter into written agreements with law enforcement agencies to exchange, obtain, or share information regarding public assistance recipients to enable the state department, county agencies, and law enforcement agencies to determine whether a recipient or a member~~

of a recipient's assistance group is either of the following:

(1) A fugitive felon;

(2) Violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(C) The state department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107. or 5115. of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

(D) To the extent permitted by federal law, the state department and county agencies shall provide access to information to the auditor of state acting pursuant to Chapter 117. or sections 5101.181 and 5101.182 of the Revised Code and to any other government entity authorized by state or federal law to conduct an audit of or similar activity involving a public assistance program.

(E) Information about a recipient shall be exchanged, obtained, or shared only if the state department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (B) of this section, or any information considered appropriate by the department or agency.

(F)(1) The state department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (B), (C), and (E) of this section. This section does not affect any immunity or defense that the state department and its officers and employees may be entitled to under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.

(2) The county agencies and their employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (B), (C), and (E) of this section. "Employee" has the same meaning as in division (B) of section 2744.01 of the Revised Code. This section does not affect any immunity or defense that the county agencies and their employees may be entitled to under another section of the Revised Code or the common law of this state, including section 2744.02 and division (A)(6) of section

~~2744.03 of the Revised Code.~~

~~(G) The auditor of state shall prepare an annual report on the outcome of the agreements required under division (B) of this section. The report shall include the number of fugitive felons and probation and parole violators apprehended during the immediately preceding year as a result of the exchange of information pursuant to that division. The auditor of state shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor's office in gathering the information required under this division.~~

Sec. 5101.27. (A) Except as permitted by this section, section 5101.28 or 5101.29 Of the Revised Code, or the rules adopted under division (A) of section 5101.30 Of the Revised Code, or required by federal law, no person or government entity shall solicit, disclose, receive, use, or knowingly permit, or participate in the use of any information regarding a public assistance recipient for any purpose not directly connected with the administration of a public assistance program.

(B)(1) To the extent permitted by federal law, the state department of human services and county agencies shall release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering a public assistance program or any other state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(2) To the extent permitted by federal law, the state department and county agencies shall provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of a public assistance program.

(C) To the extent permitted by federal law and section 1347.08 Of the Revised Code, the state department and county agencies shall provide access to information regarding a public assistance recipient to all of the following:

- (1) The recipient;
- (2) The authorized representative, as defined in rules adopted under section 5101.30 Of the Revised Code, of the recipient;
- (3) The parent or guardian of the recipient;
- (4) The attorney of the recipient, if the attorney has written

authorization from the recipient.

(D) To the extent permitted by federal law, the state department and county agencies may release information about a public assistance recipient if the recipient gives voluntary, written consent that specifically identifies the persons or government entities to which the information may be released.

The state department or county agency shall release the information only to the persons or government entities specified in the document evidencing consent. Consent may be time-limited or ongoing, at the discretion of the individual giving it, and may be rescinded at any time; however, an individual cannot rescind consent retroactively. The document evidencing consent must state that consent may be rescinded.

The state department or a county agency may release information under this division concerning a receipt of medical assistance under Chapter 5111. Of the Revised Code only if both of the following are the case:

(1) The release of information is for purposes directly connected to the administration of programs created under Chapter 5111. Of the Revised Code or services provided under programs created under that chapter;

(2) The information is released to persons or government entities that are subject to standards of confidentiality and safeguarding information substantially comparable to those established for programs created under Chapter 5111. Of the Revised Code.

Sec. 5101.28. (A) The state department shall enter into written agreements with law enforcement agencies to exchange, obtain, or share information regarding public assistance recipients to enable the state department, county agencies, and law enforcement agencies to determine whether a recipient or a member of a recipient's assistance group is either of the following:

(1) A fugitive felon;

(2) Violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(B) The state department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. Of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

(C) Information about a recipient shall be exchanged, obtained, or shared only if the state department, county agency, or law enforcement agency requesting the information gives sufficient information to

pecifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (A) of this section, or any information considered appropriate by the department or agency.

(D)(1) The state department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. This section does not affect any immunity or defense that the state department and its officers and employees may be entitled to under another section Of the Revised Code or the common law of this state, including section 9.86 Of the Revised Code.

(2) The county agencies and their employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (A), (B), and (C) of this section. "Employee" has the same meaning as in division (B) of section 2744.01 Of the Revised Code. This section does not affect any immunity or defense that the county agencies and their employees may be entitled to under another section Of the Revised Code or the common law of this state, including section 2744.02 and division (A)(6) of section 2744.03 Of the Revised Code.

(E) To the extent permitted by federal law, the state department and county agencies shall provide access to information to the auditor of state acting pursuant to Chapter 117. or sections 5101.181 and 5101.182 Of the Revised Code and to any other government entity authorized by state or federal law to conduct an audit of or similar activity involving a public assistance program.

(F) The auditor of state shall prepare an annual report on the outcome of the agreements required under division (A) of this section. The report shall include the number of fugitive felons and probation and parole violators apprehended during the immediately preceding year as a result of the exchange of information pursuant to that division. The auditor of state shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor of state's office in gathering the information required under this division.

(G) To the extent permitted by federal law, the state department of human services, county departments of human services, and employees of

the departments may report to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child receiving public assistance, if circumstances indicate that the child's health or welfare is threatened.

Sec. 5101.29. When contained in a record held by the state department of human services or a county agency, the following are not public records for purposes of section 149.43 Of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure, certification, or registration under Chapter 5104. Of the Revised Code;

(B) Names and other identifying information regarding a person who makes an oral or written complaint regarding a child day-care center or home subject to licensure, certification, or registration to the state department or other state or county entity responsible for enforcing Chapter 5104. Of the Revised Code.

Sec. 5101.30. (A) The state department of human services shall adopt rules in accordance with Chapter 119. Of the Revised Code implementing sections 5101.26 to 5101.30 Of the Revised Code and governing the custody, use, and preservation of the information generated or received by the state department, county agencies, other state and county entities, contractors, grantees, private entities, or officials participating in the administration of public assistance programs. The rules shall specify conditions and procedures for the release of information. The rules shall comply with applicable federal statutes and regulations. To the extent permitted by federal law:

(1) The rules may permit providers of services or assistance under public assistance programs limited access to information that is essential for the providers to render services or assistance or to bill for services or assistance rendered. The department of aging, when investigating a complaint under section 173.20 Of the Revised Code, shall be granted any limited access permitted in the rules pursuant to division (A)(1) of this section.

(2) The rules may permit a contractor, grantee, or other state or county entity limited access to information that is essential for the contractor, grantee, or entity to perform administrative or other duties on behalf of the state department or county agency. A contractor, grantee, or entity given access to information pursuant to division (A)(2) of this section is bound by the state department's rules, and disclosure of the information by the contractor, grantee, or entity in a manner not authorized by the rules is a

violation of section 5101.27 Of the Revised Code.

(B) Whenever names, addresses, or other information relating to public assistance recipients is held by any agency other than the state department or a county agency, that other agency shall adopt rules consistent with sections 5101.26 to 5101.30 Of the Revised Code to prevent the publication or disclosure of names, lists, or other information concerning those recipients.

Sec. 5101.31. (A) As used in this section:

~~(1) "Child support enforcement agency" means an agency designated as a child support enforcement agency under section 2301.25 of the Revised Code.~~

~~(2) "Law, "Law enforcement entity" means a public entity that employs a law enforcement officer.~~

(B) The division of child support is hereby created in the department of human services. The division shall establish and administer a program of child support enforcement, which program shall meet the requirements of Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, and any rules ~~promulgated~~ adopted under Title IV-D. The program of child support enforcement shall include, but not be limited to, the location of absent parents, the establishment of parentage, the establishment and modification of child support orders and medical support orders, the enforcement of support orders, and the collection of support obligations.

The department shall charge an application fee of up to twenty-five dollars, as determined by rule adopted by the department pursuant to Chapter 119. of the Revised Code, for furnishing services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, to persons not ~~receiving aid to dependent children~~ participating in Ohio works first under Chapter 5107. Of the Revised Code. The department shall adopt rules pursuant to Chapter 119. of the Revised Code authorizing counties, at their option, to waive the payment of the fee. The application fee, unless waived pursuant to rules adopted by the department pursuant to this section, shall be paid by those persons.

(C) The division of child support shall establish, by rule adopted pursuant to Chapter 119. of the Revised Code, a program of spousal support enforcement in conjunction with child support enforcement. The program shall conform, to the extent practicable, to the program for child support enforcement established pursuant to division (B) of this section.

(D) The department of human services shall enter into an agreement with the secretary of health and human services, as authorized by the "Parental Kidnapping Prevention Act of 1980," 94 Stat. 3572, 42 U.S.C.

663, as amended, under which the services of the parent locator service established pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, shall be made available to this state for the purpose of determining the whereabouts of any absent parent or child in order to enforce a law with respect to the unlawful taking or restraint of a child, or to make or enforce a determination as to the allocation, between the parents of a child, of the parental rights and responsibilities for the care of a child and the designation of the residential parent and legal custodian of a child or otherwise as to the custody of a child.

(E) The division of child support shall not use any social security number made available to it under section 3705.07 of the Revised Code for any purpose other than child support enforcement.

(F) Except as provided by the rules adopted pursuant to this division, no person shall disclose information concerning applicants for and recipients of Title IV-D support enforcement program services provided by a child support enforcement agency. The department of human services shall adopt rules governing access to, and use and disclosure of, information concerning applicants for and recipients of Title IV-D support enforcement program services provided by a child support enforcement agency. The rules shall be consistent with the requirements of Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, and any rules adopted under Title IV-D.

(G)(1) Except as provided in division (G)(2) of this section, the department of human services shall have access to any information in the possession of any officer, board, commission, or agency of the state that would aid the department in locating an absent parent or child pursuant to division (D) of this section, unless release of the information is prohibited by federal law.

(2) The department of taxation, the bureau of motor vehicles, and a law enforcement entity shall provide information the division of child support requests from the department, bureau, or entity that will enable the division to locate a parent the division or a child support enforcement agency is seeking pursuant to child support enforcement activities. The department, bureau, or entity may provide such information to a child support enforcement agency at the agency's request or require the agency to request that the division of child support request the information for the agency. The division shall request the information from the department, bureau, or entity on the request of a child support enforcement agency.

The only information the department shall provide the division or an

agency under this section is the name and address of a parent the division or agency is seeking. The information the bureau or entity shall provide to the division or an agency under this section is the information Title IV-D of the "Social Security Act" requires the division or agency be able to receive.

The division or agency shall reimburse the department, bureau, or entity for the cost of providing the information. If the division requests the information for an agency, the agency shall reimburse the division for reimbursing the department, bureau, or entity.

Sec. 5101.323. (A)(1) The division of child support in the department of human services shall establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. Each poster shall display photographs of, and information about, ten obligors who are liable for support arrearages and whose whereabouts are unknown to child support enforcement agencies. Each poster shall list a toll-free telephone number for the division of child support that may be called to report information regarding the whereabouts of any of the obligors displayed on a poster. The division may include any other information on the poster that it considers appropriate.

(2) Any child support enforcement agency that chooses to participate in the poster program established under division (A)(1) of this section may submit names of obligors that meet the criteria in division (B) of this section to the division. The division shall select obligors to be displayed on a poster from the names submitted by the agencies.

(3) The division shall send notice to each obligor whose name was submitted to be displayed on the poster. The notice shall be sent by regular mail to the obligor's last known address and shall state that the obligor may avoid being included on the poster by doing all of the following within ninety days after receipt of the notice:

(a) Make a payment to the child support enforcement agency that is at least equal to the amount of support the obligor is required to pay each month under the support order;

(b) Provide the agency with the obligor's current address;

(c) Provide the agency with evidence from each of the obligor's current employers of the obligor's current wages, salary, and other compensation;

(d) Provide the agency with evidence that the obligor has arranged for withholding from the obligor's wages, salary, or other compensation to pay support and for payment of arrearages.

(4) The child support enforcement agency shall determine whether any obligor whose name was submitted to be displayed on a poster has met all

the conditions of division (A)(3) of this section. If it determines that an obligor has done so, it shall give the division notice of its determination. On receipt of the notice from the agency, the division shall remove the obligor from the list of obligors submitted by that agency before making the final selection of obligors for the poster.

(5) The division shall publish and distribute the first set of posters throughout the state not later than October 1, 1992. The division shall publish and distribute subsequent sets of posters not less than twice annually.

(B) A child support enforcement agency may submit the name of a delinquent obligor to the division for inclusion on a poster only if all of the following apply:

(1) The obligor is subject to a support order and there has been an attempt to enforce the order through a public notice, a wage withholding order, a lien on property, a financial institution deduction order, or other court-ordered procedures.

(2) The department of human services reviewed the obligor's records and confirms the child support enforcement agency's finding that the obligor's name and photograph may be submitted to be displayed on a poster.

(3) The agency does not know or is unable to verify the obligor's whereabouts.

(4) The obligor is not a ~~recipient of aid to dependent children, participant in Ohio works first or the prevention, retention, and contingency program or a recipient of~~ disability assistance, supplemental security income, or food stamps.

(5) The child support enforcement agency does not have evidence that the obligor has filed for protection under the federal Bankruptcy Code, 11 U.S.C.A. 101, as amended.

(6) The obligee gave written authorization to the agency to display the obligor on a poster.

(7) A legal representative of the agency and a child support enforcement administrator reviewed the case.

(8) The agency is able to submit to the department a description and photograph of the obligor, a statement of the possible locations of the obligor, and any other information required by the department.

(C) When the agency submits the name of an obligor to the division, it also shall submit the photograph and information described in division (B)(8) of this section. It shall not submit to the division the address of the obligee or any other personal information about the obligee.

(D) In accordance with Chapter 119. of the Revised Code, the division shall adopt rules for the operation of the poster program under this section. The rules shall specify the following:

(1) Criteria and procedures for the division to use in reviewing the names of obligors submitted by child support enforcement agencies to be displayed on a poster and selecting the delinquent obligors to be included on a poster;

(2) Procedures for providing the notice specified in division (A)(3) of this section;

(3) Any other procedures necessary for the operation of the poster program.

(E) The division shall use funds appropriated by the general assembly for child support administration to conduct the poster program under this section.

Sec. 5101.35. (A) As used in this section:

(1) "Agency" means the following entities that administer a human services program:

(a) The department of human services;

(b) A county department of human services;

(c) A public children services agency;

(d) A private or government entity administering, in whole or in part, a human services program for or on behalf of the department of human services or a county department of human service or public children services agency.

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of any of the following a human services program who is entitled by federal or state law to a hearing regarding a decision or order of the state department, a county department, or the department of aging:

(a) ~~Aid to dependent children;~~

(b) ~~Disability assistance;~~

(c) ~~Food stamps;~~

(d) ~~Publicly funded child day care;~~

(e) ~~Residential state supplement payments;~~

(f) ~~Assistance under Title IV-E, XIX, or XX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;~~

(g) ~~Assistance under the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended;~~

~~(h) Assistance under section 5081 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-233 (1990), 42 U.S.C. 602(i), as amended;~~

~~(i) The job opportunities and basic skills training program.~~

~~(2) "State department" means the Ohio department of human services.~~

~~(3) "County department" means a county department of human services or a county children services board.~~

~~(4) "Designated county department" means the county department responsible for compliance with a state hearing decision or an administrative appeal decision agency that administers the program.~~

~~(3) "Human services program" means assistance provided under Chapter 5104., 5107., 5108., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of mental retardation and developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of mental retardation and developmental disabilities.~~

~~(B) An appellant who appeals under federal or state law a decision or order of the state department, a county department, or the department of aging an agency administering a human services program shall, at his the appellant's request, be granted a state hearing by the state department of human services. This state hearing shall be conducted in accordance with rules adopted by the state department pursuant to under this section 119.03 of the Revised Code. The state hearing shall be tape-recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. A state hearing decision is binding upon the state agency and department, the designated county department, and the department of aging, unless it is reversed or modified on appeal to the director of human services or a court of common pleas.~~

~~(C) An appellant who disagrees with a state hearing decision may make an administrative appeal to the director of the state department human services in accordance with rules adopted by that department pursuant to under this section 119.03 of the Revised Code. This administrative appeal does not require a hearing, but the director of the state department or his the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. Any person designated to make an administrative appeal decision on behalf of the director shall have been admitted to the practice of law in this state. An administrative appeal decision is the final decision of the state department and is binding upon the state department, the~~

~~designated county department, and the department of aging agency, unless it is reversed or modified on appeal to the court of common pleas.~~

(D) ~~The designated county department and the department of aging An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rule by the state department rules adopted under this section. If the designated county department a county department of human services or a public children services agency fails to comply within these time limits, the state department may withhold from the designated county department monetary advances for county administrative expenses and impose other fiscal sanctions. The withholding of any such monetary advance or the imposition of any other fiscal sanction shall be in accordance with rules adopted by the state department pursuant to take action pursuant to section 119.03 5101.24 of the Revised Code. If another agency fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.~~

(E) An appellant who disagrees with an administrative appeal decision of the ~~state department~~ director of human services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the county in which ~~he~~ the person resides, or to the court of common pleas of Franklin county if ~~he~~ the person does not reside in this state.

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail ~~his~~ the notice of appeal to the ~~state~~ department of human services and file notice of appeal with the court within thirty days after the ~~state~~ department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the ~~state~~ department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The ~~state~~ department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the

facts of the case and that the transcript is essential to a determination of the appeal. The ~~state~~ department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

- (1) State hearings under division (B) of this section;
- (2) Administrative appeals under division (C) of this section;
- (3) Time limits for complying with a decision issued under division (B) or (C) of this section;
- (4) Sanctions that may be applied against an agency under division (D) of this section.

Sec. 5101.36. Any application for public assistance gives a right of subrogation to the department of human services for any workers' compensation benefits payable to a person who is subject to a support order, as defined in section 2301.34 of the Revised Code or to an administrative support order, as defined in section 3111.20 of the Revised Code, on behalf of the applicant, to the extent of any public assistance payments made on the applicant's behalf. If the director of human services, in consultation with a child support enforcement agency and the administrator of the bureau of workers' compensation, determines that a person responsible for support payments to a recipient of public assistance is receiving workers' compensation, ~~he~~ the director shall notify the administrator of the amount of the benefit to be paid to the department of human services.

For purposes of this section, "public assistance" means medical assistance provided through the medical assistance program established under section 5111.01 of the Revised Code, ~~aid to dependent children~~ Ohio works first provided under Chapter 5107. of the Revised Code, prevention, retention, and contingency assistance provided under Chapter 5108. Of the Revised Code, or disability assistance provided under Chapter 5115. of the Revised Code.

Sec. 5101.37. (A) The department of human services and each county department of human services and child support enforcement agency may make any investigations that are necessary in the performance of ~~its~~ THEIR duties, and to that end they shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department and each ~~child support enforcement~~ county department and agency shall keep a record of ~~its~~ THEIR investigations stating the time, place, charges or subject, witnesses summoned and examined, and ~~its~~

THEIR conclusions.

In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy of the report, with all documents introduced, kept on file at the office of the department, county department, or ~~the~~ agency.

The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, but no officer or employee of the institution under investigation is entitled to such fees.

(B) In conducting hearings pursuant to sections 3113.21 to 3113.217 or pursuant to division (B) of section 5101.35 of the Revised Code, the department and each child support enforcement agency have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. The department and each agency shall keep a record of those hearings stating the time, place, charges or subject, witnesses summoned and examined, and ~~its~~ THEIR conclusions.

The issuance of a subpoena by the department or a child support enforcement agency to enforce attendance and testimony of witnesses and the production of books or papers at a hearing is discretionary and the department or agency is not required to pay the fees of witnesses for attendance and travel.

(C) Any judge of ~~the probate court or~~ any division of the court of common pleas, upon application of the department or a county department or child support enforcement agency, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the department, county department, or agency, by a judgment for contempt or otherwise, in the same manner as in cases before those courts.

Sec. 5101.46. (A) ~~The~~ As used in this section:

(1) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.

(2) "Respective local agency" means, with respect to the department of human services, a county department of human services; with respect to the department of mental health, a board of alcohol, drug addiction, and mental health services; and with respect to the department of mental retardation and developmental disabilities, a county board of mental retardation and developmental disabilities.

(3) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size

equal to the size of the family of the person whose income is being determined.

~~(B) The departments of human services, mental health, and mental retardation and developmental disabilities, with their respective local agencies, shall administer the program for the provision of social services authorized by funded through grants made under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C. 1397, as amended. The departments may assign their administrative responsibilities to their respective county departments of human services; boards of alcohol, drug addiction, and mental health services; and county boards of mental retardation and developmental disabilities. The departments may adopt rules establishing sanctions against their respective departments and boards for noncompliance with the terms of any assignment of administrative responsibilities.~~

~~(B) The department of human services is responsible for the preparation and revision of a biennial comprehensive social services program plan that meets all the requirements of applicable state and federal laws and regulations. The departments of mental health and of mental retardation and developmental disabilities shall prepare portions of the plan that apply to mental health and to mental retardation and developmental disabilities services for inclusion in the plan prepared by the department of human services. The plan shall constitute the report on the intended use of Title XX funds that is required by federal law, and shall comply with all federal requirements for such report.~~

~~(C) The department of human services shall provide at least one service under the social services program to achieve each of social services furnished with Title XX funds shall be directed at the following goals:~~

~~(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;~~

~~(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;~~

~~(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;~~

~~(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;~~

~~(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.~~

~~(D) The plan shall:~~

~~(1) Authorize the provision or the purchase of any service on a multicounty basis when considerations relating to the nature of the service, accessibility factors, characteristics of persons to receive the service, and ongoing programs or planning areas for other programs lead to the reasonable conclusion that the larger geographic area constitutes a more efficient basis for furnishing the service;~~

~~(2) Require that whenever federal laws and regulations with respect to children who are receiving aid under Title IV A of the "Social Security Act," 49 Stat. 627, 42 U.S.C.A. 601, as amended, permit the implementation of such a policy, the income of stepparents who reside in the same household shall be considered available to their stepchildren in determining the eligibility of children for services;~~

~~(3) Include the formula or schedule establishing the fees or other charges to be imposed by each county department of human services under division (E)(2) of this section;~~

~~(4) Establish uniformly applied service descriptions and definitions of units of service;~~

~~(5) Present in the section of the plan specifically designated for such purpose, for each service category, eligibility category, and geographic area:~~

~~(a) The estimated number of individuals to be served, counting each individual no more than once in any service category;~~

~~(b) The estimated expenditures;~~

~~(c) Any other information required by state law or federal law or regulations;~~

~~(6) List the scheduled times, dates, and locations of local public hearings to be held on the proposed state plan and the dates in which the public comment period shall be held.~~

~~(E) Services other than child day care shall be provided under the social services program as follows:~~

~~(1) Without fees or other charges to:~~

~~(a) Recipients of aid to dependent children;~~

~~(b) Recipients of disability assistance provided under Chapter 5115. of the Revised Code;~~

~~(c) Recipients of supplemental security income under Title XVI of the Social Security Act;~~

~~(d) Recipients of medical assistance under Chapter 5111. of the Revised Code;~~

~~(e) Individuals sixty years of age and over;~~

~~(f) Families and individuals whose income and resources are less than one hundred fifty per cent of the minimum standard of need.~~

~~Services provided without charge on the basis of eligibility under division (E)(1)(e) of this section shall be limited to home delivered meals, congregate meals, homemaker and home health aide services, transportation, chore services, health related services, and community based care. Providers of these services shall post for public display the average per unit cost of each service. Persons who are eligible for services under division (E)(1)(e) or (3) of this section may voluntarily contribute a portion of the cost of service.~~

~~(2) To persons other than those eligible under division (E)(1) of this section for day care services to adults, homemaker and home health aide services, and for any other services designated by the county department to be provided for a fee, upon the payment of fees or other charges established by the formula or schedule in the plan to individuals and families whose income and resources exceed one hundred fifty per cent of the minimum standard of need but are less than the statewide median income.~~

~~(3) The following services shall be provided without regard to income or resources and without the payment of fees or other charges to persons in need of such services:~~

~~(a) Information and referral;~~

~~(b) Protective services for children;~~

~~(c) Protective services for adults, unless a county department of human services determines that an adult in need of protective services has sufficient financial means to pay for the services or if a court orders an adult to pay for court ordered protective services as provided for under section 5101.70 of the Revised Code.~~

~~(F) Child day care provided under the social services program shall be provided in accordance with Chapter 5104. of the Revised Code.~~

~~(G) As used in this section:~~

~~(1) "Minimum standard of need" means the minimum amounts of income and resources necessary for an individual or a family of the same size to maintain health and decency as determined and updated annually by the department under section 5107.02 of the Revised Code.~~

~~(2) "Median income" means the median income for an individual or a family of the same size in this state, as determined by the United States department of labor.~~

~~(3) "Protective services" means services for the prevention or remedying of the neglect, abuse, or exploitation of children or adults who are unable to protect their own interests.~~

~~(C)(1) All federal funds received under Title XX shall be appropriated as follows:~~

(a) Seventy-two and one-half per cent to the department of human services;

(b) Twelve and ninety-three one-hundredths per cent to the department of mental health;

(c) Fourteen and fifty-seven one-hundredths per cent to the department of mental retardation and developmental disabilities.

(2) Each state department shall, subject to the approval of the controlling board, develop formulas for the distribution of their Title XX appropriations to their respective local agencies. The formulas shall take into account the total population of the area that is served by the agency, the percentage of the population in the area that falls below the federal poverty guidelines, and the agency's history of and ability to utilize Title XX funds.

(3) Each of the state departments shall expend no more than three per cent of its Title XX appropriation for state administrative costs. Each of the department's respective local agencies shall expend no more than fourteen per cent of its Title XX appropriation for local administrative costs.

(4) The department of human services shall expend no more than two per cent of its Title XX appropriation for the training of the following:

(a) Employees of county departments of human services;

(b) Providers of services under contract with the state departments' respective local agencies;

(c) Employees of a public children services agency directly engaged in providing Title XX services.

(D) The department of human services shall prepare a biennial comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion.

For each state fiscal year, the department of human services shall prepare a report on the actual use of Title XX funds. The department shall make the report available for public inspection.

The departments of mental health and mental retardation and developmental disabilities shall prepare and submit to the department of human services the portions of each biennial plan and annual report that apply to services for mental health and mental retardation and developmental disabilities. Each respective local agency of the three state departments shall submit information as necessary for the preparation of biennial plans and annual reports.

(E) Each county department shall adopt a county profile for the administration and provision of Title XX social services in the county. In developing its county profile, the county department shall take into

consideration the comments and recommendations received from the public by the county human services planning committee pursuant to section 329.06 of the Revised Code. As part of its preparation of the county profile, the county department may prepare a local needs report analyzing the need for Title XX social services.

The county department shall submit the county profile to the board of county commissioners for its review. Once the county profile has been approved by the board, the county department shall file a copy of the county profile with the state department of human services. The state department shall approve the county profile if the state department determines the profile provides for the Title XX social services to meet the goals specified in division (B) of this section.

(F) Not less often than every two years, the departments of human services, mental health, and mental retardation and developmental disabilities each shall commission an entity independent of itself to conduct an audit of its Title XX expenditures in accordance with generally accepted auditing principles. Within thirty days following the completion of its audit, each department shall submit a copy of the audit to the general assembly and to the United States secretary of health and human services.

(G) Any of the three state departments and their respective local agencies may require that an entity under contract to provide social services with Title XX funds submit to an audit on the basis of alleged misuse or improper accounting of funds. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a provider of social services if there are adverse findings in an audit that are the responsibility of the provider. The amount of any adverse findings shall not be reimbursed with Title XX funds. The cost of conducting an audit shall be reimbursed under a subsequent or amended Title XX contract with the provider.

(H) If federal funds received by the department of human services for use under Chapters 5107. and 5108. of the Revised Code are transferred by the controlling board for use in providing social services under this section, the department shall distribute the funds solely to the county departments of human services.

~~(H)~~(I) The department of human services may adopt rules under Chapter 119. of the Revised Code necessary to carry out the purposes of this section. Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code, unless they are internal management rules governing fiscal and administrative matters. Internal management rules may be adopted in accordance with section 111.15 of the Revised Code.

Sec. 5101.54. (A) The department of human services shall administer the food stamp assistance under program in accordance with the "Food Stamp Act of 1977," 78 91 Stat. ~~703~~ 958, 7 U.S.C.A. 2011, as amended. The department may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the food stamp program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of human services, and other matters;

(3) Require such reports and information from each county department of human services as may be necessary and advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of this section and all sums paid to the state by the United States as authorized by the Food Stamp Act of 1977;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of food stamp coupons for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the state food stamp program;

(7) Adopt rules for participation by in accordance with Chapter 119. Of the Revised Code governing employment and training requirements of recipients of food stamps in the JOBS program established under sections 5101.80 to 5101.94 stamp benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, may provide for food stamp benefit recipients to participate in work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code as required by the "Food Security Act," 99 Stat. 1354 (1985), that are comparable to programs authorized by 7 U.S.C.A. 2011, as amended; 2015(d)(4). The rules may reference rules adopted under section 5107.05 Of the Revised Code governing work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 Of the Revised Code.

(8) Provide, by rule or otherwise, for procedures to carry out Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food Stamp Act of 1977, as amended, and regulations

adopted thereunder governing the following:

(a) Eligibility requirements for the food stamp program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of food stamp coupons;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive food stamp benefits after satisfying the requirements;

(e) Administration of the program by county departments of human services;

(f) Other requirements necessary for the efficient administration of the program by county departments of human services.

(9) Submit a plan to the United States secretary of agriculture for the department to operate a simplified food stamp program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the food stamp program in the case of households receiving food stamp benefits and participating in Ohio works first.

(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of human services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.

(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," ~~78 91~~ Stat. ~~703 958~~, 7 U.S.C.A. 2011, as amended, and that is determined to be in immediate need of food assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

At the time of application, the county department of human services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(D) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of human services.

(E) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive food stamps without charge under the "Food Stamp Act of ~~1964~~ 1977," ~~78~~ 91 Stat. ~~703~~ 958, 7 U.S.C.A. 2011, as amended.

(F) Any person who applies for food stamps under this section shall receive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5101.544. ~~Subject to the terms and conditions of~~ If the benefits of a household are reduced under a federal, state, or local means-tested public assistance program for failure of a member of the household to perform an action required under the program, the household may not receive, for the duration of the reduction, an increased allotment of food stamp benefits as the result of a decrease in the income of the household to the extent that the decrease is the result of the reduction. To the extent federal law and regulations or a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, a sanction or waiver permit, an incentive payment under the LEAP program established under section 5107.30 of the Revised Code and a sanction under the JOBS program established under sections 5101.80 to 5101.94 of the Revised Code shall not change the amount ~~result in a decrease in the allotment of food stamps a food stamps recipient is eligible to receive stamp benefits a household receives.~~

~~If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09~~ the department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code, to implement this section. The rules shall be consistent with 7 U.S.C.A. 2017(d), federal regulations, and the terms and conditions of the federal waiver prevail ~~authorizing the LEAP program.~~

Sec. 5101.58. ~~The~~ As used in this section and section 5101.59 of the Revised Code, "public assistance" means aid provided under Chapter 5111. or 5115. of the Revised Code and participation in the Ohio works first program established under Chapter 5107. of the Revised Code.

~~The acceptance of aid pursuant to Chapter 5107., 5111., or 5115. of the Revised Code~~ public assistance gives a right of subrogation to the department of human services and ~~the~~ a county department of human services ~~of any county~~ against the liability of a third party for the cost of medical services and care arising out of injury, disease, or disability of the public assistance recipient or participant. When an action or claim is brought against a third party by a public assistance recipient ~~of aid under Chapter 5107., 5111., or 5115. of the Revised Code~~ participant, the entire amount of any settlement or compromise of the action or claim, or any court award or judgment, is subject to the subrogation right of the department of human services or ~~the~~ county department of human services ~~of any county~~. The department's or county department's subrogated claim shall not exceed the amount of medical expenses paid by the departments on behalf of the recipient or participant. Any settlement, compromise, judgment, or award that excludes the cost of medical services or care shall not preclude the departments from enforcing their rights under this section.

Prior to initiating any recovery action, the recipient or ~~his~~ participant, or the recipient's or participant's representative, shall disclose the identity of any third party against whom the recipient or participant has or may have a right of recovery. Disclosure shall be made to the department of human services when medical expenses have been paid pursuant to Chapter ~~5107.,~~ 5111., or 5115. of the Revised Code. Disclosure shall be made to both the department of human services and the appropriate county department of human services when medical expenses have been paid pursuant to Chapter 5115. of the Revised Code. No settlement, compromise, judgment, or award or any recovery in any action or claim by a recipient or participant where the departments have a right of subrogation shall be made final without first giving the appropriate departments notice and a reasonable opportunity to perfect their rights of subrogation. If the departments are not given appropriate notice, the recipient or participant is liable to reimburse the departments for the recovery received to the extent of medical payments made by the departments. The departments shall be permitted to enforce their subrogation rights against the third party even though they accepted prior payments in discharge of their rights under this section if, at the time the departments received such payments, they were not aware that additional medical expenses had been incurred but had not yet been paid by the

departments. The third party becomes liable to the department of human services or county department of human services as soon as the third party is notified in writing of the valid claims for subrogation under this section.

Subrogation does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent of attorneys' fees, costs, or other expenses incurred by a recipient or participant in securing the judgment, award, settlement, or compromise, or to the extent of medical, surgical, and hospital expenses paid by such recipient or participant from ~~his~~ the recipient's or participant's own resources. Attorney fees and costs or other expenses in securing any recovery shall not be assessed against any subrogated claims of the departments.

To enforce their subrogation rights, the departments may do any of the following:

(A) Intervene or join in any action or proceeding brought by the recipient or participant or on ~~his~~ the recipient's or participant's behalf against any third party who may be liable for the cost of medical services and care arising out of the recipient's or participant's injury, disease, or disability;

(B) Institute and pursue legal proceedings against any third party who may be liable for the cost of medical services and care arising out of the recipient's or participant's injury, disease, or disability;

(C) Initiate legal proceedings in conjunction with the injured, diseased, or disabled recipient or ~~his~~ participant or the recipient's or participant's legal representative.

Subrogation rights created by this section may be enforced separately or jointly by the department of human services and the county department of human services.

The right of subrogation given to the department under this section does not include rights to support from any other person assigned to the state under sections ~~5107.07~~ 5107.20 and 5115.13 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support.

Sec. 5101.59. (A) The application for or acceptance of ~~aid under Chapter 5107., 5111., or 5115. of the Revised Code~~ public assistance constitutes an automatic assignment of certain rights to the department of human services. This assignment includes the rights of the applicant ~~or~~ recipient, or participant and also the rights of any other member of the assistance group for whom the applicant ~~or~~ recipient, or participant can legally make an assignment.

Pursuant to this section, the applicant ~~or~~ recipient, or participant assigns to the department any rights to medical support available to ~~him~~ the

applicant, recipient, or participant or for other members of the assistance group under an order of a court or administrative agency, and any rights to payments from any third party liable to pay for the cost of medical care and services arising out of injury, disease, or disability of the applicant ~~or~~, recipient, participant, or other members of the assistance group.

Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section are directly reimbursable to the department by liable third parties.

(B) Refusal by the applicant ~~or~~, recipient, or participant to cooperate in obtaining medical support and payments for ~~himself~~ self or any other member of the assistance group renders the applicant ~~or~~, recipient, or participant ineligible for public assistance, unless cooperation is waived by the department. Eligibility shall continue for any individual who cannot legally assign ~~his~~ the individual's own rights and who would have been eligible for public assistance but for the refusal to assign ~~his~~ the individual's rights or to cooperate as required by this section by another person legally able to assign ~~his~~ the individual's rights.

If the applicant ~~or~~, recipient, or participant or any member of the assistance group becomes ineligible for ~~aid under Chapter 5107., 5111., or 5115. of the Revised Code~~ public assistance, the department shall restore to ~~him~~ the applicant, recipient, participant, or member of the assistance group any future rights to benefits assigned under this section.

The rights of assignment given to the department under this section do not include rights to support assigned under section ~~5107.07~~ 5107.20 or 5115.13 of the Revised Code.

(C) The department may adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section, including rules that specify what constitutes cooperating with efforts to obtain medical support and payments and when the cooperation requirement may be waived.

~~Sec. 5107.02~~ 5101.80. (A) The department of human services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for aid to dependent children ~~The Ohio works first program established under Chapter 5107. Of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code;~~

(2) Prescribe forms for applications, certificates, reports, records, and accounts of ~~the county administration~~ departments of human services, and other matters related to the Ohio works first program and the prevention,

retention, and contingency program;

(3) Make such reports, in such form and containing such information as the ~~administration~~ department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;

(4) Require ~~such~~ reports and information from each county ~~administration~~ department of human services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program;

(5) ~~Provide, by rules or otherwise, for putting into effect such methods of administration and procedure as are found by the administration or the department to be necessary to the efficient operation of the plan in the respective counties;~~

(6) Afford a fair hearing in accordance with section 5101.35 Of the Revised Code to any ~~individual entitled thereto under section 5107.05 of the Revised Code, in which case the finding and order of the department shall be final~~ applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;

~~(7)~~(6) Administer and expend, pursuant to ~~this chapter~~ Chapters 5107. and 5108. Of the Revised Code, any sums appropriated by the general assembly for the purpose of ~~this chapter~~ those chapters and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

~~(8)~~(7) Conduct ~~such~~ investigations as are necessary regarding the Ohio works first program and the prevention, retention, and contingency program;

~~(9)~~(8) Enter into reciprocal agreements with other states relative to the provision of ~~aid to dependent children~~ Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(9) contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received

assistance or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient:

(c) Provide the department an initial report of the evaluation not later than two years after the effective date of this amendment and provide subsequent reports at times the department specifies.

~~(10) Adopt rules establishing eligibility requirements for aid and the method of determining the amount of aid an assistance group may receive under this chapter. The rules shall specify what is considered countable income for the purpose of determining financial eligibility and the amount of assistance an assistance group may receive under this chapter. The rules shall be consistent with Title IV A of the "Social Security Act," regulations promulgated by and the plan for aid to dependent children approved by the United States secretary of health and human services under Title IV A of that act, this chapter, and any other section of the Revised Code establishing conditions and requirements of aid under this chapter.~~

~~(B)(1) The department shall determine a minimum standard as of January 1, 1979, and shall update the minimum standard annually. "Minimum standard" means the minimum amounts of income and resources necessary for persons to maintain health and decency.~~

~~(2) The department shall establish, by rule, a payment standard based on state appropriations that is the maximum amount of aid an assistance group may receive under this chapter.~~

~~(C) For the purpose of investigations, any authorized representative of the department shall have access to all records and information bearing thereon.~~

~~The department may adopt reasonable rules governing the custody, use, and preservation of the records, papers, files, and communications of the department, the county administration for aid to dependent children, and all other state and county officials participating in the administration of this chapter. Wherever names and addresses of recipients of aid to dependent children or applicants for such aid or any other disclosure of information concerning such recipients or applicants are furnished to or held by any other agency, department, or officer of government, such agency, department, or officer of government shall adopt rules necessary to prevent the publication of lists thereof or the disclosure of information concerning applicants and recipients or the use of such lists or information for purposes not directly connected with law enforcement or the administration of aid to dependent children.~~

~~Except in accordance with rules of the department for purposes directly connected with the administration of public assistance or as required by~~

~~section 5101.20 of the Revised Code, no person shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the department or county administrations or agencies thereof, or acquired in the course of the performance of official duties.~~

~~(D) Each county administration shall comply with the rules, determinations, and orders of the department Not later than March 1, 1998, and the first day of each September and March thereafter until September 1, 2001, prepare a county by county report concerning individuals who cease to participate in Ohio works first that contains the reasons the individuals ceased to participate, including employment, marital status, and relocation;~~

~~(11) Not later than January 1, 2001, and the first day of each January and July thereafter, prepare a report containing information on the following:~~

~~(a) a county by county breakdown of individuals who cease to participate in Ohio works first and the reasons the individuals ceased to participate, including exhausting the time limits for participation set forth in section 5107.18 of the Revised Code.~~

~~(b) individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.~~

~~(B) The department shall provide copies of the reports it receives under division (A)(9) of this section and prepares under divisions (A)(10) and (11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.~~

~~(C) An authorized representative of the department or a county department of human services shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section.~~

~~Sec. 5101.81. (A) Prior to submitting the Title IV-A state plan required by section 5101.80 of the Revised Code to the United States secretary of health and human services, the department of human services shall submit the plan to all of the following members of the general assembly:~~

~~(1) The president and minority leader of the senate;~~

~~(2) The speaker and minority leader of the house of representatives;~~

~~(3) The chairpersons and ranking minority members of the house and senate committees with primary responsibility for appropriations.~~

(B) The president of the senate and the speaker of the house of representatives may establish a joint study committee to examine whether the Title IV-A state plan complies with federal statutes and regulations and state law. If the committee is established, the president of the senate shall appoint three members of the senate serving on the senate committee with primary responsibility for appropriations and the speaker of the house of representatives shall appoint three members of the house of representatives serving on the house of representatives committee with primary responsibility for appropriations. Not more than two members of the senate and not more than two members of the house of representatives appointed to the committee shall be members of the same political party. The committee may issue a report to the department of human services regarding the committee's findings. The department shall make corrections to the Title IV-A state plan that are necessary to ensure it is in compliance with federal statutes and regulations and state law.

Sec. 5101.82. There is hereby created in the state treasury the Title IV-A reserve fund. If authorized by the agreement between the director of budget and management and the United States secretary of the treasury entered into pursuant to section 131.36 of the Revised Code, the director of budget and management may transfer to the Title IV-A reserve fund money appropriated for the Ohio works first program established under Chapter 5107. Of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code that is available at the end of a federal fiscal year after the appropriation is reconciled. The director of budget and management shall transfer money in the Title IV-A reserve fund to the general revenue fund for the purpose of funding the Ohio works first program and the prevention, retention, and contingency program and, in accordance with section 5101.23 of the Revised Code, to the social services incentive fund created under that section. The director also shall transfer money in the Title IV-A reserve fund to the cash management improvement fund created under section 131.37 OF THE REVISED CODE to the extent transfers are required by the agreement entered into pursuant to section 131.36 of the Revised Code.

Sec. ~~5107.044~~ 5101.83. (A) As used in this section, ~~"fraudulent payment:~~

(1) "Assistance group" has the same meaning as in sections 5107.02 and 5108.01 Of the Revised Code.

(2) "Fraudulent assistance" means ~~a payment of aid~~ assistance and services, including cash assistance, provided under ~~this chapter~~ the Ohio works first program established under Chapter 5107., or the prevention,

retention, and contingency program established under Chapter 5108. Of the Revised Code, to or on behalf of an assistance group that is made provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. "Fraudulent payment assistance" does not include a payment under this chapter assistance or services to or on behalf of an assistance group that is made provided as a result of an error that is the fault of a county department of human services or the state department of human services.

~~Subject to the terms and conditions of federal waivers granted pursuant to an application made under section 5101.09 of the Revised Code, if (B) If a county director of human services determines that an assistance group has received a fraudulent payment assistance, the assistance group is ineligible for aid under this chapter to participate in the Ohio works first program or the prevention, retention, and contingency program until a member of the assistance group repays the cost of the fraudulent payment. The assistance group's eligibility for aid under this chapter shall not be terminated until after the assistance group has exhausted its appeals under section 5101.35 of the Revised Code if the assistance group appeals under that section assistance. If a member repays the cost of the fraudulent payment assistance and the assistance group otherwise meets the eligibility requirements for aid under this chapter the Ohio works first program or the prevention, retention, and contingency program, the assistance group is eligible for resumed aid under this chapter. A person who would be eligible for aid under this chapter if not for this section is eligible for medical assistance under Chapter 5111. of the Revised Code.~~

~~If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, the terms and conditions of the federal waiver prevail shall not be denied the opportunity to participate in the program.~~

This section does not limit the ability of a county department of human services to recover erroneous payments under section 5107.77 Of the Revised Code.

The state department of human services shall adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section.

Sec. ~~5101.21~~ 5101.84. An individual otherwise ineligible for aid under Chapter 5107. or 5108. of the Revised Code or food stamps benefits under the "Food Stamp Act of 1977," 78 Stat. 703, 7 U.S.C. 2011, as amended, because of paragraph (a) of section 115 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a, is eligible for the aid or benefits if the individual meets all other

ility requirements for the aid or benefits.

Sec. 5101.93. (A) There is hereby established a welfare oversight council consisting of ~~ten~~ eight voting members, four of whom shall be members of the house of representatives, two appointed by the speaker and two appointed by the minority leader of the house of representatives, not more than two of whom shall be members of the same political party, and four of whom shall be members of the senate, two appointed by the president and two appointed by the minority leader of the senate, not more than two of whom shall be members of the same political party. The director of administrative services, the administrator of the bureau of employment services, and the director of human services shall be ex officio nonvoting members; and two representatives of the general public appointed by the governor shall be nonvoting members of the council. The council may, by a majority vote, add other nonvoting members to the council. A vacancy on the council shall be filled in the same manner as the original appointment.

(B) The speaker of the house of representatives shall designate the initial chairperson of the welfare oversight council and the president of the senate shall designate the initial vice-chairperson of the council. Thereafter, the authority to designate the chairperson and the vice-chairperson shall alternate between the speaker of the house and the president of the senate. The chairperson and vice-chairperson and other members of the council shall serve one-year terms. ~~The~~

The council shall meet at least ~~once every three months~~. ~~The~~ twice a year in Columbus or other locations selected by the chairperson to monitor and review the Ohio works first program established under Chapter 5107. of the Revised Code, the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code and the department of human services, county departments of human services, child support enforcement agencies, and public children services agencies. The council may visit the department, county departments, and agencies.

The chairperson of the council shall determine the agenda for each meeting of the council, except that if at least four legislative members of the council submit a written request to the chairperson to consider an item, the chairperson shall place the item on the agenda of the council's next regularly scheduled meeting occurring more than ten days after the written request is submitted to the chairperson.

(C) The members of the welfare oversight council shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties. In the discharge of its duties the council may issue subpoenas compelling the attendance of

witnesses and the production of any records of the ~~state~~ department of human services or local agencies. The council shall adopt rules to implement this section.

(D) The welfare oversight council ~~shall monitor and review the department of human services and county departments of human services in their implementation of sections 5101.80 to 5101.94 of the Revised Code and the implementation of other programs within the jurisdiction of the state and county departments. The council shall advise the general assembly on the performance of the state and department of human services, county departments with regard to the requirements of sections 5101.80 to 5101.94 of the Revised Code and such other programs of human services, child support enforcement agencies, and public children services agencies.~~ The council shall ~~also~~ submit recommendations to the general assembly for any changes in law that the council considers necessary or appropriate.

Sec. 5101.97. ~~(A)(1)~~ Not later than January 1, ~~1996~~ 1998, and the first day of each July and January thereafter, the department of human services shall ~~submit four reports, one for each of~~ complete a report on the characteristics of the individuals who participate in or receive services through the programs operated by the department and the outcomes of the individuals' participation in or receipt of services through the programs. The report shall include information on the following:

~~(A)~~ The job opportunities and basic skills training program (a) Work activities, developmental activities, and alternative work activities established under section 5101.81 sections 5107.40 to 5107.69 of the Revised Code;

~~(B)~~(b) Programs of publicly funded child day-care, as defined in section 5104.01 of the Revised Code;

~~(C)~~(c) Child support enforcement programs;

~~(D)~~(d) Births to recipients of the medical assistance program established under Chapter 5111. of the Revised Code.

(2) Not later than July 1, 1999, and the first day of each July thereafter, the department shall complete a progress report on the partnership agreements between the director of human services and boards of county commissioners under section 5101.21 of the Revised Code. The report shall include a review of whether the county social service agencies satisfied performance standards included in the agreements and whether the department provided assistance, services, and technical support specified in the agreements to aid the agencies in meeting the performance standards.

(3) The department shall submit the four semiannual reports required under divisions (A)(1) and (2) of this section to the speaker and minority

leader of the house of representatives, the president and minority leader of the senate, the legislative budget officer, the director of budget and management, and each board of county commissioners. ~~Each report shall address the six-month period that ended six months prior to the deadline for the report to be submitted.~~ The department shall provide copies of each report to any person or government entity on request.

In designing the format for each report, the department shall consult with individuals, organizations, and government entities interested in the ~~operation of the program to which the report will pertain~~ programs operated by the department, so that ~~it is~~ the reports are designed to enable the general assembly and the public to evaluate the ~~program's~~ effectiveness of the programs and identify any needs ~~that the program is~~ programs are not meeting. ~~The department shall complete the format for each of the four reports no later than September 30, 1995.~~

(B) Whenever the federal government requires that the department submit a report on a program that is operated by the department or is otherwise under the department's jurisdiction, the department shall prepare and submit the report in accordance with the federal requirements applicable to that report. To the extent possible, the department may coordinate the preparation and submission of a particular report with any other report, plan, or other document required to be submitted to the federal government, as well as with any report required to be submitted to the general assembly. The reports required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be submitted as an annual summary.

Sec. 5101.971. (A) The department of human services shall prepare an annual report on individual development account programs established by county departments of human services based on the information provided pursuant to division (E) of section 329.12 of the Revised Code and file the report with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives. The department shall file the report on the first day of October of each year, beginning in 1998.

(B) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the implementation of individual development account programs under sections 329.11 to 329.14 of the Revised Code by county departments of human services, which shall include rules covering all of the following:

- (1) Imposing a penalty for unauthorized use of matching contributions;
- (2) Specifying the information that must be included in the county

department's report to the department under section 329.12 of the Revised Code:

(3) Specifying the responsibilities of a fiduciary organization under an individual development account program established under section 329.12 of the Revised Code. The rules shall be consistent with section 404(h) of the "Social Security Act" as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C. 604(h).

The responsibilities of a fiduciary organization may include marketing; soliciting matching contributions; counseling account holders; conducting verification, compliance, and evaluation activities; and any other responsibilities considered appropriate by the state department.

~~Sec. 5101.99. (A) Except as provided under section 5101.88 or 5101.881 of the Revised Code, any person, other than an employer of persons under sections 5101.80 to 5101.94 of the Revised Code, who violates section 5101.94 of the Revised Code shall be denied assistance under Chapter 5107. of the Revised Code for six months following the determination of such violation.~~

~~(B) Any employer who violates section 5101.94 of the Revised Code shall be subject to a fine of one thousand dollars and imprisonment for six months.~~

~~(C) Whoever violates division (A) or (B) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars.~~

~~(D)(B) Whoever violates division (F) of section 5101.31 of the Revised Code shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.~~

(C) Whoever violates division (A) of section 5101.27 Of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 5103.02. As used in sections 5103.03 to 5103.19 of the Revised Code:

(A) "Institution" or "association" includes any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; any individual who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; and any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; provided, that any organization, society, association, school,

agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health, or the department of mental retardation and developmental disabilities, or any individual who provides care for only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being within the purview of these sections.

(B) ~~"Family foster home;" "foster home;" "private child placing agency;" "private noncustodial agency;" "public children services agency;" and "treatment foster home"~~ have has the same ~~meanings~~ meaning as in section 2151.011 of the Revised Code.

(C) "Treatment foster home" means a family foster home that incorporates special psychological or medical treatment designed to care for the specific needs of the children received in the family foster home and that receives and cares for children who are emotionally or behaviorally disturbed, medically fragile requiring special medical treatment due to physical ailment or condition, mentally retarded, or developmentally disabled.

Sec. 5103.154. (A) Information concerning all children who are, pursuant to section 2151.353 or 5103.15 of the Revised Code, in the permanent custody of an institution or association certified by the department of human services under section 5103.03 of the Revised Code shall be listed with the department of human services within ninety days after permanent custody is effective, unless the child has been placed for adoption or unless an application for placement was initiated under section 5103.16 of the Revised Code.

(B) All persons who wish to adopt children, and are approved by an agency so empowered under this chapter, shall be listed with the department of human services within ninety days of approval, unless a person requests in writing that that person's name not be so listed, or has had a child placed in that person's home in preparation for adoption, or has filed a petition for adoption.

(C) All persons who wish to adopt a child with special needs as defined in rules adopted under section 5153.163 of the Revised Code, and who are approved by an agency so empowered under this chapter, shall be listed separately by the department of human services within ninety days of approval, unless a person requests in writing that that person's name not be so listed, or has had a child with special needs placed in that person's home in preparation for adoption, or has filed a petition for adoption.

(D) The department shall forward information on such children and listed persons at least quarterly, to all ~~county departments of human services, county~~ public children services boards, agencies and all certified agencies.

(E) The appropriate listed names shall be removed when a child is placed in an adoptive home or when a person withdraws an application for adoption.

(F) No later than six months after the end of each fiscal year, the department of human services shall compile a report of its conclusions regarding the effectiveness of its actions pursuant to this section and of the restrictions on placement under division (E) of section 5153.163 of the Revised Code in increasing adoptive placements of children with special needs, together with its recommendations, and shall submit a copy of the report to the chairpersons of the principal committees of the senate and the house of representatives who consider welfare legislation.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 Of the Revised Code.

(C) "Authorized provider" means a person authorized by a county director of human services to operate a certified type B family day-care home.

(D) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(E) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of human services pursuant to section 5104.11 Of the Revised Code to receive public funds for providing child day-care pursuant to this chapter and any rules adopted under it.

(F) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 Of the Revised Code.

(G) "Child" includes an infant, toddler, preschool child, or school child.

(H) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(I) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(J) "Child day-care" means administering to the needs of infants, toddlers, ~~pre-school~~ preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

~~(B)~~(K) "Child day-care center" and "center" mean any place in which child day-care or publicly funded child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 Of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. Of the Revised Code or a registered nurse licensed under Chapter 4723. Of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child day-care, but not publicly funded child day-care, if all of the following apply:

(a) An organized religious body provides the child day-care;

(b) A parent, custodian, or guardian of at least one child receiving child day-care is on the premises and readily accessible at all times;

(c) The child day-care is not provided for more than thirty days a year;

(d) The child day-care is provided only for preschool and school children.

(L) "Child day-care resource and referral service organization" means a community-based nonprofit organization that provides child day-care resource and referral services but not child day-care.

(M) "Child day-care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child day-care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child day-care;

(3) Provision of timely referrals of available child day-care providers to families seeking child day-care;

(4) Recruitment of child day-care providers;

(5) Assistance in the development, conduct, and dissemination of training for child day-care providers and provision of technical assistance to current and potential child day-care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child day-care in the community;

(7) Technical assistance concerning locally, state, and federally funded child day-care and early childhood education programs;

(8) Stimulation of employer involvement in making child day-care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child day-care providers;

(10) Coordination of services among child day-care resource and referral service organizations to assist in developing and maintaining a statewide system of child day-care resource and referral services if required by the department of human services;

(11) Cooperation with the county department of human services in encouraging the establishment of parent cooperative child day-care centers

and parent cooperative type A family day-care homes.

(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.

(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for children on a temporary, irregular basis.

(P) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.

(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.

(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(S) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, or under section 3301.31 Of the Revised Code.

(T) "Income" means gross income, as defined in section 5107.03 Of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.

(V) "Infant" means a child who is less than eighteen months of age.

(W) "In-home aide" means a person certified by a county director of human services pursuant to section 5104.12 Of the Revised Code to provide publicly funded child day-care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(X) "Instrument-based program monitoring information system" means

a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(Y) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of human services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(Z) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 Of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 Of the Revised Code.

(AA) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

(BB) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(CC) "Owner" includes a person, as defined in section 1.59 Of the Revised Code, or government entity.

(DD) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(EE) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for no more than four hours a day for any child.

(FF) "Place of worship" means a building where activities of an

organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(GG) "Preschool child" means a child who is three years old or older but is not a school child.

(HH) "Protective day-care" means publicly funded child day-care for the direct care and protection of a child to whom either of the following applies:

(1) A case plan prepared and maintained for the child pursuant to section 2151.412 Of the Revised Code indicates a need for protective day-care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 Of the Revised Code;

(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of human services to be homeless, and are otherwise ineligible for publicly funded child day-care.

(II) "Publicly funded child day-care" means administering to the needs of infants, toddlers, ~~pre-school~~ preschool children, and school children up to age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including child care block grant act funds, distributed by the department of human services.

~~(C) "Child day care center" and "center" mean any place in which child day care or publicly funded child day care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care or publicly funded child day care is provided for seven to twelve children at one time. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. "Child day care center" and "center" do not include any of the following:~~

~~(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;~~

~~(2) A child day camp;~~

~~(3) A place located at a child day camp that provides child day care, but not publicly funded child day care, to pre-school children if all of the following apply:~~

~~(a) An organized religious body operates the child day camp and provides the child day care;~~

~~(b) The child day camp is registered with the department of human services under section 5104.21 of the Revised Code;~~

~~(c) A parent, custodian, or guardian of at least one pre-school child receiving child day care at the child day camp is on the premises and readily accessible at all times;~~

~~(d) The child day care is not provided for more than thirty days a year;~~

~~(e) The child day care is provided while school children attend the child day camp.~~

~~(D)(JJ) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.~~

~~(KK) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.~~

~~(LL) "School child day-care center," "school child center," "school child type A family day-care home," and "school child type A family home" mean a center or type A home that provides child day-care for school children only and that does either or both of the following:~~

~~(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;~~

~~(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.~~

~~(MM) "Special needs day-care" means publicly funded child day-care that is provided for a child who is physically or developmentally handicapped, mentally retarded, or mentally ill.~~

~~(NN) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 Of the Revised Code.~~

~~(OO) "Toddler" means a child who is at least eighteen months of age but less than three years of age.~~

(PP) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day-care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day-care home" and "type A home" do not include any child day camp.

~~(E)~~(QQ) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day-care home" and "type B home" do not include any child day camp.

~~(F)~~ "Certified type B family day care home" and "certified type B home" mean a type B family day care home that is certified by the director of the county department of human services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child day care pursuant to this chapter and any rules adopted under it.

~~(G)~~ "Infant" means a child who is less than twelve months of age, or a child who is at least twelve months of age but is less than eighteen months of age.

~~(H)~~ "Toddler" means a child who is at least eighteen months of age but less than thirty months of age, or a child who is at least thirty months of age but less than three years of age.

~~(I)~~ "Pre-school child" means a child who is three years old, or is four or five years old but is not a school child.

~~(J)~~ "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than eleven years old,

~~or a child who is at least eleven years old but is less than fifteen years old.~~

~~(K) "Child" includes an infant, toddler, pre-school child, or school child.~~

~~(L) "Administrator" means the person responsible for the daily operation of the center or type A home. The administrator and the owner may be the same person.~~

~~(M) "Owner" includes a person, firm, organization, institution, or agency.~~

~~(N) "Child care staff member" means any employee of a child day care center or type A family day care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child care staff member when not involved in other duties.~~

~~(O) "Authorized provider" means a person authorized by a county director of human services to operate a certified type B family day care home.~~

~~(P) "License capacity" means the maximum number in each age category of children, as established in divisions (G) to (J) of this section, who may be cared for in a child day care center or type A family day care home at one time as determined by the director of human services considering building occupancy limits established by the department of commerce, number of available child care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. The license capacity specified on the provisional license or license issued under section 5104.03 of the Revised Code shall be the maximum number of children in each age category of children who may be cared for in the center or type A home at one time.~~

~~(Q) "Employee" means a person who either:~~

~~(1) Receives compensation for duties performed in a child day care center or type A family day care home;~~

~~(2) Is assigned specific working hours or duties in a child day care center or type A family day care home.~~

~~(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day care center or type A family day care home that is subject to licensure pursuant to this chapter.~~

~~(S) "In-home aide" means a person certified by a county director of human services pursuant to section 5104.12 of the Revised Code to provide publicly funded child day care to a child in a child's own home pursuant to this chapter and any rules adopted under it.~~

~~operative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent member of the corporation or association is on the premises of the center or type A home during its hours of operation.~~

~~(U) "Part-time child day care center," "part-time center," "part-time type A family day care home," and "part-time type A home" mean a center or type A home that provides child day care or publicly funded child day care for no more than four hours a day for any child.~~

~~(V) "Drop-in child day care center," "drop-in center," "drop-in type A family day care home," and "drop-in type A home" mean a center or type A home that provides child day care or publicly funded child day care for children on a temporary, irregular basis.~~

~~(W) "School child day care center," "school child center," "school child type A family day care home," and "school child type A family home" mean a center or type A home that provides child day care for school children only and that does either or both of the following:~~

~~(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;~~

~~(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.~~

~~(X) "Place of worship" means a cathedral, chapel, church, mosque, synagogue, temple, or other building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.~~

~~(Y) "Religious activities" means: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.~~

~~(Z) "Licensee" means the owner of a child day care center or type A family day care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules~~

~~promulgated pursuant to this chapter.~~

~~(AA) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.~~

~~(BB) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.~~

~~(CC) "Protective day care" means publicly funded child day care for the direct care and protection of a child to whom either of the following applies:~~

~~(1) A case plan prepared and maintained for the child pursuant to section 2151.412 of the Revised Code indicates a need for protective day care and the child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code;~~

~~(2) The child and the child's caretaker either temporarily reside in a facility providing emergency shelter for homeless families or are determined by the county department of human services to be homeless, and are otherwise ineligible for publicly funded child day care.~~

~~(DD) "Special needs day care" means publicly funded child day care that is provided for a child who is physically or developmentally handicapped, mentally retarded, or mentally ill.~~

~~(EE) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.~~

~~(FF) "Child day care resource and referral service organization" means any community based nonprofit organization that does not provide child day care and that provides child day care resource and referral services.~~

~~(GG) "Child day care resource and referral services" means all of the following services:~~

~~(1) Maintenance of a uniform data base of all child day care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;~~

~~(2) Provision of individualized consumer education to families seeking child day care;~~

~~(3) Provision of timely referrals of available child day care providers to families seeking child day care;~~

~~(4) Recruitment of child day care providers;~~

~~(5) Coordination of training for child day care providers and provision of technical assistance to current and potential child day care providers, employers, and the community;~~

~~(6) Collection and analysis of data on the supply of and demand for child day care in the community;~~

~~(7) Coordination of locally, state, and federally funded child day care and early childhood education programs;~~

~~(8) Stimulation of employer involvement in making child day care more affordable, more available, safer, and of higher quality for their employees and for the community;~~

~~(9) Provision of written educational materials to caretaker parents and informational resources to child day care providers.~~

~~(HH) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended.~~

~~(II) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.~~

~~(JJ) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.~~

~~(KK) "Adjusted income" means adjusted gross income, as defined in section 5747.01 of the Revised Code, minus any adjustments allowed in rules adopted under section 5104.38 of the Revised Code.~~

~~(LL) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code.~~

~~(MM) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a~~

~~minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.~~

~~(NN) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.~~

~~(OO) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.~~

Sec. 5104.011. (A) The director of human services shall ~~promulgate~~ adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and school child centers, which rules shall reflect the various forms of child day-care and the needs of children receiving child day-care or publicly funded child day-care and, no later than January 1, 1992, shall include specific rules for school child day-care centers that are developed in consultation with the department of education. The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules ~~promulgated~~ adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the center are safe and sanitary including, but not limited to, the physical environment, the physical plant, and the equipment of the center;

(3) Standards for the supervision, care, and discipline of children receiving child day-care or publicly funded child day-care in the center;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of

children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;

(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;

(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about centers;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of human services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules ~~promulgated~~ adopted pursuant to this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.

(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;

(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;

(18) Any other procedures and standards necessary to carry out this chapter.

(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space

wall-to-wall regularly available for the child day-care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

(a) Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;

(b) Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(2) The child day-care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (B)(1) of this section.

(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(c) The children are closely supervised during play and while traveling to and from the area.

The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation

and inspection pursuant to section 5104.04 of the Revised Code and rules ~~promulgated~~ adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.

(3) The child day-care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size, by age category of children, are as follows:

Age Category of Children	Maximum Number of Children Per Child-Care Staff Member	Maximum Group Size
(a) Infants:		
(i) Less than twelve months old	5:1, or 12:2 if two child-care staff members are in the room	12
(ii) At least twelve months old, but less than eighteen months old	6:1	12
(b) Toddlers:		
(i) At least eighteen months old, but less than thirty months old	7:1	14
(ii) At least thirty months old, but less than three years old	8:1	16
(c) Pre-school <u>Preschool</u> children:		
(i) Three years old	12:1	24
(ii) Four years old and		

five years old who are not school children	14:1	28
(d) School children:		
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old	18:1	36
(ii) Eleven through fourteen years old	20:1	40

Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.

(4)(a) The child day-care center administrator shall show the director both of the following:

(i) Evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state;

(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and giving daily care to children attending an organized group program.

(b) In addition to the requirements of division (B)(4)(a) of this section, any administrator employed or designated on or after September 1, 1986, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence within six years after such date of, at least one of the following:

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required

four courses;

(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(iii) A child development associate credential issued by the national child development associate credentialing commission;

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education.

(5) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of human services or state board of education, except as follows:

(a) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(i) A graduate of a two-year vocational child-care training program approved by the state board of education;

(ii) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules ~~promulgated~~ adopted pursuant to this chapter.

(b) A child-care staff member shall be exempt from the educational requirements of this division if the staff member:

(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; or

(ii) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules

~~promulgated~~ adopted pursuant to this chapter.

(6) Every child day-care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori international. For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at the center a roster of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center and upon request shall furnish the roster for each group to the parents, custodians, or guardians of the children in that group. The administrator may prepare a roster of names and telephone numbers of all parents, custodians, or guardians of children attending the center and upon request shall furnish the roster to the parents, custodians, or guardians of the children who attend the center. The administrator shall not include in any roster the name or telephone number of any parent, custodian, or guardian who requests the administrator not to include the parent's, custodian's, or guardian's name or number and shall not furnish any roster to any person other than a parent, custodian, or guardian of a child who attends the center.

(C)(1) Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid and in prevention, recognition, and management of communicable diseases which is approved by the state department of health and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of human services.

(2) The administrator of each child day-care center shall maintain enrollment, health, and attendance records for all children attending the

center and health and employment records for all center employees. The records shall be confidential, except as otherwise provided in division (B)(7) of this section and except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child day-care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (C)(3)(b) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a visitation order or decree issued under that section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code.

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a visitation order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of human services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child-care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of division (B)(4) of this section; the age, educational, and experience requirements of division (B)(5) of this section; the number of inservice training hours required under division (B)(6) of this section; or the requirement for at least annual preparation of a roster for each group of children of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center that must be furnished upon request to any parent, custodian, or guardian of any child in that group required under division (B)(7) of this section; however, the rules shall provide procedures for determining compliance with those requirements.

(E)(1) When age groups are combined, the maximum number of children per child-care staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(3) of this section shall apply.

(2) The maximum number of toddlers or ~~pre-school~~ preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are

resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours during a twenty-four-hour day.

(F) The director of human services shall ~~promulgate~~ adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child day-care and the needs of children receiving child day-care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules ~~promulgated~~ adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;

(3) Standards for the supervision, care, and discipline of children receiving child day-care or publicly funded child day-care in the type A home;

(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;

(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(8) Procedures for record keeping, organization, and administration;

(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal license application fees;

(12) Procedures for receiving, recording, and responding to complaints about type A homes;

(13) Procedures for enforcing section 5104.04 of the Revised Code;

(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of human services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules ~~promulgated~~ adopted pursuant this chapter;

(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;

(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type A home;

(18) Standards for the maximum number of children per child-care staff member;

(19) Requirements for the amount of usable indoor floor space for each child;

(20) Requirements for safe outdoor play space;

(21) Qualifications and training requirements for administrators and for child-care staff members;

(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;

(24) Any other procedures and standards necessary to carry out this chapter.

(G) The director of human services shall ~~promulgate~~ adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of

type B family day-care homes. ~~The~~

(1) ~~The~~ rules shall include procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:

(a) Persons who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider. ~~The;~~

(b) Persons who provide child day-care for eligible children all of whom are the children of the same caretaker parent.

The rules shall require, and shall include procedures for the director to ensure, that type B family day-care homes that receive a limited certification provide child day-care to children in a safe and sanitary manner. With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child day-care during the provisional period. ~~Prior~~ Except as otherwise provided in division (G)(1) of this section, prior to the expiration of the provisional limited certificate, a county department of human services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. ~~Providers~~ Except as otherwise provided in division (G)(1) of this section, providers operating under limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a) of this section or a person described in division (G)(1)(b) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of human services that minimum health and safety requirements are being met in the home. If such verification is provided, the county shall waive any inspection and any criminal records check required by this chapter and grant limited certification to the provider.

(2) The rules shall provide for safeguarding the health, safety, and welfare of children receiving child day-care or publicly funded child day-care in a certified type B home and shall include the following:

~~(1)~~(a) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

~~(2)~~(b) Standards for the supervision, care, and discipline of children

receiving child day-care or publicly funded child day-care in the home;

~~(3)~~(c) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

~~(4)~~(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary physical examinations and immunizations;

~~(5)~~(e) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;

~~(6)~~(f) Standards for the safe transport of children when under the care of authorized providers;

~~(7)~~(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

~~(8)~~(h) Procedures for the inspection of type B family day-care homes that require, at a minimum, that each type B family day-care home be inspected prior to certification to ensure that the home is safe and sanitary;

~~(9)~~(i) Procedures for record keeping and evaluation;

~~(10)~~(j) Procedures for receiving, recording, and responding to complaints;

~~(11)~~(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type B home;

~~(12)~~(l) Requirements for the amount of usable indoor floor space for each child;

~~(13)~~(m) Requirements for safe outdoor play space;

~~(14)~~(n) Qualification and training requirements for authorized providers;

~~(15)~~(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;

~~(16)~~(p) Any other procedures and standards necessary to carry out this chapter.

(H) The director shall ~~promulgate~~ adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for

granting limited certification to in-home aides who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child day-care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child day-care in their own home and shall include the following:

(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child day-care in their own home;

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;

(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;

(6) Standards for the safe transport of children when under the care of in-home aides;

(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;

(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;

(9) Procedures for record keeping and evaluation;

(10) Procedures for receiving, recording, and responding to complaints;

(11) Qualifications and training requirements for in-home aides;

(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;

(13) Any other procedures and standards necessary to carry out this chapter.

(I) The director of human services shall send copies of proposed rules to each licensee and each county director of human services and shall give public notice of hearings regarding the rules to each licensee and each county director of human services at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of a rule, the director of human services shall provide copies of the adopted rule to each licensee and each county director of human services.

The county director of human services shall send copies of proposed rules to each authorized provider and in-home aide and shall give public notice of hearings regarding the rules to each authorized provider and in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of a rule, the county director of human services shall provide copies of the adopted rule to each authorized provider and in-home aide.

Additional copies of proposed and adopted rules shall be made available by the director of human services to the public on request at no charge.

(J) The director of human services shall review all rules ~~promulgated~~ adopted pursuant to this chapter at least once every seven years.

(K) Notwithstanding any provision of the Revised Code, the director of human services shall not regulate in any way under this chapter or rules ~~promulgated~~ adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.

Sec. 5104.03. (A) Any person, firm, organization, institution, or agency desiring to establish a child day-care center or type A family day-care home shall apply for a license to the director of human services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the day-care license requirements in Chapter 5104. of the Revised Code and of the rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code. The director shall mail application forms for renewal of license at least one hundred twenty days prior to the date of expiration of the license, and the application for renewal shall be filed with the director at least sixty days before the date of expiration. Fees shall be set by the director pursuant to section 5104.011 of the Revised Code and shall be paid at the time of application for or renewal of a license to operate a center or type A home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(B) Upon filing of the application for a license, the director shall investigate and inspect the center or type A home to determine the license capacity for each age category of children of the center or type A home and to determine whether the center or type A home complies with Chapter 5104. of the Revised Code and rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code. When, after investigation and inspection, the director is satisfied that Chapter 5104. of the Revised Code and rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code are complied with, a provisional license shall be issued as soon as practicable in such form and manner as prescribed by the director. The provisional license shall be valid for six months from the date of issuance unless revoked.

(C) The director shall investigate and inspect the center or type A home at least once during operation under the provisional license. If after the investigation and inspection the director determines that the requirements of Chapter 5104. of the Revised Code and rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code are met, the director shall issue a license to be effective for two years from the date of issuance of the provisional license.

(D) Upon the filing of an application for renewal of a license by the center or type A home, the director shall investigate and inspect the center or type A home. If the director determines that the requirements of Chapter 5104. and rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code are met, the director shall renew the license to be effective for two years from the expiration date of the previous license.

(E) The license or provisional license shall state the name of the licensee, the name of the administrator, the address of the center or type A home, and the license capacity for each age category of children. After July 1, 1987, the provisional license or license shall include thereon, in accordance with section 5104.011 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center or type A home has violated a provision of Chapter 5104., or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code. A license or provisional license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license or provisional license is the maximum number of children in each age category that may be cared for in the center or type A home at one time.

The center or type A home licensee shall notify the director when the administrator of the center or home changes. The director shall amend the

current license or provisional license to reflect a change in an administrator, if the administrator meets the requirements of Chapter 5104. of the Revised Code and rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code, or a change in license capacity for any age category of children as determined by the director of human services.

(F) If the director revokes a license or refuses to renew a license to a center or a type A home, ~~he~~ the director shall not issue a license to the owner of the center or type A home within two years from the date of the revocation of a license or refusal to renew a license. If during the application for licensure or renewal of licensure process the director determines that the license of the owner has been revoked or renewal of licensure has been denied, the investigation of the center or type A home shall cease, and shall not constitute denial of the application. All actions of the director with respect to licensing centers or type A homes, renewing a license, refusal to license or renew a license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is not renewed or is revoked may appeal in accordance with section 119.12 of the Revised Code.

Sec. 5104.04. (A) The ~~director~~ department of human services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.

(B)(1) The ~~director~~ department shall, at least twice during every twelve-month period of operation of a center or type A home, inspect the center or type A home ~~and~~. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A home.

At least one inspection shall be unannounced and all inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center or type A home by any state or local official ~~when he is engaged in~~ performing duties required of ~~him~~ the state or local official by Chapter 5104. of the Revised Code or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code, including inspecting the center or type A home, reviewing records, or interviewing licensees, employees, children, or parents.

Upon receipt of any complaint that a center or type A home is out of compliance with the requirements of Chapter 5104. of the Revised Code or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code,

he ~~director~~ department shall investigate and may inspect a center or type A home.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(3) The department shall, at least once during every twelve-month period of operation of a center or type A home, collect information concerning the amounts charged by the center or home for providing child day-care services for use in establishing rates of reimbursement pursuant to section 5104.30 Of the Revised Code.

(C) In the event a licensed center or type A home is determined to be out of compliance with the requirements of Chapter 5104. of the Revised Code or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code, the ~~director~~ department shall notify the licensee of the center or type A home in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the ~~director~~ department, ~~he~~ the department may commence action under Chapter 119. of the Revised Code to revoke the license.

(D) The ~~director~~ department may deny or revoke a license, or refuse to renew a license of a center or type A home, if the applicant knowingly makes a false statement on the application, does not comply with the requirements of Chapter 5104. or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code, or has pleaded guilty to or been convicted of an offense described in section 5104.09 of the Revised Code.

(E) If the ~~director~~ department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any person, firm, organization, institution, or agency licensed under section 5104.03 of the Revised Code is in violation of any provision of Chapter 5104. of the Revised Code or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code, the ~~director~~ department may issue an order of revocation to the center or type A home revoking the license previously issued by ~~him~~ the department. Upon the issuance of any order of revocation, the person whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(F) The surrender of a center or type A home license to the ~~director~~ department or the withdrawal of an application for licensure by the owner or administrator of the center or type A home shall not prohibit the ~~director~~ department from instituting any of the actions set forth in this section.

(G) Whenever the ~~director~~ department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is

providing child day-care without a license issued or renewed pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, ~~he~~ the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of Chapter 5104. or rules ~~promulgated~~ adopted pursuant to Chapter 5104. of the Revised Code.

(H) ~~The director~~ the department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(I) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.081. ~~There is hereby created in the~~ The department of human services ~~a division of child day-care. The division shall administer and enforce the requirements of this chapter and any rules adopted under it~~ employ at least one senior-level, full-time employee who shall manage and oversee all child day-care functions under the authority of the department.

Sec. 5104.11. (A) ~~After~~ Except as provided in division (G)(1) of section 5104.011 Of the Revised Code, after receipt of an application for certification from a type B family day-care home, the county director of human services shall inspect. If it complies with this chapter and any applicable rules adopted under this chapter, the county department shall certify the type B family day-care home to provide publicly funded child

day-care pursuant to this chapter and any rules adopted under it. ~~A~~ The director of human services or a county director of human services may contract with a government entity or a private nonprofit entity for that entity to inspect and certify type B family day-care homes pursuant to this section. The county department of human services, government entity, or nonprofit entity shall conduct the inspection prior to the issuance of a certificate for the type B home and, as part of that inspection, shall ensure that the type B home is safe and sanitary. An authorized provider of a type B family day-care home that receives a certificate pursuant to this section to provide publicly funded child day-care is an independent contractor and is not an employee of the county department of human services that issues the certificate.

(B) Every person desiring to receive certification for a type B family day-care home shall apply for certification to the county director of human services on such forms as the director of human services prescribes. The county director shall provide at no charge to each applicant a copy of rules for certifying type B family day-care homes adopted pursuant to this chapter.

(C) If the county director of human services determines that the type B family day-care home complies with this chapter and any rules adopted under it, ~~he~~ the county director shall issue to the provider a certificate to provide publicly funded child day-care for twelve months. The county director may revoke the certificate ~~when he determines~~ after determining that revocation is necessary. The authorized provider shall post the certificate in a conspicuous place in the certified type B home that is accessible to parents, custodians, or guardians at all times. The certificate shall state the name and address of the authorized provider, the maximum number of children who may be cared for at any one time in the certified type B home, the expiration date of the certification, and the name and telephone number of the county director who issued the certificate.

(D) The county director shall inspect every certified type B family day-care home at least twice within each twelve-month period of the operation of the certified type B home. A minimum of one inspection shall be unannounced and all inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate and may inspect the certified type B home. The authorized provider shall permit the county director to inspect any part of the certified type B home. The county director shall prepare a written inspection report and furnish one copy to the authorized provider within a reasonable time after the inspection.

(E) The county director of human services, in accordance with rules

adopted pursuant to section 5104.052 of the Revised Code regarding fire safety and fire prevention, shall inspect each type B home that applies to be certified that is providing or is to provide publicly funded child day-care.

(F) All materials that are supplied by the department of human services to type A family day-care home providers, type B family day-care home providers, in-home aides, persons who desire to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this division.

Sec. 5104.13. No later than July 1, 1998, and at reasonable intervals thereafter, the department of human services shall publish a guide describing state statutes and rules governing the certification of type B family day-care homes. The department shall distribute the guide to county departments of human services in sufficient number that a copy is available to each type B home provider.

Sec. 5104.30. (A) The department of human services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child day-care in this state. The publicly funded child day-care shall be provided to the following:

(1) Recipients of transitional child day-care as provided under section 5104.34 Of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. Of the Revised Code;

(3) a family receiving publicly funded child day-care on October 1, 1997, UNTIL the family's income reaches one hundred fifty per cent of the federal poverty line;

(4) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 Of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child day-care, if the director of human services determines that the application is necessary. For purposes of this section, the department of human services may enter into agreements with other state agencies that are involved in regulation or funding of child day-care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child day-care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child day-care.

(B) The department of human services shall distribute state and federal funds for publicly funded child day-care, including appropriations of state funds for publicly funded child day-care and appropriations of federal funds for publicly funded child day-care under ~~Title IV-A of the "Social Security Act," 49 Stat. 627 (1935), 42 U.S.C.A. 601, as amended, Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended, the "Family Support Act of 1988," 102 Stat. 2343, 42 U.S.C.A. 1305 note, as amended, section 5081 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-233, 42 U.S.C. 602(i), as amended, and the child care block grant act.~~ The department may use any state funds appropriated for publicly funded child day-care as the state share required to match any federal funds appropriated for publicly funded child day-care.

(C) The department may use federal funds available under the child care block grant act to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child day-care. ~~In accordance with the applicable provisions of sections 658(E)(e)(3)(C), (G), and (H) of the child care block grant act, 42 U.S.C. 9858(e)(e)(3)(C), (e), and (f), the department shall allocate and use at least twenty-five per cent of those federal funds for a program of grants and loans that are distributed upon application for proposals to improve the quality, and increase the supply, of child day care and to provide before school, after school, and early childhood development services, shall use not less than seventy-five per cent of the twenty-five per cent allocated for the grant and loan program to establish or to expand and conduct, through grants or contracts, early childhood development programs or before school and after school child day care programs, and shall use not less than twenty per cent of the twenty-five per cent allocated for the grant and loan program for child day care resource and referral services, for grants and loans to assist providers of child day care in meeting the requirements of this chapter, to monitor compliance with this chapter, to provide training and technical assistance relative to child day care, and to improve compensation paid to child day care staff.~~

~~The department shall establish procedures for requesting proposals and awarding grants under this division for expanding and conducting early childhood development programs or before school and after school child day care programs. Each county may submit only one coordinated proposal. The proposal shall include a community needs assessment and evidence of broad community participation in the proposal's development. The proposal may provide that funds are to be divided among several child care programs or prospective child care programs. At minimum, the county coordinated~~

~~proposal shall be endorsed by a majority of the following: the director of the county department of human services, the superintendents of school districts in which the programs are proposed, the head start programs in the county, and the child day-care resource and referral service organizations serving the county. Not more than five per cent of the aggregate amount of those federal funds received for a fiscal year may be expended for administrative costs. The department shall allocate and use at least four per cent of the federal funds for the following:~~

~~(1) Activities designed to provide comprehensive consumer education to parents and the public;~~

~~(2) Activities that increase parental choice;~~

~~(3) Activities, including child day-care resource and referral services, designed to improve the quality, and increase the supply, of child day-care.~~

(D) The department shall ensure that any federal funds received by the state under the child care block grant act will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of that act for publicly funded child day-care and related programs. A county department of human services may purchase child day-care from funds obtained through any other means.

(E) The department shall encourage the development of suitable child day-care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low ~~adjusted~~ incomes. The department shall encourage the development of suitable child day-care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child day-care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child day-care. The department of human services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of human services to fulfill its duties and responsibilities under this chapter.

The department may develop and maintain a registry of persons providing child day-care and may adopt rules pursuant to Chapter 119. Of the Revised Code establishing procedures and requirements for its administration.

~~(F) Based upon the market rate surveys it conducts in accordance with rules adopted under Chapter 119. of the Revised Code, the department of human services shall establish a maximum rate of assistance that it will~~

~~reimburse county departments of human services for payments made to a child day care center, type A family day care home, certified type B family day care home, certified in-home aide, approved child day camp, licensed school child program, or licensed preschool program, which rate of assistance may include a specific maximum rate for child day care that meets the performance standards of the "Head Start Act," 95 Stat. 499, 42 U.S.C. 9831 (1981), as amended, or that is accredited by a nationally recognized early childhood education or child care organization that provides on-site peer review and has written standards exceeding the child day care licensing standards of this state that are reviewed periodically by its members. If the department chooses to include a specific maximum rate for child day care received from providers accredited by nationally recognized organizations, the department may annually compile and publish a list of the organizations that qualify as such accrediting organizations under this division. The department may adopt rules regarding specific maximum rates, but shall not implement them prior to July 1, 1992. The department shall use the rate adopted for day care of school children during vacation hours when determining the maximum rate of assistance that it will reimburse county departments of human services for payments made to an approved child day camp.~~

~~The maximum rate may be waived by the department upon the request of a county department of human services for an increase in the rate of assistance based on the special needs of a child, the special circumstances of a family, or unique child day care market conditions. The maximum rate may vary from county to county according to variations in the cost of their services.~~

~~(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for determining rates of reimbursement and a procedure for paying providers of publicly funded child day-care. In establishing rates of reimbursement pursuant to this division, the department shall use the information obtained under division (B)(3) of section 5104.04 Of the Revised Code and may establish different rates of reimbursement based on the geographic location of the provider, type of care provided, age of the child served, special needs of the child, whether expanded hours of service are provided, whether weekend service is provided, whether the provider has exceeded the minimum requirements of state statutes and rules governing child day-care, and any other factors the department considers appropriate. The department shall establish an enhanced rate of reimbursement for providers who provide child day-care for caretaker parents who work nontraditional hours.~~

Sec. 5104.301. A county department of human services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child day-care. A program established under this section may include any of the following:

(A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;

(B) provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;

(C) assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home.

A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section.

Parents of children enrolled in a parent cooperative child day-care center or parent cooperative type A family day-care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week.

The department of human services shall adopt rules governing the establishment and operation of programs under this section.

Sec. 5104.31. Publicly funded child day-care may be provided only by a child day-care center or type A family day-care home, including a parent cooperative child day-care center or parent cooperative type A family day-care home, licensed by the department of human services pursuant to section 5104.03 of the Revised Code, a type B family day-care home certified by the county department of human services pursuant to section 5104.11 of the Revised Code, a type B family day-care home that has received a limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 Of the Revised Code, an in-home aide who has been certified by the county department of human services pursuant to section 5104.12 of the Revised Code, a child day camp approved pursuant to section 5104.22 of the Revised Code, a licensed preschool program, or a licensed school child program.

Sec. 5104.32. (A) Except as provided in ~~divisions~~ division (C) and (D) of this section, all purchases of publicly funded child day-care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home,

tified in-home aide, approved child day camp, licensed preschool program, or licensed school child program and the county department of human services. A county department of human services may enter into a contract with a provider for publicly funded child day-care for a specified period of time or upon a continuous basis for an unspecified period of time. All contracts for publicly funded child day-care shall be contingent upon the availability of state and federal funds. The department of human services shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child day-care, regardless of the source of public funds used to purchase the child day-care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds, all contracts for publicly funded child day-care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state or county contracts or contracts involving the expenditure of state, county, or federal funds.

(B) Each contract for publicly funded child day-care shall specify at least the following:

(1) That the provider of publicly funded child day-care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child day-care or the ~~maximum rate of assistance established under section 5104.30 of the Revised Code~~ rate of reimbursement established pursuant to section 5104.30 Of the Revised Code;

(2) That, if a provider provides child day-care to an individual potentially eligible for publicly funded child day-care who is subsequently determined to be eligible, the county department agrees to pay for all child day-care provided between the date the county department receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of human services, the provider, or a child day-care resource and referral service organization will make eligibility determinations, whether the provider or a child day-care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child day-care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider shall continue to be licensed, approved, or certified pursuant to this chapter or sections 3301.52 to 3301.59 of the Revised Code and shall comply with all standards and other requirements in this chapter and those sections and in rules adopted pursuant to this chapter or those sections for maintaining the provider's license, approval, or certification;

(5) Whether the provider will be paid by the county department of human services or the state department of human services;

(6) That the contract is subject to the availability of state and federal funds.

(C) Unless specifically prohibited by federal law, the county department of human services shall give individuals eligible for publicly funded child day-care the option of obtaining certificates for payment that the individual may use to purchase services from any provider qualified to provide publicly funded child day-care under section 5104.31 of the Revised Code. Providers of publicly funded child day-care may present these certificates for payment for reimbursement in accordance with rules that the department of human services shall adopt. Only providers may receive reimbursement for certificates for payment. The value of the certificate for payment shall be based on the lower of the rate customarily charged by the provider or the ~~maximum rate of assistance established under section 5104.30 of the Revised Code~~ rate of reimbursement established pursuant to section 5104.30 Of the Revised Code. The county department may provide the certificates for payment to the individuals or may contract with child day-care providers or child day-care resource and referral service organizations that make determinations of eligibility for publicly funded child day-care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates for payment to individuals whom they determine are eligible for publicly funded child day-care.

~~(D) As used in this division, "transitional child day care" means the child day care provided in accordance with Title IV A of the "Social Security Act," 49 Stat. 627 (1935), 42 U.S.C. 602(g), as amended, for a period of twelve months, to a family that has ceased to receive assistance under Chapter 5107. of the Revised Code due to employment.~~

~~Families eligible for retroactive transitional child day care may be reimbursed directly for the cost of child day care provided during the family's period of eligibility for transitional child day care.~~

Sec. 5104.34. (A)(1) Each county department of human services shall implement procedures for making determinations of eligibility for publicly funded child day-care. Under those procedures, the eligibility determination

for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child day-care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of human services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child day-care, may contract with child day-care providers or child day-care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child day-care providers or child day-care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child day-care provider or a child day-care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county and may assign employees of the department to hours of employment outside the normal working hours of the department to collect information relevant to applications for publicly funded child day-care and to make eligibility determinations. The county department, child day-care provider, and child day-care resource and referral service organization shall make each determination of eligibility for publicly funded child day-care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child day-care of the results of the determination of the applicant's eligibility.

On or before October 1, 1991, the department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of human services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2) All eligibility determinations for publicly funded child day-care shall be made in accordance with rules adopted by the department of human services pursuant to division (A) of section 5104.38 of the Revised Code. Publicly funded child day-care may be provided only to eligible infants, toddlers, preschool children, and school children under age thirteen. For an applicant to be eligible for publicly funded child day-care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child day-care. This restriction does not apply to families whose children are eligible for protective or special needs day-care.

~~Families eligible for transitional child day-care, as defined in division (D) of section 5104.32 of the Revised Code, may be eligible for retroactive transitional child day-care benefits, reimbursement of costs for child day-care provided during the family's period of eligibility for transitional child day-care, or both.~~

Subject to available funds, the department shall allow a family to continue to receive publicly funded child day-care until the family's income exceeds one hundred fifty per cent of the federal poverty line. Initial and continued eligibility for publicly funded child day-care is subject to available funds unless the family is receiving transitional child day-care as provided under this section, participating in the Ohio works first program established under Chapter 5107. Of the Revised Code, or was receiving publicly funded child day-care on October 1, 1997, and has a family income below one hundred fifty per cent of the federal poverty line. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child day-care to an assistance group whose income is not more than one hundred fifty per cent of the federal poverty line that received transitional child day-care in the previous month but is no longer eligible because the twelve-month period has expired. Such an assistance group shall continue to receive priority for publicly funded child day-care until its income exceeds one hundred fifty per cent of the federal poverty line.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. Of the Revised Code is eligible for transitional child day-care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child day-care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5107.17 or section 5107.21 Of the Revised Code is not eligible for transitional child day-care.

(B) To the extent permitted by federal law, a county department of human services may require a caretaker parent determined to be eligible for publicly funded child day-care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code; ~~except that a county department shall not require any caretaker parent to pay a fee for protective day-care.~~ Each county department shall make protective day-care services available to children without regard to the ~~adjusted~~ income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child day-care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training.

(D) If a county department of human services determines that available resources are not sufficient to provide publicly funded child day-care to all eligible families who request it, the county department may establish a waiting list. A county department may establish separate waiting lists within the waiting list based on income. When resources become available to provide publicly funded child day-care to families on the waiting list, a county department that establishes a waiting list shall assess the needs of the next family scheduled to receive publicly funded child day-care. If the assessment demonstrates that the family continues to need and is eligible for publicly funded child day-care, the county department shall offer it to the family. If the county department determines that the family is no longer eligible or no longer needs publicly funded child day-care, the county department shall remove the family from the waiting list.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code ~~that establish governing financial and administrative requirements for publicly funded child day-care and establishing~~ all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child day-care that give priority to children of families with lower adjusted incomes, ~~including any amounts to be deducted from adjusted gross income for the purpose of determining adjusted income~~ and procedures and criteria for eligibility for publicly funded protective day-care; The rules shall specify the maximum amount of income a family may have for initial eligibility.

(B) A schedule of fees requiring ~~any or~~ all eligible caretaker parents to pay a fee for publicly funded child day-care according to ~~adjusted~~ income and family size, which ~~schedule of fees~~ shall be uniform for all types of publicly funded child day-care, ~~shall not apply to caretaker parents whose children receive protective day care~~ except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child day-care from that provider;

(C) A formula based upon a percentage of the county's total expenditures for publicly funded child day-care for determining the maximum amount of state and federal funds appropriated for publicly funded child day-care that a county department may use for administrative purposes; ~~a definition of administrative purposes that specifies that recruiting child day care providers, providing child day care resource and referral services through a nonprofit organization or a county department of human services, certifying child day care providers, and providing technical assistance training are not administrative purposes; a formula for allocating, during the first year after July 22, 1991, state and federal funds available for publicly funded child day care to county departments of human services to begin to recruit and certify type B family child day care homes, which formula is based upon the same criteria as are used to determine state allotments under section 658(O)(b) of the child care block grant act, 42 U.S.C. 9858(m)(b); and a formula for allocating, after that first year, state and federal funds available for publicly funded child day care to county departments for those purposes upon the basis of the number of children receiving publicly funded child day care in type B family day care homes and other performance related standards;~~

(D) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child day-care;

(E) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child day-care in identifying the resources available to them and to refer the

individuals to appropriate sources to obtain child day-care;

(F) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child day-care;

(G) Procedures for establishing a child day-care grant or loan program in accordance with the child care block grant act;

(H) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans, ~~under the grant and loan program established pursuant to division (C) of section 5104.30 of the Revised Code;~~

(I) A definition of "person who stands in loco parentis" for the purposes of division ~~(CC)~~(HH)(1) of section 5104.01 of the Revised Code;

(J) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code.

Sec. 5104.39. (A) The state department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures of county departments of human services to ensure that expenditures do not exceed the available federal and state funds for publicly funded child day-care. The state department, with the assistance of the office of budget and management and the day-care advisory council created pursuant to section 5104.08 Of the Revised Code, shall monitor the anticipated future expenditures of county departments for publicly funded child day-care and shall compare those anticipated future expenditures to available federal and state funds for publicly funded child day-care. Whenever the state department determines that the anticipated future expenditures of the county departments will exceed the available federal and state funds for publicly funded child day-care, it promptly shall notify the county departments and, before the available state and federal funds are used, the director of human services shall issue and implement an administrative order that shall specify both of the following:

(1) Priorities for ~~allocating~~ expending the remaining available federal and state funds for publicly funded child day-care;

(2) Instructions and procedures to be used by the county departments.

The order may suspend enrollment of all new participants in any program of publicly funded child day-care or may limit enrollment of new participants to those with ~~adjusted~~ incomes at or below a specified percentage below the federal poverty line, but it shall not limit enrollment by otherwise narrowing eligibility standards established in statute for publicly funded child day-care.

Each county department shall comply with the order no later than thirty days after it is issued. If the state department fails to notify the county

departments and to implement the reallocation priorities specified in the order before the available federal and state funds for publicly funded child day-care are used, the state department shall provide sufficient funds to the county departments for publicly funded child day-care to enable each county department to pay for all publicly funded child day-care that was provided by providers pursuant to contract prior to the date that the county department received notice under this division and the state department implemented in that county the priorities.

If after issuing an order under this division to suspend or limit enrollment of new participants the state department determines that available state and federal funds for publicly funded child day-care exceed the anticipated future expenditures of the county departments, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.

(B) The state department of human services shall ~~conduct an annual~~ do all of the following:

(1) Conduct a quarterly evaluation of the program of publicly funded child day-care that is operated pursuant to sections 5104.30 to 5104.39 of the Revised Code, ~~prepare an annual report;~~

(2) Prepare reports based upon the ~~evaluation, and file a copy of the report with both houses of the general assembly. The report shall comply with the report required to be filed by section 658(K) of the child care block grant act, 42 U.S.C. 9858(i)~~ evaluations that specify for each county the number of participants and amount of expenditures;

(3) Provide copies of the reports to both houses of the general assembly and, on request, to interested parties.

Sec. 5104.42. The state department of human services shall adopt rules pursuant to section 111.15 Of the Revised Code establishing a payment procedure for publicly funded child day-care. The rules may provide that the state department will either reimburse county departments of human services for payments made to providers of publicly funded child day-care or make direct payments to providers pursuant to an agreement entered into with a county board of commissioners pursuant to section 5101.21 Of the Revised Code.

Alternately, the state department, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating among the county departments of ~~human services~~ the state and

federal funds appropriated for all publicly funded child day-care services ~~other than the following:~~

~~(A) Child day-care services provided to participants of the job opportunities and basic skills training program established under sections 5101.80 to 5101.91 of the Revised Code;~~

~~(B) Child day-care services provided to participants of the learning, earning, and parenting program established under section 5107.30 of the Revised Code;~~

~~(C) Transitional child day-care, as defined in section 5104.32 of the Revised Code. If the~~

The state department chooses to allocate funds for publicly funded child day-care, it may provide the funds to each county department, up to the limit of the county's allocation, by advancing the funds or reimbursing county day-care expenditures. The rules adopted under this section may prescribe procedures for making the advances or reimbursements. The rules may establish a method under which the state department may determine which county expenditures for day-care services, ~~other than those described in divisions (A) to (C) of this section,~~ are allowable for use of state and federal funds.

The rules may establish procedures that a county department shall follow when the county department determines that its anticipated future expenditures for publicly funded child day-care services, ~~other than those described in divisions (A) to (C) of this section,~~ will exceed the amount of state and federal funds allocated by the state department. The procedures may include suspending or limiting enrollment of new participants.

Sec. 5107.01. (A) The Ohio general assembly hereby states the following beliefs with regard to the Ohio works first program:

(1) That the first priority for minor heads of household and adults participating in the program is to work, which includes keeping an employer's schedule and satisfying the employer's work requirements, and to develop marketable skills.

(2) That many minor heads of household and adults participating in the program need to complete high school or receive training for an occupation in order to qualify for employment.

(B) The general assembly recognizes that some provisions of the Ohio works first program as operated pursuant to federal waivers granted by the United States secretary of health and human services pursuant to requests made under former section 5101.09 of the Revised Code enacted by Substitute House Bill No. 167 of the 121st general assembly and pursuant to requests made under section 5107.30 of the Revised Code, regarding the

LEAP program, prior to the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) are inconsistent with that act. It is the intent of the general assembly to rely on the federal waivers for authority to conduct the program in the manner specified in this chapter to ensure the work readiness of program participants by requiring at least twenty hours of weekly participation in work activities, including, except as limited by division (B)(2) of section 5107.43 Of the Revised Code, a work activity established under section 5107.58 Of the Revised Code in which a participant is enrolled full-time in post-secondary education leading to vocation, and no more than ten hours of weekly participation in developmental activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.

~~Sec. 5107.01~~ 5107.02. (A) ~~As used in this section, "health care" means assistance provided under the medical assistance program established pursuant to Chapter 5111. of the Revised Code chapter:~~

(A) "Adult" means an individual who is not a minor child.

(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.

(C) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(D) "Minor head of household" means a minor child who is a parent of a child included in the same assistance group that does not include an adult.

(E) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.

(F) "Payment standard" means the amount specified in rules adopted under section 5107.05 Of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.

(G) "Specified relative" means the following individuals who are age eighteen or older:

(1) The following individuals related by blood or adoption:

(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great;"

(b) Siblings;

(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand;"

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in division (G)(1) or (2) of this section.

(H) "Title IV-A" or "Title IV-D" mean Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

~~(B) The department of human services shall administer aid to dependent children under this chapter in accordance with Title IV A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, as long as federal funds are provided for such aid.~~

~~(C) All payments for aid to dependent children, except expenditures for county administration, shall be made by the director of human services from funds appropriated for that purpose, unless the director determines that payments for aid and health care should be made by the county. If the director so determines, the director shall adopt a rule to that effect and payments made after the rule's effective date shall be made by the county treasurer on warrant of the county auditor. The department shall thereafter advance from state and federal funds sufficient funds to provide the county treasurer with the amount estimated to represent the state and federal shares of such payments. State and federal moneys received by the county shall be deposited in the public assistance fund established under section 5101.161 of the Revised Code, and all payments shall be made from that fund. Expenditures for county administration shall be paid by the county treasurer on warrant of the county auditor.~~

~~(D) The director may apply to the United States secretary of health and human services for a waiver of federal requirements to implement this division. Subject to the terms and conditions of the waiver, the director may authorize one or more counties to implement a program under which, in lieu of the sanctions prescribed in sections 5101.88 and 5101.881 of the Revised Code, payments for cash assistance under this chapter to an assistance group that includes a member participating in the JOBS program established under sections 5101.80 to 5101.94 of the Revised Code shall be made after the member has participated in the program a period of time specified in rules the department shall adopt in accordance with Chapter 119. of the Revised Code.~~

Sec. 5107.03. There is hereby established the Ohio works first program. The department of human services shall administer the program, as long as federal funds are provided for the program, in accordance with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80

Of the Revised Code, amendments to the plan, and federal waivers granted by the United States secretary.

The department shall make all cash assistance payments for Ohio works first from funds appropriated for the Ohio works first program. A county department of human services may use county funds to increase the amount of cash assistance an assistance group receives. An increase in the amount of cash assistance that results from such a use of county funds shall not be included as countable income, gross earned income, or gross unearned income of the assistance group.

Sec. 5107.05. The department of human services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department and county departments of human services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations;

(2) The method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition. The rules regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 Of the Revised Code.

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of human services of additional income not previously reported to the county department;

(6) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;

(7) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate. The rule shall be consistent with 42 U.S.C.A. 654(29).

(8) The administration of the LEAP program provided for under section 5107.30 of the Revised Code;

(9) circumstances under which a county department of human services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. Circumstances shall include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(10) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code.

(B) The rules may provide that a county department of human services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Gross income" means gross earned income and gross unearned income.

(3) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 Of the Revised

Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 Of the Revised Code, resides with a custodial parent, legal guardian, or specified relative caring for the child;

(b) A specified relative of a minor child receiving supplemental security income under Title XIV of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local foster care or adoption assistance who resides with and cares for the minor child;

(c) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.19, 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(3) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of human services shall do the following:

(a) Determine whether the assistance group's gross income exceeds the following amount:

<u>Size of Assistance Group</u>	<u>Gross Income</u>
1	\$423
2	\$537
3	\$630
4	\$750
5	\$858
6	\$942
7	\$1,038
8	\$1,139
9	\$1,241
10	\$1,343
11	\$1,440
12	\$1,542

13	\$1,643
14	\$1,742
15	\$1,844

For each person in the assistance group that brings the assistance group to more than fifteen persons, add one hundred two dollars to the amount of gross income for an assistance group of fifteen specified in division (D)(1)(a) of this section.

In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds the amount specified in division (D)(1)(a) of this section.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed the amount specified in that division, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of human services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard the first two hundred fifty dollars and fifty per cent of the remainder of the assistance group's gross earned income for the first eighteen months after the first month the assistance group receives gross earned income while participating in Ohio works first. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(3) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of human services shall use the income requirement established by division (D)(2) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse.

neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of human services at the time the agency removes the children that it believes the children will be able to return to the assistance group within three months;

(b) Informs the county department at the end of both of the first two months after the agency removes the children that the parent, legal guardian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than three payment months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. ~~5107.05~~ 5107.12. Application for aid under this chapter an assistance group seeking to participate in the Ohio works first program shall be made apply to the a county administration and the department of human services using an application shall contain such containing information as the state department of human services may require. Unless the director of human services has provided for the making of payments of aid under this chapter by electronic benefit transfer pursuant to section 5101.33 of the Revised Code, accompanying the application in any county with a system of direct deposit for payments of such aid shall be the authorization form that contains the statement required by section 329.03 of the Revised Code requires pursuant to rules adopted under section 5107.05 Of the Revised Code and any additional information the county department requires. If the cash assistance under the program is to be paid by the auditor of state through the medium of direct deposit as provided by section 329.03 Of the Revised Code, the application shall be accompanied by an authorization form on which the applicant states one the following:

(A) The applicant's designation of a financial institution that is equipped for electronic fund transfers and authorized by law to accept direct deposits by electronic transfer and the account to which the applicant wishes the payments to be made by direct deposit;

(B) The applicant's desire to receive such payments in the form of a paper warrant information the auditor needs to make direct deposits.

When a county administration department receives an application for aid under this chapter for participation in Ohio works first, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such

other information as may be required. Upon the completion of the investigation, the county ~~administration~~ department shall determine whether the applicant is eligible ~~for aid to participate~~, the amount of ~~aid~~ cash assistance the applicant should receive, and the approximate date when ~~such aid participation~~ shall begin. The amount of cash assistance so determined shall be certified to the state department of ~~human services~~ in such form as the department shall prescribe. Warrants, direct deposits, or debit cards shall be delivered or made payable to the caretaker of the child, or the child's duly appointed guardian, or another individual who is concerned with the welfare of the recipient, or vendor payments may be made on behalf of such child under conditions that would qualify such payments for federal matching, by the department in such the manner as the state department may prescribe except that warrants for the payment of health care or foster care shall, at the option of the department, be made payable to, and delivered to, the persons or agencies furnishing such care.

~~If, during the continuance of aid, the recipient becomes possessed of income or resources in excess of the amount previously reported, the recipient to the extent required by rules adopted under section 5107.05 Of the Revised Code, a participant of Ohio works first shall notify the county administration of this fact~~ department immediately upon the receipt or possession of ~~such additional income or resources not previously reported to the county department~~. Any failure to report a possession of income or resources in excess of the amount previously reported by the recipient in compliance with this chapter to the so notify a county administration department shall be regarded as prima-facie evidence of an intent to defraud.

~~An applicant or recipient aggrieved because of a county administration's decision or delay in making a decision may appeal to the department in the manner prescribed by the department and shall be afforded reasonable notice and opportunity for a fair hearing. All decisions of the department made on appeal shall be final and binding upon and complied with by the county administration.~~

~~Any person who applies for aid under this section shall receive a voter registration application under section 3503.10 of the Revised Code.~~

~~Sec. 5107.32~~ 5107.14. (A) As used in this section, "adult" means a person age eighteen or older.

~~(B) Subject to the terms and conditions of federal waivers granted pursuant to an application made under section 5101.09 of the Revised Code, an An assistance group is ineligible for aid under this chapter to participate in Ohio works first unless the minor head of household or each adult member of the assistance group, at the time the assistance group applies not~~

later than thirty days after applying for aid or is undergoing a redetermination of eligibility for aid under this chapter the program, enters into a written self-sufficiency contract with the county department of human services under which. The contract shall set forth the rights and responsibilities of the assistance group agrees to comply with all requirements for aid under this chapter as applicants for and participants of the program, including the JOBS program work responsibilities established under sections 5101.80 5107.40 to 5101.94 5107.69 of the Revised Code and other education and work training activities requirements designed to assist persons the assistance group in obtaining employment. A person who would be eligible for aid under this chapter if not for this section is eligible for medical assistance under Chapter 5111. of the Revised Code.

The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement this section. The rules shall include the contract document that adult assistance group members must sign under this section. The contract shall state the responsibilities of applicants for and recipients of aid under this chapter.

If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, the terms and conditions of the federal waiver prevail achieving self sufficiency and personal responsibility. The county department shall provide without charge a copy of the contract to each assistance group member who signs it.

Each self-sufficiency contract shall include, based on appraisals conducted under section 5107.41 of the Revised Code and assessments conducted under section 5107.70 Of the Revised Code, the following:

(A) The assistance group's plan, developed under section 5107.41 of the Revised Code, to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in Ohio works first established by section 5107.18 of the Revised Code;

(B) Work activities, developmental activities, and alternative work activities to which members of the assistance group are assigned under sections 5107.40 to 5107.69 of the Revised Code;

(C) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code and the consequences established in that section for failure or refusal to cooperate without good cause;

(D) Other responsibilities that members of the assistance group must

satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities;

(E) An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections 5101.19, 5101.58, 5101.59, and 5101.83 of the Revised Code;

(F) Assistance and services the county department will provide to the assistance group;

(G) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;

(H) Other provisions designed to assist the assistance group in achieving self-sufficiency and personal responsibility;

(I) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;

(J) Procedures for amending the contract.

Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department shall sanction the assistance group as follows:

(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer;

(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;

(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.

(B) Each county department of human services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract.

(1) In the case of a failure or refusal to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code, good cause shall include, except as provided in division (B)(2) of this section, the following:

(a) Failure of the county department to place the member in an activity;

(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that day care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:

(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;

(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;

(iii) Unavailability of appropriate and affordable formal child care arrangements.

(2) Good cause does not exist if the member of the assistance group is placed in a work activity established under section 5107.58 of the Revised Code and exhausts the support services available for that activity.

(C) When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding a sanction under this section, the hearing officer, director of human services, or director's designee shall base the decision in the hearing or appeal on the county department's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the county department provides the hearing officer, director, or director's designee a copy of the county department's good cause standards.

(D) After sanctioning an assistance group under division (A) of this section, a county department of human services shall provide the member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.

(E)(1) A minor child eligible for medical assistance pursuant to division (A)(1)(b) of section 5111.01 of the Revised Code who would be eligible to participate in Ohio works first if not for a sanction under this section does not lose eligibility for medical assistance.

(2) An adult eligible for medical assistance pursuant to division (A)(1)(b) of section 5111.01 of the Revised Code who would be eligible to participate in Ohio works first if not for a sanction under division (A)(1) or (2) of this section does not lose eligibility for medical assistance. An adult eligible for medical assistance pursuant to division (A)(1)(b) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this

section loses eligibility for medical assistance unless the adult is otherwise eligible for medical assistance pursuant to another division of section 5111.01 of the Revised Code.

(3) An adult eligible for medical assistance pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for medical assistance unless the adult is otherwise eligible for medical assistance pursuant to another division of section 5111.01 of the Revised Code.

Sec. 5107.18. (A) Except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an adult who has participated in the program for thirty-six months. The time limit applies regardless of whether the thirty-six months are consecutive.

(B) An assistance group that has ceased to participate in Ohio works first pursuant to division (A) of this section for at least twenty-four months may reapply to participate in the program if good cause exists as determined by the county department of human services. Good cause may include losing employment, inability to find employment, divorce, domestic violence considerations, and unique personal circumstances. The assistance group must provide a county department of human services verification acceptable to the county department of whether any members of the assistance group had employment during the period the assistance group was not participating in Ohio works first and the amount and sources of the assistance group's income during that period. If a county department is satisfied that good cause exists for the assistance group to reapply to participate in Ohio works first, the assistance group may reapply. Except as provided in divisions (C), (D), and (E) of this section, the assistance group may not participate in Ohio works first for more than twenty-four additional months. The time limit applies regardless of whether the twenty-four months are consecutive.

(C) In determining the number of months a parent or pregnant woman has received assistance under Title IV-A, a county department of human services shall disregard any month during which the parent or pregnant woman was a minor child but was neither a minor head of household nor married to the head of an assistance group.

(D) In determining the number of months an adult has received assistance under Title IV-A, a county department of human services shall

disregard any month during which the adult lived on an Indian reservation or in an Alaska native village, as those terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, at least one thousand individuals lived on the reservation or in the village and at least fifty per cent of the adults living on the reservation or in the village were unemployed.

(E) A county department of human services may exempt not more than twenty per cent of the average monthly number of Ohio works first participants from the time limit established by this section on the grounds that the county department determines that the time limit is a hardship. In the case of the time limit established by division (A) of this section, a county department may not exempt an assistance group until the group has exhausted its thirty-six months of cash assistance.

(F) The state department of human services shall continually monitor the percentage of the average monthly number of Ohio works first participants in each county that is exempted under division (E) of this section from the time limit established by this section. On determining that the percentage in any county equals or exceeds eighteen per cent, the state department shall immediately notify the county department of human services.

(G) Only participation in Ohio works first on or after October 1, 1997, applies to the time limit established by this section. The time limit applies regardless of the source of funding for the program. Assistance under Title IV-A provided by any state applies to the time limit. The time limit is a lifetime limit. No assistance group shall receive assistance under the program in violation of the time limit for assistance under Title IV-A established by section 408(a)(7) of the "Social Security Act," as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C.A. 608(a)(7).

Sec. 5107.07 5107.20. (A) ~~The acceptance of aid under this chapter~~ As used in this section, "support" has the same meaning as in section 3113.21 Of the Revised Code.

Participation in Ohio works first constitutes an assignment to the department of human services of any rights ~~an individual receiving aid has~~ members of an assistance group have to support from any other person, excluding medical support assigned pursuant to section 5101.59 of the Revised Code. The rights to support assigned to the department pursuant to this section constitute an obligation of the person who is responsible for providing the support to the state for the amount of ~~aid payments~~ cash assistance provided to the ~~recipient or recipients whose needs are included in determining the amount of aid received~~ assistance group. Support

A child support enforcement agency shall collect and distribute support payments assigned to the state pursuant to this section shall be collected by the county administration, and reimbursements for aid payments shall be credited to the county, state, and federal governments in the same proportions as they participate in the financing of such payments. Support obligations owed to children shall be distributed Ohio works first participants, whether assigned to the department or unassigned, in accordance with laws and rules applicable to the federal child support program under the "Social Services Amendments of 1974," 88 Stat. 2351, 42 U.S.C.A. 651, as amended Title IV-D, federal regulations, state statutes, and rules adopted under section 5107.05 Of the Revised Code.

~~(B) If a A child support enforcement agency that receives in any month support payments that are made in accordance with a support order and that are subject to division (A) of this section, the agency, in accordance with division (A) of this section and the rules adopted pursuant to division (D) of this section, assigned to the department shall pay the support payments to the department of human services. Upon receipt of any support payments pursuant to this division, the department, in accordance with the rules adopted pursuant to division (D) of this section and to the extent applicable, shall do all of the following:~~

~~(1) If any of the support payments are received by the child support enforcement agency in the month in which they were due under the support order, pay the first fifty dollars of those payments or the amount payable pursuant to division (E) of this section to the obligee no later than fifteen days after the last of those payments were received in the applicable month by the agency;~~

~~(2) If any of the support payments are received by the child support enforcement agency in a month subsequent to the month in which the payments were due under the support order and if the obligor made the support payments in the month in which they were due under the support order, pay the first fifty dollars of those support payments or the amount payable pursuant to division (E) of this section to the obligee no later than fifteen days after the last of those payments were received in the applicable month by the agency;~~

~~(3) If divisions (B)(1) and (2) of this section are not applicable, pay the full amount of the support payments to the appropriate governmental entities in accordance with division (A) of this section and the rules adopted pursuant to division (D) of this section.~~

(C) Child support collections received by the state. In accordance with federal statutes and regulations, the department shall deposit support

~~payments it receives pursuant to this section shall be deposited in into the state treasury to the credit of the child support collections fund; or the child support administrative fund, both of which is are hereby created. Money credited to the fund funds shall be used to make aid cash assistance payments under this chapter Ohio works first.~~

~~(D) The department of human services, in accordance with section 111.15 of the Revised Code, shall adopt rules establishing procedures for the administration of this section. The rules shall include, but are not limited to, all of the following:~~

~~(1) Procedures to ensure that the payments required by divisions (B)(1) and (2) of this section are made within the required period of time;~~

~~(2) Procedures establishing a period of time within which child support enforcement agencies are required to pay support payments to the department of human services pursuant to division (B) of this section, which specified period of time shall enable the department to comply with the time deadlines in divisions (B)(1) and (2) of this section;~~

~~(3) Procedures to ensure compliance with division (E) of this section;~~

~~(4) Any other procedures necessary to ensure compliance with any applicable state or federal laws.~~

~~(E) If the amount of support payments that federal law requires to be disregarded in determining eligibility for aid under this chapter exceeds fifty dollars, the amount paid to an obligee pursuant to divisions (B)(1) and (2) of this section shall be the amount that federal law requires to be disregarded when determining the eligibility of the family of an obligee for aid under this chapter.~~

~~(F) As used in this section, "support order," "support," "obligee," and "obligor" have the same meanings as in section 3113.21 of the Revised Code.~~

~~Sec. 5107.071 5107.22. (A) As used in this section:~~

~~(1) "Caretaker", "Caretaker" means the parent of a minor child or a relative acting in the parent's place.~~

~~(2) "Child support enforcement agency" means the entity designated as the child support enforcement agency under section 2301.35 of the Revised Code.~~

~~(3) "Paternity establishment or child support proceeding" means an interview or administrative hearing to establish a child's paternity or a support order for a child or a court proceeding to establish a child's paternity or establish, modify, or enforce a child support order.~~

~~(4) "The implementation date of this section" means the date this section is implemented as provided in rules adopted under section 5101.09 of the~~

~~Revised Code.~~

~~(B) Unless good cause for failure or refusal exists as determined pursuant to rules adopted under section 5107.05 Of the Revised Code, the caretaker of a minor child shall cooperate, if the caretaker is a member of the child's assistance group, in establishing the child's paternity and establishing, modifying, and enforcing a support order for the child. The child support enforcement agency with responsibility for administering the assistance group's paternity and support order requirements shall determine whether the caretaker is cooperating under this section. Cooperation includes providing sufficient information available to the caretaker to verify the identity of the minor child's father and establish, modify, and enforce a support order. ~~Sufficient information may include, but is not limited to, the following about the father or each man suspected of being the father:~~~~

- ~~(1) Name, past or present address, and telephone number;~~
- ~~(2) Date of birth;~~
- ~~(3) Social security number;~~
- ~~(4) Past or present place of employment or school;~~
- ~~(5) The names and past or present addresses and telephone numbers of relatives or friends;~~
- ~~(6) Other information the agency determines is necessary to identify the father and establish a support order.~~

~~Information is available to the caretaker if the caretaker can obtain the information through reasonable, diligent efforts.~~

~~Cooperation includes submitting, or having the child submit, to genetic tests that the child support enforcement agency or court requires. Cooperation may also include not failing or refusing to appear at two or more consecutive paternity establishment or child support proceedings.~~

~~(C)(1) A caretaker has good cause for failure or refusal to cooperate under this section if the child support enforcement agency determines that cooperation is against the best interest of the child because of any of the following:~~

- ~~(a) Cooperation is reasonably anticipated to result in physical harm to the child;~~
- ~~(b) Cooperation is reasonably anticipated to result in physical harm to the caretaker which would reduce the caretaker's ability to care for the child adequately;~~
- ~~(c) The child was conceived as the result of incest or forcible rape.~~

~~may be corroborated with either of the following evidence:~~

~~(a) A court, medical, criminal, child protective services, social services, psychological, or law enforcement record, or other credible and competent evidence, that indicates that the person who could be determined to be the father or against whom a support order could be established might inflict physical harm on the child or caretaker;~~

~~(b) A birth certificate or medical or law enforcement record that indicates the child was conceived as the result of incest or forcible rape.~~

~~(D) A child support enforcement agency shall notify the county department of human services serving the county in which a caretaker resides if the agency determines that the caretaker has failed or refused to cooperate under this section without good cause and the caretaker is a member of an assistance group determined or redetermined eligible for aid under this chapter on or after the implementation date of this section. Subject to the terms and conditions of federal waivers granted pursuant to an application made under section 5101.09 of the Revised Code, the county department, on receipt of the notice, shall terminate the caretaker's eligibility for aid under this chapter. Unless the caretaker subsequently reapplies for aid under this chapter and cooperates in establishing the child's paternity and establishing, modifying, and enforcing a child support order for the child not later than two years after losing eligibility under this section, the county department shall terminate the eligibility for aid under this chapter of each member of the caretaker's former assistance group. If the assistance group subsequently reapplies for aid under this chapter and the caretaker cooperates in establishing the minor child's paternity and establishing, modifying, and enforcing a child support order for the child, the county department shall reinstate the assistance group's eligibility for aid under this chapter if the assistance group meets all other requirements for aid under this chapter.~~

~~(E) A person who would be eligible for aid under this chapter if not for this section is eligible for medical assistance under Chapter 5111. of the Revised Code.~~

~~(F) If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, the terms and conditions of the federal waiver prevail participating in Ohio works first.~~

~~Sec. 5107.031 5107.24. (A) As used in this section:~~

~~(1) "Adult-supervised living arrangement" means a family setting approved, licensed, or certified by the department of human services, the department of mental health, the department of mental retardation and~~

developmental disabilities, the department of youth services, a public children services agency, ~~or a private child placing agency,~~ or a private noncustodial agency that is maintained by a person age eighteen or older who assumes responsibility for the care and control of a minor parent, pregnant minor, or child of a minor parent or provides the minor parent, pregnant minor, or child of a minor parent supportive services, including counseling, guidance, and supervision. "Adult-supervised living arrangement" does not mean a public institution.

(2) "Child of a minor parent" means a child born to a minor parent, except that the child ceases to be considered a child of a minor parent when the minor parent attains age eighteen.

(3) "Minor parent" means a parent who is under age eighteen and ~~has never~~ is not married.

(4) ~~"Other adult relative" has the meaning given in rules adopted by the department of human services under this section.~~

~~(5)~~ "Pregnant minor" means a pregnant person who is under age eighteen and ~~has never~~ not married.

~~(6) "Private child placing agency" and "public children services agency" have the same meanings as in section 2151.011 of the Revised Code.~~

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this section, ~~beginning on the effective date of the rules adopted under division (F) of this section,~~ a pregnant minor, minor parent, or child of a minor parent must reside in ~~an adult supervised living arrangement~~ a place of residence maintained by a parent, legal guardian, or specified relative of the pregnant minor or minor parent as the parent's, guardian's, or specified relative's own home to be eligible ~~for assistance under this chapter to participate in Ohio works first.~~

~~(C)~~(2) A pregnant minor, minor parent, or child of a minor parent is exempt from the requirement of division (B)(1) of this section if any of the following apply:

~~(1)~~(a) The minor parent or pregnant minor does not have a parent ~~or~~, legal guardian, or specified relative living or whose whereabouts are known to be residing in this state.

~~(2)~~ The (b) No parent ~~or~~, legal guardian, or specified relative of the minor parent or pregnant minor will ~~not~~ allow the pregnant minor, minor parent, or minor parent's child to live in the parent's ~~or~~, legal guardian's, or specified relative's home.

~~(3)~~(c) The department of human services, a county department of human services, or a public children services agency determines that the physical or emotional health or safety of the pregnant minor, minor parent, or minor

parent's child would be in jeopardy if the pregnant minor, minor parent, or minor parent's child lived in the same home as the parent ~~or~~, legal guardian, or specified relative.

~~(4) The pregnant minor or minor parent did not live in an adult-supervised living arrangement for a period of not less than one year before the date of making application for assistance under this chapter, or, in the case of a minor parent, not less than one year before the date the minor parent most recently became a parent.~~

~~(5)(d) The department of human services, a county department of human services, or a public children services agency otherwise determines that there is other good cause for exemption~~ it is in the best interest of the pregnant minor, minor parent, or minor parent's child to waive the requirement of division (B)(1) of this section.

~~(C) A pregnant minor, minor parent, or child of a minor parent exempt from the requirement of division (B)(1) of this section must reside in an adult-supervised living arrangement to be eligible to participate in Ohio works first.~~

~~(D) The department of human services, whenever possible, shall provide cash assistance under this chapter~~ Ohio works first to the parent, legal guardian, or ~~other adult~~ specified relative of a pregnant minor; or minor parent; ~~or child of a minor parent~~ on behalf of the pregnant minor, minor parent, or minor parent's child.

~~(E) A child of a minor parent who would be eligible for aid under this chapter if not for this section is eligible for medical assistance under Chapter 5111. of the Revised Code.~~

~~(F) The department of human services shall submit an amendment to the plan for aid to dependent children the department is required to submit to the United States secretary of health and human services under division (A)(1) of section 5107.02 of the Revised Code. Not later than six months after the date the department receives approval of the amendment, the department shall adopt rules in accordance with section 111.15 of the Revised Code to implement this section.~~

~~Sec. 5107.31~~ 5107.26. (A) As used in this section:

~~(1) "Implementation date" means the date this section is implemented pursuant to rules adopted under section 5101.09 of the Revised Code.~~

~~(2) "Transitional child day-care" means the publicly funded child day-care provided in accordance with Title IV A of the "Social Security Act," 49 Stat. 627 (1935), 42 U.S.C. 602(g), as amended, for not more than twelve months, to an assistance group that has ceased to receive aid under this chapter due to employment~~ under division (A)(3) of section 5104.34 Of

the Revised Code.

~~(3)(2)~~ "Transitional medicaid" means the medical assistance provided under section 5111.023 of the Revised Code, ~~for not more than eighteen months, to an assistance group that ceased to receive aid under this chapter due to employment.~~

~~(B) Subject to the terms and conditions of federal waivers granted pursuant to an application made under section 5101.09 of the Revised Code and except~~ Except as provided in division (C) of this section, each member of an assistance group ~~receiving aid under this chapter participating in Ohio works first~~ is ineligible ~~for aid under this chapter to participate in the program~~ for six payment months ~~beginning on the day if a county department of human services determines that~~ a member of the assistance group ~~terminates~~ terminated the member's employment and each person who was a member of the assistance group of a recipient of transitional child day-care or transitional medicaid on the day prior to the day the recipient begins to receive transitional child day-care or transitional medicaid is ineligible ~~for aid under this chapter to participate in Ohio works first~~ for six payment months ~~beginning on the day if a county department determines that~~ the recipient ~~terminates~~ terminated the recipient's employment. A person who would be eligible for aid under this chapter if not for this section is eligible for medical assistance under Chapter 5111. of the Revised Code.

~~(C) No person assistance group member shall lose or be denied eligibility for aid under this chapter to participate in Ohio works first pursuant to division (B) of this section if the bureau of employment county department of human services certifies that the person assistance group member who terminated employment did so with just cause. The bureau shall adopt rules in accordance with section 111.15 of the Revised Code establishing procedures to certify whether a person terminated employment with just cause. If the bureau adopts the rules after the implementation date of this section, no person shall lose or be denied eligibility for aid under this chapter pursuant to division (B) of this section until the effective date of the bureau's rules.~~

~~(D) If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, the terms and conditions of the federal waiver prevail. Just cause includes the following:~~

~~(1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, or national origin;~~

~~(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;~~

(3) Employment that has become unsuitable due to any of the following:

(a) The wage is less than the federal minimum wage;

(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 Of the Revised Code;

(c) The documented degree of risk to the assistance group member's health and safety is unreasonable;

(d) The assistance group member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.

(4) Documented illness of the assistance group member or of another assistance group member requiring the presence of the assistance group member;

(5) A documented household emergency;

(6) Lack of adequate child care for children of the assistance group member who are under six years of age.

~~Sec. 5107.18~~ 5107.28. (A) ~~To the extent that such a program can be established without violating federal requirements for state participation in the aid to dependent children program established under the "Social Security Act," 49 Stat. 627 (1935), 42 U.S.C.A. 601, as amended, the~~ As used in this section and in sections 5107.281 to 5107.287 of the Revised Code:

(1) "Cash assistance payment" means the monthly amount an assistance group is eligible to receive under Ohio works first.

(2) "Parent" means the parent, legal guardian, or specified relative with charge or care of a learnfare participant.

(3) "Participating student" means a participant of Ohio works first who is subject to the school attendance requirement of the learnfare program as determined under section 5107.281 Of the Revised Code.

(B) ~~The state department of human services shall establish the learnfare program in Allen county and another county selected by the state department. The Allen county department of human services and the~~ The board of county commissioners of any county may choose to have the county participate in the learnfare program. The county department of human services that administers the aid to dependent children program in the other county selected by the state department to participate in the learnfare program of each participating county shall administer the program in accordance with rules adopted by the state department under section

~~5107.20~~ sections 5107.28 to 5107.287 of the Revised Code and policies the county department establishes for the program.

~~(B)~~(C) The program shall provide for reduction in the cash assistance payment to ~~a learnfare participant's~~ the assistance group of a participating student if the ~~participant student~~ fails to comply with the program's school attendance requirement two or more times during a school year.

~~(C)~~(D) The program ~~shall~~ may provide for an incentive ~~established by rule adopted by the director of human services under section 5107.20 of the Revised Code~~ to encourage a parent or, if ~~the participant~~ a participating student is ~~age eighteen or nineteen, a participant years of age,~~ the student to consent to the release of the ~~participant's participating student's~~ school attendance records and the ~~participant participating student~~ to comply with the program's school attendance requirement.

~~(D)~~ The ~~state department~~ shall ~~implement the learnfare program in Allen county and another county selected by the state department at the beginning of the first school year after the state department receives a federal waiver for the program. The state department shall operate the learnfare program for three years. Not later than ninety days after the end of the program, the state department of human services shall evaluate the program and submit a report of the evaluation to the governor, the president of the senate, and the speaker of the house of representatives.~~

~~Sec. 5107.19~~ 5107.281. A recipient participant of assistance ~~under this chapter Ohio works first~~ who is enrolled in a school district in a county that is participating in the learnfare program and is not younger than age six but not older than age nineteen shall participate in the learnfare program unless one of the following is the case:

(A) The recipient participant is not yet eligible for enrollment in first grade;

(B) The recipient participant is subject to the LEAP program under section 5107.30 of the Revised Code;

(C) The recipient participant has received one of the following:

(1) A high school diploma;

(2) A certificate stating that ~~he~~ the participant has achieved the equivalent of a high school education as measured by scores obtained on the tests of general educational development as published by the American council on education;

(D) The recipient participant has been excused from school attendance pursuant to section 3321.04 of the Revised Code;

(E) If child care services for a member of the ~~recipient's~~ participant's household are necessary for the recipient participant to attend school, child

care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 Of the Revised Code and transportation to and from the child care are not available;

(F) The ~~recipient~~ participant has been adjudicated a delinquent or unruly child pursuant to section 2151.28 of the Revised Code.

Sec. ~~5107.24~~ 5107.282. The first time during a school year that a ~~learnfare participant~~ participating student fails to comply with the learnfare program's school attendance requirement, the county department of human services shall send the parent a notice warning that, if the ~~participant~~ student fails a second or subsequent time in the school year to comply with the school attendance requirement, the assistance group's cash assistance payment for the second month following report of the failure under section ~~5107.26~~ 5107.287 of the Revised Code will be reduced to the amount the assistance group would be eligible to receive if the ~~participant~~ student was not a member of the assistance group. The county department shall send the notice not later than the last day of the month that it is informed of the first failure to comply.

If a ~~participant~~ participating student fails two or more times in a school year to comply with the school attendance requirement, the county department shall reduce the assistance group's cash assistance payment for the second month following report of the failure. The county department shall reduce the cash assistance payment to the amount the assistance group would be eligible to receive if the ~~participant~~ participating student was not a member of the assistance group.

Sec. ~~5107.22~~ 5107.283. The county department of human services ~~shall~~ may provide ~~the an~~ an incentive ~~established by rule adopted by the director of human services under division (B) of section 5107.20 of the Revised Code established by the county department to the~~ participant participating student or ~~participant's~~ student's assistance group, whichever is appropriate, if the parent or, if the ~~participant~~ student is ~~age~~ age eighteen or nineteen years of age, the ~~participant~~ student, consents to the release of the ~~participant's~~ student's school attendance records and the ~~participant~~ student complies with the learnfare school attendance requirement ~~established by rule adopted under division (A) of section 5107.20 of the Revised Code~~. ~~If the an~~ an incentive is an increased assistance payment, the county department shall provide the ~~increase only if the general assembly appropriates funds for the increase~~ may be a cash bonus or other form of incentive. ~~The county department shall not receive any additional state or federal funds to pay for incentives.~~

Sec. ~~5107.23~~ 5107.284. The county department of human services shall require the parent of each ~~learnfare participant~~ participating student, or, if

the ~~participant student~~ is ~~age~~ eighteen or nineteen years of age, the ~~participant student~~ to consent to release of the ~~participant's student's~~ school attendance records. If the parent or ~~participant participating student~~ refuses to consent, the county department shall reduce the assistance group's cash assistance payment for the month immediately following the month of the refusal and each month thereafter until consent is given. The cash assistance payment shall be reduced to the amount the assistance group would be eligible to receive if neither the ~~participant participating student~~ nor the parent were members of the assistance group.

Sec. ~~5107.24~~ 5107.285. Notwithstanding a reduction in ~~an a cash~~ assistance payment under section ~~5107.21~~ 5107.282 or ~~5107.23~~ 5107.284 of the Revised Code, all members of the assistance group who are otherwise eligible ~~for assistance to participate in Ohio works first~~ shall continue to be considered ~~recipients participants~~ of assistance ~~under this chapter and eligible for medical assistance under Chapter 5111. of the Revised Code program.~~

Sec. ~~5107.25~~ 5107.286. Communications between the school district and the county department of human services concerning ~~the learnfare participant's a participating student's~~ attendance shall be made only through the attendance officers and assistants appointed under section 3321.14 or 3321.15 of the Revised Code.

Sec. ~~5107.26~~ 5107.287. ~~Not later than the beginning of the first school year after the department of human services receives a federal waiver to implement the learnfare program, the state board of education, in consultation with the director~~ The county department of human services; shall ~~adopt rules~~ establish policies defining "good cause for being absent from school" and specifying what constitutes a day of attendance for purposes of the learnfare program's school attendance requirement.

Not later than the fifteenth day of each month of a school year or another time agreed to by the county department of human services and state board of education but not later than the thirtieth day of each month, each attendance officer or assistant appointed under section 3321.14 or 3321.15 of the Revised Code who oversees the attendance of students enrolled in the school districts ~~selected by the state department of human services to participate~~ of a county that is participating in the learnfare program shall report to the ~~appropriate~~ county department of human services the previous month's school attendance record of each ~~learnfare participant participating student.~~ The report shall specify which if any of the ~~participant's participating student's~~ absences are excused because the absence meets the definition of "good cause for being absent from school." No absence for

which there is good cause shall be considered in determining whether a ~~participant~~ participating student has complied with the learnfare program's school attendance requirement.

Sec. 5107.30. (A) As used in this section:

(1) "LEAP program" means the learning, earning, and parenting program.

(2) "Teen" means a ~~recipient participant of aid to dependent children under Chapter 5107. of the Revised Code~~ Ohio works first who is under age twenty and is a natural or adoptive parent or is pregnant.

(3) "School" means an educational program that is designed to lead to the attainment of a high school diploma or the equivalent of a high school diploma.

(B) The department of human services may adopt rules under section ~~11.15~~ 5107.05 of the Revised Code, to the extent that such rules are consistent with federal law, to do all of the following:

(1) Define "good cause" and "the equivalent of a high school diploma" for the purposes of this section;

(2) Conduct one or more special demonstration programs titled the "LEAP program;" and establish requirements governing the program. The purpose of the LEAP program is to encourage teens to complete school.

(3) Require every teen who is subject to LEAP program requirements to attend school in accordance with the requirements governing the program unless the teen shows good cause for not attending school. The department shall provide, in addition to the ~~aid~~ cash assistance payment provided under ~~Chapter 5107. of the Revised Code~~ Ohio works first, an incentive payment, in an amount determined by the department, to every teen who is participating in the LEAP program and attends school in accordance with the requirements governing the program. The department shall reduce the ~~aid~~ cash assistance payment, in an amount determined by the department, under ~~Chapter 5107. of the Revised Code~~ Ohio works first to every teen participating in the LEAP program who fails or refuses, without good cause, to attend school in accordance with the requirements governing the program.

(4) Require every teen who is subject to LEAP program requirements to enter into a written agreement with the county department of human services that provides all of the following:

(a) The teen, to be eligible to receive the incentive payment under division (B)(3) of this section, must attend school in accordance with the requirements of the LEAP program;

(b) The county department will provide the incentive payment to the teen if the teen attends school;

(c) The county department will reduce the ~~aid~~ cash assistance payment under ~~Chapter 5107. of the Revised Code~~ Ohio works first if the teen fails or refuses to attend school in accordance with the requirements governing the LEAP program.

(5) Evaluate the demonstration programs established under this section. In conducting the evaluations, the state department of human services shall select control groups of teens who are otherwise subject to the LEAP program requirements.

(C) A teen who is participating in the LEAP program shall be considered to be participating in ~~the JOBS program established under a work activity for the purpose of~~ sections ~~5101.80 5107.40 to 5101.94 5107.69~~ of the Revised Code. However, the teen is not subject to the requirements or sanctions of ~~the JOBS program those sections~~, unless the teen is over age eighteen and meets the LEAP program requirements by participating regularly in ~~training or work components of the JOBS program activities, developmental activities, or alternative work activities under those sections.~~

Sec. 5107.36. An individual is not eligible ~~for assistance under this chapter~~ to participate in Ohio works first if either of the following apply:

(A) The individual is a fugitive felon as defined in section 5101.20 of the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5107.37. An individual who resides in a county home, city infirmary, jail, or other public institution is not eligible ~~for assistance under this chapter~~ to participate in Ohio works first.

Sec. 5107.40. As used in sections 5107.40 to 5107.69 Of the Revised Code:

(A) "Alternative work activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of human services under section 5107.64 Of the Revised Code.

(B) "Developmental activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of human services under section 5107.62 of the Revised Code.

(C) "High school equivalence diploma" means a diploma attesting to achievement of the equivalent of a high school education as measured by scores obtained on the tests of general educational development published by the American council on education. "High school equivalence diploma" includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school

ucation as measured by scores obtained on tests of general educational development.

(D) "Work activity" means the following:

(1) Unsubsidized employment activities established under section 5107.60 of the Revised Code;

(2) The subsidized employment program established under section 5107.52 of the Revised Code;

(3) The work experience program established under section 5107.54 of the Revised Code;

(4) On-the-job training activities established under section 5107.60 of the Revised Code;

(5) The job search and readiness program established under section 5107.50 of the Revised Code;

(6) Community service activities established under section 5107.60 of the Revised Code;

(7) Vocational educational training activities established under section 5107.60 of the Revised Code;

(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;

(9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or high school equivalence diploma;

(10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a high school equivalence diploma under which the participants attend a secondary school or a course of study leading to a high school equivalence diploma;

(11) Child-care service activities, including training, established under section 5107.60 Of the Revised Code to aid another participant of Ohio works first assigned to a community service activity or other work activity;

(12) The education program established under section 5107.58 of the Revised Code that are operated pursuant to a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code;

(13) Except as limited by division (C) of section 5107.30 of the Revised Code, the LEAP program established under that section.

Sec. 5107.41. As soon as possible after an assistance group submits an application to participate in Ohio works first, the county department of human services that receives the application shall schedule and conduct an

appraisal of each member of the assistance group who is a minor head of household or adult. The appraisal may include an evaluation of the employment, educational, physiological, and psychological abilities or liabilities, or both, of the minor head of household or adult. At the appraisal, the county department shall develop with the minor head of household or adult a plan for the assistance group to achieve the goal of self sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in the Ohio works first program established by section 5107.18 of the Revised Code. The plan shall include assignments to one or more work activities, developmental activities, or alternative work activities in accordance with section 5107.42 of the Revised Code. The county department shall include the plan in the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

The county department shall conduct more appraisals of the minor head of household or adult at times the county department determines.

If the minor head of household or adult claims to have a medically determinable physiological or psychological impairment, illness, or disability, the county department may require that the minor head of household or adult undergo an independent medical or psychological examination at a time and place reasonably convenient to the minor head of household or adult.

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) of this section, county departments of human services shall assign each minor head of household and adult participating in Ohio works first to one or more work activities and developmental activities.

If a county department assigns a minor head of household or adult to the work activity established under division (H) of section 5107.60 of the Revised Code, the county department shall make reasonable efforts to assign the minor head of household or adult to at least one other work activity at the same time. If a county department assigns a minor head of household or adult to the work activity established under section 5107.58 Of the Revised Code, the county department shall assign the minor head of household or adult to at least one other work activity at the same time.

A county department may not assign a minor head of household or adult to a work activity established under division (D) of section 5107.60 of the Revised Code for more than twelve months.

(B) If a county department determines that a minor head of household or adult has a temporary or permanent barrier to participation in a work activity, it may assign the minor head of household or adult to one or more alternative work activities instead of assigning the minor head of household

or adult to one or more work activities or developmental activities. A county department may not assign more than twenty per cent of minor heads of household and adults participating in Ohio works first to an alternative work activity.

County departments shall establish standards for determining whether a minor head of household or adult has a temporary or permanent barrier to participating in a work activity. The following are examples of circumstances that a county department may consider when it develops its standards:

(1) A minor head of household or adult provides the county department documented evidence that one or more members of the assistance group have been the victim of domestic violence and are in imminent danger of suffering continued domestic violence;

(2) A minor head of household or adult is actively participating in an alcohol or drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code;

(3) An assistance group is homeless.

(C) A county department may exempt a minor head of household or adult who is unmarried and caring for a minor child under twelve months of age from the work requirements of sections 5107.40 to 5107.69 Of the Revised Code for not more than twelve months. While exempt, the minor head of household or adult shall be disregarded in determining whether the county department is meeting the requirement of section 5107.44 Of the Revised Code. The county department shall assign the exempt minor head of household or adult to at least one developmental activity for a number of hours a week the county department determines. The county department may assign the exempt minor head of household or adult to one or more work activities, in addition to developmental activities, for a number of hours the county department determines. Division (B) of section 5107.43 Of the Revised Code does not apply to the exempt minor head of household or adult.

(D) A county department may reassign a minor head of household or adult when the county department determines reassignment will aid the assistance group in achieving self sufficiency and personal responsibility and shall make reassignments when circumstances requiring reassignment occur, including when a temporary barrier to participating in a work activity is eliminated.

A county department shall include assignments in the self-sufficiency contract entered into under section 5107.14 of the Revised Code and shall amend the contract when a reassignment is made to include the

reassignment in the contract.

Sec. 5107.43. (A) After a minor head of household or adult is assigned to a work activity, developmental activity, or alternative work activity under section 5107.42 of the Revised Code, a county department of human services shall place the minor head of household or adult in the assigned activity as soon as the activity becomes available.

(B)(1) Except as provided in rules adopted under section 5107.05 Of the Revised Code, a minor head of household or adult placed in one or more work activities or developmental activities shall participate in the activities at least the following number of hours each week as determined by the county department:

(a) In the case of a minor head of household or adult in an assistance group that includes only one adult, thirty hours;

(b) In the case of adults in an assistance group that includes two adults, thirty-five hours between the two adults.

(2) Of the hours specified in division (B)(1) of this section, a minor head of household or adult shall participate in one or more work activities at least twenty hours a week. After the minor head of household or adult has participated in a work activity established under section 5107.58 of the Revised Code for one thousand forty hours, the minor head of household or adult may not participate in that work activity for more than five hours a week. The minor head of household or adult may participate in one or more developmental activities for up to ten hours a week, including a developmental activity that is identical to a work activity established under section 5107.58 of the Revised Code.

(3) If a minor head of household or adult and county department agree, the minor head of household or adult may volunteer to participate in work activities and developmental activities for more than the number of weekly hours the county department determines under division (B)(1) of this section.

(C) A minor head of household or adult placed in one or more alternative work activities shall participate in the activities a number of hours each week a county department determines.

Sec. 5107.44. County departments of human services, on a statewide average basis, shall exceed the federal minimum work activity participation rates established by section 407(a) of Title IV-A, 42 U.S.C.A. 607(a), by not less than five percentage points.

Sec. 5107.50. There is hereby established, as a work activity under Ohio works first, the job search and readiness program under which applicants for and participants of Ohio works first are trained in strategies and skills in

obtaining employment and engage in self-directed, job search activities. County departments of human services shall develop and administer the program and may utilize the services of private or government entities under contract with the county department or the state department of human services in operating the program.

A county department may assign a minor head of household or adult applying for Ohio works first to the job search and readiness program before the applicant's eligibility for Ohio works first is determined.

An applicant or participant assigned to the job search and readiness program may not participate in the program for more than six weeks, unless the unemployment rate of the state is at least fifty per cent greater than the unemployment rate of the United States, in which case the applicant or participant may participate in the program not more than twelve weeks. An applicant or participant may not participate in the program more than four consecutive weeks. For one time only per applicant or participant, a county department shall consider the applicant or participant to have participated in the program one week after the applicant or participant participates for three or four, as specified by the county department, days during the week.

Sec. 5101.82 5107.52. (A) There is hereby established, as a ~~component of the JOBS~~ program work activity under Ohio works first, the subsidized employment program, under which private and ~~public~~ government employers shall receive payments from appropriations to the department of human services for a portion of the costs of salaries, wages, and benefits such employers pay to or on behalf of employees who are employable recipients participants of aid to dependent children the subsidized employment program at the time of employment.

(B) The director of human services shall ~~shall~~ may redetermine rates of payments to employers under this section annually on the first day of July.

(C) ~~Employable recipients~~ A state agency or political subdivision may create or fill vacant full-time and part-time positions, including classified and unclassified positions for those positions that are included in the civil service under Chapter 124. of the Revised Code, for or with participants of the subsidized employment program. The department shall specify in rules adopted under section 5107.05 of the Revised Code the maximum amount of time the department will subsidize the positions. After the subsidy expires, the agency or subdivision may hire the participant for an unclassified position or as a provisional employee in the classified civil service, if the position is in the classified civil service, and the participant shall become certified in the same manner as other provisional employees. The director of administrative services may adopt rules in accordance with

Chapter 119. of the Revised Code governing this division.

(D) Participants of the subsidized employment program for whom payments are made under this section:

(1) Shall be considered regular employees of the employer, entitled to the same employment benefits and opportunities for advancement and affiliation with employee organizations that are available to other regular employees of the employer, and the employer shall pay premiums to the bureau of workers' compensation on account of employees for whom payments are made;

(2) Shall be paid at the same rate as other employees doing similar work for the employer ~~or the federal minimum hourly wage, whichever is higher.~~

~~(D) In hiring an employable recipient under the subsidized employment program, an employer may not remove or discharge, for the purpose of substituting the employable recipient in the person's place, a person who is already employed as a regular full-time or part-time employee of the employer, has been employed full-time or part-time as a participant of the subsidized employment program, is or has been involved in a dispute between a labor organization and the employer, has been temporarily laid off and is receiving unemployment compensation under Chapter 4141. of the Revised Code, or has been temporarily laid off and is subject to recall pursuant to a bona fide recall list of the employer. No employer shall hire part-time an employable recipient under the subsidized employment program to circumvent hiring a full-time employee.~~

~~(E) The subsidized employment program may include a job program to create permanent full-time employment in public agencies for employable recipients of aid to dependent children. The job program may include:~~

~~(1) Creation of entry level jobs to reduce waste, fraud, and abuse of privileges in the aid to dependent children program;~~

~~(2) Creation of entry level jobs to enhance child support enforcement collections;~~

~~(3) Creation of jobs in county governments, allocated to boards of county commissioners on the basis of criteria contained in rules adopted by the department of human services that provide incentives for counties to spend county moneys more efficiently;~~

~~(4) Jobs in weatherization programs.~~

~~employment program. An employable recipient hired under this section shall be paid at a rate determined by rule of the department of human services, but in no case less than four dollars and fifty cents an hour during the employable recipient's period of subsidized employment. After the subsidy period, the recipient may be hired as a provisional employee. Upon completing six months of unsubsidized employment and successfully passing an examination, the provisional employee shall become certified.~~

~~(G) The director of administrative services may establish unclassified positions within state and county agencies and general health districts to be filled by employable recipients under the subsidized employment program. A recipient shall be paid for a period not to exceed nine payment months as specified in rules to be adopted by the department of human services. After the subsidy period has ended, the recipient may be hired at an entry level classified position in the county agency as a provisional employee. This recipient shall stand ahead of any other person whose name is on a preferred eligible list for such position, except for another provisional employee who has taken the test and whose name appears on the list AN AGREEMENT FOR EMPLOYMENT OF A SUBSIDIZED EMPLOYMENT PROGRAM PARTICIPANT BY A PRIVATE EMPLOYER SHALL REQUIRE THAT THE PARTICIPANT BE GIVEN PREFERENCE FOR ANY UNSUBSIDIZED FULL-TIME POSITION WITH THE EMPLOYER THAT BECOMES AVAILABLE AFTER THE PARTICIPANT COMPLETES ANY PROBATIONARY OR TRAINING PERIOD SPECIFIED IN THE AGREEMENT.~~

~~Sec. 5101.83 5107.54. (A) There is hereby established, as a component of the JOBS program work activity under Ohio works first, the work experience program under which an employable recipient. A participant of aid to dependent children or food stamps may be assigned under division (G) of section 5101.81 of the Revised Code Ohio works first placed in the program shall receive work experience from private and government entities.~~

~~Employable recipients Participants of Ohio works first assigned to the work experience program are not employees of the state department of human services or ~~the~~ a county department of human services. The operation of the work experience program does not constitute the operation of an employment agency by the state department of human services or ~~any~~ a county department of human services.~~

~~(B) In accordance with rules that the director of human services shall adopt under Chapter 119. of the Revised Code, county County departments of human services shall be responsible for the development of develop work~~

~~projects to which employable recipients participants of Ohio works first are assigned under the work experience program. Work projects may include assignments with private and government entities. Examples of work projects a county department may develop include unpaid internships, refurbishing publicly assisted housing, and having a participant volunteer to work at the head start agency in which the participant's minor child is enrolled. Each county department shall make a list of such the work projects available to the public. When assigning employable recipients to work under the work experience program, first priority shall be given to placements in a public agency, second priority to placements in a private nonprofit organization, and third priority to placements in a private for profit organization. No work assignments shall be made that result in the removal or discharge of a person who is already employed as a regular full time or part time employee, is or has been involved in a dispute between a labor organization and the employer, has been temporarily laid off and is receiving unemployment compensation under Chapter 4141. of the Revised Code, or has been temporarily laid off and is subject to recall pursuant to a bona fide recall list of the employer.~~

~~(C)(1) Except as provided under division (C)(2) of this section, agencies and organizations to unless a county department of human services pays the premiums for the entity, a private or government entity with which employable recipients are assigned under a participant of Ohio works first is placed in the work experience program shall pay premiums to the bureau of workers' compensation on account of such recipients the participant.~~

~~(2) An agency or organization is not required to pay premiums to the bureau of workers' compensation under division (C)(1) of this section if the department of human services adopts a rule requiring the department to pay the premiums for the agency or organization. The department may adopt rules in accordance with Chapter 119. of the Revised Code requiring the department to pay premiums under division (C)(2) of this section.~~

~~Sec. 5107.541. A county department of human services may contract with the chief administrator of a nonpublic school or with any school district board of education that has adopted a resolution under section 3319.089 Of the Revised Code to provide for a participant of the work experience program who has a minor child enrolled in the nonpublic school or a public school in the district to be assigned under the work experience program to volunteer or work for compensation at the school in which the child is enrolled. Unless it is not possible or practical, a contract shall provide for a participant to volunteer or work at the school as a classroom aide. If that is impossible or impractical, the contract may provide for the participant to~~

volunteer to work in another position at the school. A contract may provide for the nonpublic school or board of education to receive funding to pay for coordinating, training, and supervising participants volunteering or working in schools.

Notwithstanding section 3319.088 Of the Revised Code, a participant volunteering or working as a classroom aide under this section is not required to obtain an educational aide permit or paraprofessional license. The participant shall not be considered an employee of a political subdivision for purposes of Chapter 2744. Of the Revised Code and is not entitled to any immunity or defense available under that chapter, the common law of this state, or section 9.86 Of the Revised Code.

An assignment under this section shall include attending academic home enrichment classes that provide instruction for parents in creating a home environment that prepares and enables children to learn at school.

Sec. 5107.58. In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 Of the Revised Code, county departments of human services may establish and administer as a work activity for minor heads of households and adults participating in Ohio works first an education program under which the participant is enrolled full-time in post-secondary education leading to vocation AT A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 3345.031 OF THE REVISED CODE; A PRIVATE NONPROFIT COLLEGE OR UNIVERSITY THAT POSSESSES A CERTIFICATE OF AUTHORIZATION ISSUED BY THE OHIO BOARD OF REGENTS PURSUANT TO CHAPTER 1713. OF THE REVISED CODE, OR IS EXEMPTED BY DIVISION (E) OF SECTION 1713.02 OF THE REVISED CODE FROM THE REQUIREMENT OF A CERTIFICATE; A SCHOOL THAT HOLDS A CERTIFICATE OF REGISTRATION AND PROGRAM AUTHORIZATION ISSUED BY THE STATE BOARD OF PROPRIETARY SCHOOL REGISTRATION UNDER CHAPTER 3332. OF THE REVISED CODE; OR A SCHOOL THAT HAS ENTERED INTO A CONTRACT WITH THE COUNTY DEPARTMENT OF HUMAN SERVICES. The participant shall make reasonable efforts, as determined by the county department, to obtain a loan, scholarship, grant, or other assistance to pay for the tuition, including a federal Pell grant under 20 U.S.C.A. 1070a and an Ohio instructional grant under section 3333.12 Of the Revised Code. If the participant has made reasonable efforts but is unable to obtain sufficient assistance to pay the tuition the program may pay the tuition. On or after October 1, 1998, the county department may enter

into a loan agreement with the participant to pay the tuition. The total period for which tuition is paid and loans made shall not exceed two years. If the participant, pursuant to division (B)(3) of section 5107.43 of the Revised Code, volunteers to participate in the education program for more hours each week than the participant is assigned to the program, the program may pay or the county department may loan the cost of the tuition for the additional voluntary hours as well as the cost of the tuition for the assigned number of hours. The participant may receive, for not more than three years, support services, including publicly funded child day-care under Chapter 5104. Of the Revised Code and transportation, that the participant needs to participate in the program. To receive support services in the third year, the participant must be, as determined by the educational institution in which the participant is enrolled, in good standing with the institution.

A county department that provides loans under this section shall establish procedures governing loan application for and approval and administration of loans granted pursuant to this section.

Sec. 5107.60. In accordance with Title IV-A, federal regulations, state law, the Title IV-A state plan prepared under section 5101.80 of the Revised Code, and amendments to the plan, county departments of human services shall establish and administer the following work activities, in addition to the work activities established under sections 5107.50, 5107.52, 5107.54, and 5107.58 of the Revised Code, for minor heads of households and adults participating in Ohio works first:

(A) Unsubsidized employment activities, including activities a county department determines are legitimate entrepreneurial activities;

(B) On-the-job training activities, including training to become an employee of a child day-care center or type A family day-care home, authorized provider of a certified type B family day-care home, or in-home aide;

(C) Community service activities including a program under which a participant of Ohio works first who is the parent, legal guardian, or specified relative responsible for the care of a minor child enrolled in grade twelve or lower is involved in the minor child's education on a regular basis.

(D) Vocational educational training activities;

(E) Jobs skills training activities that are directly related to employment;

(F) Education activities that are directly related to employment for participants who have not earned a high school diploma or high school equivalence diploma;

(G) Education activities for participants who have not completed secondary school or received a high school equivalence diploma under

which the participants attend a secondary school or a course of study leading to a high school equivalence diploma;

(H) Child-care service activities aiding another participant assigned to a community service activity or other work activity. A county department may provide for a participant assigned to this work activity to receive training necessary to provide child-care services.

Sec. 5107.62. County departments of human services shall establish and administer developmental activities for minor heads of households and adults participating in Ohio works first. In establishing developmental activities, county departments are not limited by the restrictions that Title IV-A imposes on work activities. Developmental activities may be identical or similar to, or different from, work activities and alternative work activities.

In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 Of the Revised Code, a county department may establish and administer a developmental activity under which a minor head of household or adult attends a school, special education program, or adult high school continuation program that conforms to the minimum standards prescribed by the state board of education or instructional courses designed to prepare the minor head of household or adult to earn a high school equivalence diploma. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or high school equivalence diploma not later than two years after the date the minor head of household or adult is placed in the activity.

Sec. 5107.64. County departments of human services shall establish and administer alternative work activities for minor heads of households and adults participating in Ohio works first. In establishing alternative work activities, county departments are not limited by the restrictions Title IV-A imposes on work activities. The following are examples of alternative work activities that a county department may establish:

(A) Parenting classes and life-skills training;

(B) Participation in an alcohol or drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code;

(C) In the case of a homeless assistance group, finding a home;

(D) In the case of a minor head of household or adult with a disability, active work in an individual written rehabilitation plan with the rehabilitation services commission;

(E) In the case of a minor head of household or adult who has been the victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence, or PARTICIPATING in criminal justice activities against the domestic violence offender;

(F) An education program under which a participant who does not speak English attends English as a second language course.

Sec. 5107.65. (A)(1) No participant of Ohio works first shall be assigned to a work activity, developmental activity, or alternative work activity when the employer removes or discharges a person, for the purpose of substituting the participant in the person's place, in any of the following circumstances:

(a) the person is already employed as a regular full-time or part-time employee of the employer;

(b) the person has been employed full time or part time as a participant in a work activity, developmental activity, or alternative work activity;

(c) the person is or has been involved in a dispute between a labor organization and the employer;

(d) the person is on layoff from the same or any substantially equivalent job.

(B) No employer shall hire a participant of Ohio works first part-time to circumvent hiring a full-time employee.

(C) County departments of human services shall establish and maintain a grievance procedure for resolving complaints by individuals or their representatives that the assignment of a participant of Ohio works first violates this section.

Sec. 5101.92 5107.66. Necessary Subject to the availability of funds and except as limited by section 5107.58 Of the Revised Code, county departments of human services shall provide for participants of Ohio works first placed in a work activity, developmental activity, or alternative work activity to receive support services, including, but not limited to, the county department determines to be necessary. County departments may provide for applicants of Ohio works first placed in the work activity established under section 5107.50 of the Revised Code to receive support services the county department determines to be necessary. Support services may include publicly funded child care and day-care under Chapter 5104. Of the Revised Code, transportation, as determined by the department of human services, shall be provided, except as limited by section 5101.85 of the Revised Code, to employable recipients assigned to a component of the JOBS program. The general assembly shall appropriate amounts sufficient to

~~cover the administrative costs of implementing the requirements and the costs of any necessary support services under such components, and other services.~~

Sec. 5107.67. Except for a participant of Ohio works first who is assigned to a work activity established under section 5107.52 or division (A) of section 5107.60 Of the Revised Code, credit for work performed by a participant in a work activity, developmental activity, or alternative work activity does not constitute remuneration for the purpose of Chapter 124., 144., or 145. Of the Revised Code and services performed by the participant do not constitute employment for the purpose of Chapter 4141. of the Revised Code.

~~Sec. 5101.94~~ 5107.68. (A) ~~The director of human services and the county directors of human services shall implement and enforce the requirements of sections 5101.80 5107.40 to 5101.94 5107.69 of the Revised Code. Other state~~ State and local agencies shall cooperate with ~~the department~~ county departments of human services to the maximum extent possible in the implementation of ~~the programs established under such those~~ sections.

(B) In employing persons to administer and supervise ~~the JOBS program,~~ work activities, developmental activities, and alternative work activities under Ohio works first, a county department of human services shall give first consideration ~~shall be given to state government employees who have been laid off from their state positions and employable recipients applicants for and participants of aid to dependent children~~ Ohio works first, provided such ~~employees applicants and recipients~~ participants qualify for the administrative and supervisory positions to be filled. ~~A state government employee shall be eligible for first consideration under this division only within the layoff district established under section 124.326 of the Revised Code in which the employee was laid off, and an employable recipient an applicant or participant shall be eligible for first consideration only within the county in which the recipient receives aid to dependent children applicant applies for or participant participates in Ohio works first.~~

(C) To the maximum extent practicable, necessary support services provided under such sections section 5107.66 Of the Revised Code shall be performed by employable recipients assigned to participants of Ohio works first placed in a component of the JOBS program work activity, developmental activity, or alternative work activity.

Sec. 5107.69. If the United States secretary of health and human services informs the department of human services that implementation of sections 5107.40 to 5107.69 Of the Revised Code jeopardizes federal

g for the Ohio works first program, the department shall ensure that county departments of human services require minor heads of household and adults participating in Ohio works first to participate in work activities, developmental activities, and alternative work activities in a manner consistent with 42 U.S.C.A. 607.

Sec. 5107.70. A county department of human services, at times it determines, may conduct assessments of assistance groups participating in Ohio works first to determine whether any members of the group are in need of other assistance or services provided by the county department or other private or government entities. Assessments may include the following:

(A) whether any member of the assistance group has a substance abuse problem;

(B) whether there are any other circumstances that may limit an assistance group member's employability.

At the first assessment conducted by the county department, it shall inquire as to whether any member of an assistance group is the victim of domestic violence, including child abuse. The county department shall provide this information to the state department of human services. The state department shall maintain the information for statistical analysis purposes.

The county department may refer an assistance group member to a private or government entity that provides assistance or services the county department determines the member needs. The entity may be a chapter of alcoholics anonymous, narcotics anonymous, or cocaine anonymous, or any other entity the county department considers appropriate.

Sec. 5107.71. Subject to available funds, the department of alcohol and drug addiction services shall establish a program in counties selected by the department for substance abuse screening, assessment, and treatment referral for participants in Ohio works first who have a child in the custody of or receiving or referred for services from a public children services agency.

Under the program, participants shall be screened for substance abuse by the county department of human services or a public children services agency. The screening may be conducted as part of an assessment under either section 5107.70 or division (B)(17) of section 5153.16 of the Revised Code. If the screening indicates that the participant may have a substance abuse problem, the county department of human services or public children services agency shall refer the participant to a provider under contract with the county's board of alcohol, drug addiction, and mental health services for clinical assessment and treatment.

gency shall contract with the county's board of alcohol, drug addiction, and mental health services to plan, develop, and contract for substance abuse assessment and treatment services under a program established pursuant to this section. The contract shall permit the board of alcohol, drug addiction, and mental health services to contract for the placement of a professional in the field of alcohol or drug addiction services in the office of a county department of human services or a public children services agency to provide screening, clinical assessment, case coordination, treatment referral, training for county department or agency employees, or other services warranted by local needs. The board of alcohol, drug addiction, and mental health services shall establish a network of providers in the field of alcohol or drug addiction services who will give priority to providing treatment to participants referred under this section.

The department shall adopt rules governing the program.

~~Sec. 5107.10 5107.72. Subject to the rules of the department of human services, the county administration may provide the necessary medical, surgical, dental, optical, or mental examination and corrective or preventive treatment for any family receiving aid under Chapter 5107. of the Revised Code.~~

~~The county administration for aid to dependent children, under the standards of assistance established by the director of human services, may establish in so far as practicable and not in conflict with federal law, such services not otherwise available as may be necessary to help applicants and recipients of aid to attain self-care or self-support.~~

~~The Each county administration for aid to dependent children department of human services shall refer the mother of any needy child receiving aid to dependent children, if such mother is living with the dependent a parent participating in Ohio works first whose minor child; is a member of the parent's assistance group to any private or public agency, medical doctor, clinic, or other person or organization which can advise her the parent on methods of controlling the size and spacing of her the parent's family, consistent with the mother's parent's religious and moral views. The A county administration may procure for such mothers any pills or devices needed and desired by such mothers for the control of conception department shall document each referral it makes under this section.~~

~~Sec. 5107.12 5107.75. Aid Cash assistance under this chapter shall be Ohio works first is inalienable whether by way of assignment, charge, or otherwise; and exempt from execution, attachment, garnishment, and other like process.~~

~~Sec. 5107.04 5107.76. (A) As used in this section, "erroneous~~

payments" means payments of ~~aid~~ cash assistance made under ~~this chapter~~ Ohio works first to ~~persons who are~~ assistance groups not ~~entitled~~ eligible to receive ~~them~~ the assistance, including ~~aid~~ assistance paid as a result of misrepresentation or fraud; and ~~aid~~ assistance paid due to an error by ~~the recipient~~ a member of an assistance group or ~~by the~~ a county department of human services ~~that made the payment~~.

(B) ~~The amount of aid payable under this chapter in respect to any children living in the same home shall be determined on the basis of actual need as determined by the state department of human services based on state appropriations, taking into account the resources and income from other sources of such children, their parents, and the relatives in whose home they are living.~~

(C) ~~The~~ Except as provided in rules adopted under section 5107.05 Of the Revised Code, each county department of human services shall take action to recover erroneous payments, ~~which~~. Action may include reducing payments of cash assistance made under Ohio works first to assistance groups that receive erroneous payments or instituting a civil action. ~~Whenever aid has been furnished to a recipient for whose support another person is responsible such other person shall, in addition to the liability otherwise imposed, as a consequence of failure to support such recipient, be liable for all aid furnished to such recipient. The value of the aid so furnished may be recovered in a civil action brought by the county department. If a minor child was a member of an assistance group that received an erroneous payment but becomes a member of a new assistance group that does not include a minor head of household or adult who also was a member of the previous assistance group, a county department shall not take action against the new assistance group to recover the erroneous payment the previous assistance group received.~~

(D) ~~Each~~ county department of human services shall retain fifty per cent of the nonfederal share of the erroneous payments it ~~recovers~~, prior to October 1, 1996, determines occurred under this section, regardless of when recovery is made. The department of human services shall receive the remaining fifty per cent of the nonfederal share of ~~the recovered~~ those payments. Each county department shall retain twenty-five per cent of erroneous payments it, on or after October 1, 1996, determines occurred and recovers and the state department shall receive the remaining seventy-five per cent.

~~Sec. 5107.13~~ 5107.77. As part of the monthly ~~financial~~ cash assistance payment provided under ~~this chapter~~ Ohio works first, an assistance group shall receive a monthly energy assistance payment based on the size of the

assistance group. The part of the monthly ~~financial cash~~ assistance payment that is the monthly energy assistance payment shall be the following:

Size of assistance group	Energy assistance payment
1	\$ 7
2	\$11
3	\$14
4	\$17
5	\$20
6	\$22
7	\$25
8	\$28
9	\$30
10	\$33
11	\$36
12	\$39
13	\$41
14	\$44
15	\$47

For each person in the assistance group that brings the assistance group to more than fifteen persons, add three dollars to the monthly energy assistance payment an assistance group of fifteen receives.

~~(C)~~ This section does not increase the monthly ~~financial cash~~ assistance payment an assistance group is eligible to receive under ~~this chapter~~ Ohio works first.

Sec. 5107.78. The department of human services shall include a notice with the following information with each cash assistance payment provided under Ohio works first to an assistance group residing in a county in which the computer system known as support enforcement tracking system is in operation:

(A) The number of months the assistance group has participated in Ohio works first and the remaining number of months the assistance group may participate in the program as limited by section 5107.18 of the Revised Code;

(B) The amount of support payments due a member of the assistance group that a child support enforcement agency collected and paid to the department pursuant to section 5107.20 of the Revised Code during the most recent month for which the department has this information.

Sec. 5108.01. As used in this chapter:

(A) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for the prevention, retention, and

contingency program.

(B) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(C) "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A.

(D) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5108.02. There is hereby established the prevention, retention, and contingency program. The department of human services shall administer the program, as long as federal funds are provided for the program, in accordance with Title IV-A, federal regulations, state law, the state Title IV-A plan submitted to the United States secretary of health and human services under section 5101.80 Of the Revised Code, and amendments to the plan.

Sec. 5108.06. Under the prevention, retention, and contingency program, an assistance group that includes at least one minor child and meets the program's eligibility requirements shall receive assistance or services needed to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility.

Sec. 5108.07 The department of human services shall develop a model design for the prevention, retention, and contingency program that county departments of human services may adopt under section 5108.08 of the Revised Code. The model design must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 Of the Revised Code, and amendments to the plan. The department shall not adopt rules to develop the model design. The department shall provide each county department a written copy of the model design.

Sec. 5108.08. Each county department of human services shall either adopt the model design for the prevention, retention, and contingency program the state department of human services develops under section 5108.07 of the Revised Code or develop its own policies for the program. To develop its own policies, a county department shall adopt a written statement of the policies governing the program. The policies may be a modification of the model design, different from the model design, or a combination. The policies shall establish or specify eligibility requirements,

assistance or services to be provided under the program, administrative requirements, and other matters the county department determines necessary. A county department may amend its statement of policies to modify, terminate, and establish new policies. The policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 Of the Revised Code, and amendments to the plan.

A county department shall inform the state department of whether it has adopted the model design or developed its own policies for the prevention, retention, and contingency program. If a county department develops its own policies, it shall provide the state department a written copy of the statement of policies and any amendments it adopts to the statement.

Sec. 5108.09. When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of human services, or director's designee shall base the decision in the hearing or appeal on the following:

(A) If the county department of human services involved in the hearing or appeal adopted the state department of human services' model design for the program developed under section 5108.07 of the Revised Code, the model design:

(B) If the county department developed its own policies for the program, the county department's written statement of policies adopted under section 5108.08 of the Revised Code and any amendments the county department adopted to the statement.

Sec. 5108.10. An assistance group seeking to participate in the prevention, retention, and contingency program shall apply to a county department of human services using an application containing information the county department requires.

When a county department receives an application for participation in the prevention, retention, and contingency program, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such other information as may be required. On completion of the investigation, the county department shall determine whether the applicant is eligible to participate, the assistance or services the applicant should receive, and the approximate date when participation is to begin.

Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this section and

provided by the department of human services under this chapter ~~and~~, Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration of the United States department of health and human services.

(A) The department of human services may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following:

(1) ~~Recipients and potential recipients of aid under Families with children that meet either of the following conditions:~~

(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department. An adult loses eligibility for medical assistance under division (A)(1)(a) of this section pursuant to division (E)(3) of section 5107.16 of the Revised Code.

(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is participating in the Ohio works first program established under Chapter 5107. of the Revised Code; persons who are or is eligible for medical assistance pursuant to section 5101.842, 5101.86, 5101.88, 5101.881, 5101.95, 5107.041, 5107.071, 5107.31, 5107.32, 5107.34, 5101.18 or 5111.017 division (E)(1) or (2) of section 5107.16 of the Revised Code despite being ineligible for aid under that chapter, and children of minor parents who would be eligible for aid under that chapter if not for section 5107.031 of the Revised Code; to participate in Ohio works first.

(2) Aged, blind, and disabled persons who meet the following conditions:

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet ~~one or both~~ any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other

than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;

(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;

(iii) Are eligible for medical assistance pursuant to section 5101.18 Of the Revised Code.

(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;

(4) Persons under age twenty-one who meet the financial-eligibility standards in-effect income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not qualify as a dependent child as defined in section 5107.03 meet other eligibility requirements for the program. The department shall adopt rules in accordance with Chapter 119. of the Revised Code;

(5) Effective October 1, 1993, if funds are appropriated by the general assembly for this purpose, children born after January 1, 1983, who are not otherwise eligible for assistance under this division and whose countable income is at or below two hundred per cent of the federal poverty guideline, as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the assistance group of the person whose income is being determined specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section.

(B) If funds are appropriated for such purpose by the general assembly, the department may provide medical assistance to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.

(C) The department may expand eligibility for medical assistance to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the department receives the approval of the federal government. The department may implement the eligibility expansion authorized under this division on any date selected by

the department, but not sooner than January 1, 1998.

(D) In addition to any other authority or requirement to adopt rules under this chapter, the department may adopt rules in accordance with section 111.15 of the Revised Code as it considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance. The rules may establish requirements to be followed in applying for medical assistance, making determinations of eligibility for medical assistance, and verifying eligibility for medical assistance. The rules may include special conditions as the department determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the department may provide pursuant to division (C) of this section.

Sec. 5111.013. (A) The provision of medical assistance to pregnant women and young children who are eligible for medical assistance under division (A)(3) of section 5111.01 of the Revised Code, but who are not otherwise eligible for medical assistance under that section, shall be known as the healthy start program.

(B) The department of human services shall do all of the following with regard to the application procedures for the healthy start program and the Ohio children's health care program:

(1) Establish a short application form for each or both programs that requires the applicant to provide no more information than is necessary for making determinations of eligibility for the healthy start or Ohio children's health care program, except that the form may require applicants to provide their social security numbers. The form shall include a statement, which must be signed by the applicant, indicating that she does not choose at the time of making application for the program to apply for assistance provided under any other program administered by the department and that she understands that she is permitted at any other time to apply at the county department of human services of the county in which she resides for any other assistance administered by the department.

(2) To the extent permitted by federal law, do one or both of the following:

(a) Distribute the application form for the programs to each public or private entity that serves as a women, infants, and children clinic or as a child and family health clinic and to each administrative body for such clinics and train employees of each such agency or entity to provide applicants assistance in completing the form;

(b) In cooperation with the department of health, develop arrangements under which employees of county departments of human services are

stationed at public or private agencies or entities selected by the department of human services that serve as women, infants, and children clinics; child and family health clinics; or administrative bodies for such clinics for the purpose both of assisting applicants for the programs in completing the application form and of making determinations at that location of eligibility for the programs.

(3) Establish performance standards by which a county department of human services' level of enrollment of persons potentially eligible for each program can be measured, and establish acceptable levels of enrollment for each county department of ~~human services~~.

(4) Direct any county department of human services whose rate of enrollment of potentially eligible enrollees in either program is below acceptable levels established under division (B)(3) of this section to implement corrective action. Corrective action ~~by the county department of human services~~ may include but is not limited to any one or more of the following to the extent permitted by federal law:

(a) Establishing formal referral and outreach methods with local health departments and local entities receiving funding through the bureau of maternal and child health;

(b) Designating a specialized intake unit within the county department of ~~human services~~ for healthy start and Ohio health care program applicants;

(c) Establishing abbreviated timeliness requirements to shorten the time between receipt of an application and the scheduling of an initial application interview;

(d) Establishing a system for telephone scheduling of intake interviews for applicants;

(e) Establishing procedures to minimize the time an applicant must spend in completing the application and eligibility determination process, including permitting applicants to complete the process at times other than the regular business hours of the county department and at locations other than the offices of the county department.

(C) To the extent permitted by federal law, local funds, whether from public or private sources, expended by a county department for administration of the healthy start and Ohio children's health care programs shall be considered to have been expended by the state for the purpose of determining the extent to which the state has complied with any federal requirement that the state provide funds to match federal funds for medical assistance, except that this division shall not affect the amount of funds the county is entitled to receive under section 5101.16, 5101.161, ~~5107.01~~, or 5111.012 of the Revised Code.

(D) The director of human services shall do one or both of the following:

(1) To the extent that federal funds are provided for such assistance, adopt a plan for granting presumptive eligibility for pregnant women applying for healthy start;

(2) To the extent permitted by federal medicaid regulations, adopt a plan for making same-day determinations of eligibility for pregnant women applying for healthy start.

(E) A county department of human services that maintains offices at more than one location shall accept applications for the healthy start program and the Ohio children's health care program at all of those locations.

(F) The director of human services shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement this section.

Sec. 5111.017. ~~(A) As used in this section:~~

~~(1) "Aid to dependent children" means the program established by Chapter 5107. of the Revised Code.~~

~~(2) "Assistance group" has the same meaning as in section 5107.011 of the Revised Code.~~

~~(B)~~ The department of human services shall establish a program for substance abuse assessment and treatment referral for recipients of medical assistance under this chapter who are pregnant and are required by statute or rule of the department to receive medical services through a managed care organization. Each such pregnant woman shall be screened for alcohol and other drug use at her first prenatal medical examination ~~after July 1, 1996.~~

The department of human services shall require each managed care organization providing services to medical assistance recipients pursuant to a contract with the department of human services to inform persons who will provide prenatal medical services to a pregnant recipient about the requirements of this section. The department also shall require persons providing prenatal medical services to a pregnant recipient pursuant to the managed care organization's contract with the department to refer do both of the following if the person providing prenatal medical services, following screening, determines the recipient may have a substance abuse problem:

~~(A) Refer the recipient to an organization certified by the department of alcohol and drug addiction services for assessment if the person providing prenatal medical services to her, following screening, determines the recipient may have a substance abuse problem. Failure of a recipient to cooperate with an assessment or participate in treatment in accordance with the rules adopted under this section shall result in ineligibility for aid to~~

dependent children as follows:

~~(1) For a first failure, the recipient is ineligible for aid to dependent children until the failure ceases or one payment month, whichever is longer;~~

~~(2) For a second failure, the recipient and all other members of the recipient's assistance group are ineligible for aid to dependent children until the failure ceases or one payment month, whichever is longer;~~

~~(3) For a third failure, the recipient and all other members of the recipient's assistance group are ineligible for aid to dependent children until the failure ceases or two payment months, whichever is longer;~~

~~(4) For a fourth or subsequent failure, the recipient and all other members of the recipient's assistance group are ineligible for aid to dependent children until the failure ceases or six payment months, whichever is longer.~~

~~(C) If a recipient of aid to dependent children under age eighteen is a member of an assistance group sanctioned under division (B)(2), (3), or (4) of this section, the sanction applied to the recipient shall cease if the recipient ceases to reside with a specified relative, as defined by rules adopted pursuant to section 5107.03 of the Revised Code, who was a member of the sanctioned assistance group, unless the recipient is the member of the assistance group whose failure to cooperate with an assessment or participate in treatment caused the sanction. The sanction shall continue for all other members of the assistance group for the amount of time specified in division (B)(2), (3), or (4) of this section.~~

~~(D) A person who would be eligible for aid to dependent children if not for this section is eligible for the medical assistance program.~~

~~(E) Not later than July 1, 1996, the:~~

~~(B) Inform the recipient of the possible effects of alcohol and other drug use on the fetus.~~

~~The department of human services, in consultation with the department of alcohol and drug addiction services, shall adopt rules in accordance with Chapter 119. Of the Revised Code necessary to implement this section.~~

~~(F) If any provision of this section conflicts with the terms and conditions of a federal waiver granted pursuant to an application made under section 5101.09 of the Revised Code, the terms and conditions of the federal waiver prevail.~~

Sec. 5111.023. (A) The department of human services may provide medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, in addition to such assistance provided under section 5111.01 of the Revised Code, as long as federal funds are provided for such assistance, to each former ~~recipient~~ participant

of ~~assistance under~~ the Ohio works first program established under Chapter 5107. of the Revised Code who meets all of the following requirements:

(1) ~~Is ineligible for assistance under Chapter 5107. of the Revised Code to participate in Ohio works first~~ solely as a result of increased income due to employment;

(2) Is not covered by, and does not have access to, medical insurance coverage through the employer with benefits comparable to those provided under this section, as determined in accordance with rules adopted by the department of human services under division (B) of this section;

(3) Meets any other requirement established by rule adopted under division (B) of this section.

(B) The department of human services shall adopt such rules under Chapter 119. of the Revised Code as are necessary to implement and administer the medical assistance program under this section.

(C) A person seeking to participate in a program of medical assistance under this section shall apply to the county department of human services in the county in which the applicant resides. The application shall be made on a form prescribed by the state department of human services and furnished by the county department.

(D) If the county department of human services determines that a person is eligible to receive medical assistance under this section, the department shall provide assistance, to the same extent and in the same manner as medical assistance is provided to a person eligible for medical assistance under Chapter 5107. pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code, for no longer than ~~eighteen~~ twelve months, beginning the month after the date the ~~recipient's medical assistance under Chapter 5107. of the Revised Code~~ participant's eligibility for Ohio works first is terminated.

Sec. 5111.09. On or before the first day of January of each year, the department of human services shall submit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate, and shall make available to the public, a report on the effectiveness of the ~~aid to dependent children~~ Ohio works first program established under Chapter 5107. of the Revised Code and the medical assistance program established under this chapter in meeting the health care needs of low-income pregnant women, infants, and children. The report shall include: the estimated number of persons eligible for health care services to pregnant women, infants, and children under the programs; the actual number of eligible persons served; the number of prenatal, postpartum, and child health visits; a report on birth outcomes, including a

comparison of low-birthweight births and infant mortality rates of program participants with the general female child-bearing and infant population in this state; and a comparison of the prenatal, delivery, and child health costs of the programs with such costs of similar programs in other states, where available.

Sec. 5111.113. As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

In determining the amount of income a recipient of medical assistance must apply monthly to payment of the cost of care in a nursing facility, the county department of human services shall deduct from the recipient's monthly income a monthly personal needs allowance in accordance with section 1902 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396a, as amended. The monthly personal needs allowance shall be not less than forty dollars for an individual resident of a nursing facility and not less than eighty dollars for a married couple if both spouses are residents of a nursing facility.

Sec. 5115.01. (A) There is hereby established the disability assistance program. Except as provided in division (D) of this section, a disability assistance recipient shall receive financial assistance. Except as provided in section 5115.11 of the Revised Code, a disability assistance recipient also shall receive disability assistance medical assistance.

Except as provided by division (B) of this section, a person who meets all of the following requirements is eligible for disability assistance:

(1) ~~The person is ineligible for aid to dependent children provided under to participate in the Ohio works first program established under Chapter 5107. of the Revised Code and to receive supplemental security income provided pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;~~

(2) The person is at least one of the following:

(a) Under age eighteen;

(b) Age sixty or older;

(c) Pregnant;

(d) Unable to do any substantial or gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months;

~~(e) A resident of a residential treatment center~~ An active participant in an alcohol or drug addiction program certified by the department of alcohol and drug addiction services; under section 3793.06 Of the Revised Code, including a former recipient of supplemental security income who lost

eligibility for that program because of the enactment of paragraph (b)(1) of section 105 of the "Contract With America Advancement Act of 1996," 110 Stat. 847, 42 U.S.C.1382c(a)(3). A person on a waiting list to participate in an alcohol or drug addiction program, or otherwise not participating in a program while waiting for treatment services at a program to become available, is not an active participant.

(f) Medication dependent as determined by a physician, as defined in section 4730.01 of the Revised Code, who has certified to the county department of human services that the person is receiving ongoing treatment for a chronic medical condition requiring continuous prescription medication for an indefinite, long-term period of time and for whom the loss of the medication would result in a significant risk of medical emergency and loss of employability lasting at least nine months.

(3) The person meets the eligibility requirements established by the department of human services in rules adopted under section 5115.05 of the Revised Code.

(B)(1) A person is ineligible for disability assistance if the person is ~~ineligible for aid to dependent children, or financial assistance under that program, to participate in the Ohio works first program~~ because of any of the following:

(a) ~~A penalty pursuant to section 5101.842, 5101.88, 5101.881, 5101.95, 5107.01, 5107.031, 5107.041, 5107.071, 5107.30, 5107.31, 5107.32, Section 5101.83, 5107.14, or 5111.017 5107.16 of the Revised Code or division (C) of section 5101.86 of the Revised Code;~~

(b) ~~The person's extended eligibility for aid to dependent children to participate in the Ohio works first program~~ made possible by the earned income disregard established under division ~~(B)(1)(D)(2)~~ of section ~~5107.033 5107.10~~ of the Revised Code has ceased due to the limited number of months the disregard is applied;

(c) ~~The time limit for financial assistance~~ established by section ~~5107.33 5107.18~~ of the Revised Code;

(d) Failure to comply with an application or verification procedure;

(e) The fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996.

(2) A person under age eighteen is ineligible for disability assistance pursuant to division (B)(1)(a) of this section only if the person caused the penalty assistance group to be ineligible to participate in the Ohio works first program or resides with a person age eighteen or older who was a member of the same ineligible assistance group ~~that is ineligible for aid to dependent children pursuant to a penalty specified in division (B)(1)(a) of~~

~~this section.~~ A person age eighteen or older is ineligible for disability assistance pursuant to division (B)(1)(a) of this section regardless of whether the person caused the penalty assistance group to be ineligible to participate in the Ohio works first program.

~~(C) No~~ The county department of human services that serves the county in which a person is eligible for receiving disability assistance pursuant to division (A)(2)(e) of this section more than once in a five-year period participates in an alcohol or drug addiction program shall designate a representative payee for purposes of receiving and distributing financial assistance provided under the disability assistance program to the person.

(D) A person eligible for disability assistance pursuant to division (A)(2)(f) of this section shall not receive financial assistance.

(E) The department shall adopt rules in accordance with section 111.15 of the Revised Code defining terms and establishing standards for determining whether a person meets a condition of disability assistance eligibility pursuant to this section.

Sec. 5115.03. ~~(A)~~ The state department of human services shall do all both of the following:

~~(1)(A)~~ Adopt rules governing the administration of disability assistance, including the administration of financial assistance and disability assistance medical assistance. The rules shall be binding on county departments of human services.

~~(2)(B)~~ Make investigations to determine whether disability assistance is being administered in compliance with the Revised Code and rules adopted by the state department.

~~(3)~~ Administer disability assistance in a county where the county department of human services fails to perform the administrative functions required of it under section 5115.02 of the Revised Code.

~~(B)~~ If the state department administers disability assistance in a county pursuant to division (A)(3) of this section, it may expend any local funds available for administration of disability assistance, and for a period not to exceed three months, if necessary, may pay the entire administrative cost of disability assistance in the county from state appropriations for disability assistance. The county shall promptly reimburse the department for any funds spent by the state during any period the department administers disability assistance in the county.

~~(C)~~ The state department shall adopt rules in accordance with section 111.15 of the Revised Code governing the custody, use, and preservation of disability assistance records, papers, files, and communications of the state department, county departments, and all other state and county offices and

~~officials participating in administration of disability assistance. Each government entity that acquires or maintains records that include names of or other information about disability assistance applicants or recipients shall adopt such rules as are necessary to prevent disclosure of the names or information except as required for law enforcement or administration of disability assistance or as required by other sections of the Revised Code.~~

~~Except for purposes directly connected with administration of disability assistance or as required by section 5101.20 or any other section of the Revised Code, no person shall solicit, disclose, receive, make use of, or knowingly permit, participate in, or acquiesce in the use of names or other information about disability assistance applicants or recipients that is derived from the records, papers, files, or communications of any government entity or acquired in the course of performing official duties. Any use of names or other information about disability assistance applicants or recipients that is permitted by this division, other than information obtained under section 5101.20 of the Revised Code, shall be in accordance with the rules adopted by the state department.~~

Sec. 5115.04. An individual is not eligible for assistance under this chapter if either of the following apply:

(A) The individual is a fugitive felon as defined in section ~~5101.20~~ 5101.26 of the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5115.05. The state department of human services shall adopt rules establishing application and verification procedures, reapplication procedures, and income, resource, citizenship, age, residence, living arrangement, assistance group composition, and other eligibility requirements for disability assistance. The rules may provide for disregarding amounts of earned and unearned income for the purpose of determining whether an assistance group is eligible for assistance and the amount of assistance provided under this chapter. The rules also may provide that the income and resources, or a certain amount of the income and resources, of a member of an assistance group's family group will be included in determining whether the assistance group is eligible for aid and the amount of aid provided under this chapter.

~~Unless the director of human services has provided for the paying of assistance under this chapter by electronic benefit transfer pursuant to section 5101.33 of the Revised Code, accompanying the application in any county with a system of direct deposit for payments of such assistance under~~

~~this chapter shall be the authorization form required by section 329.03 of the Revised Code. If the financial assistance under this chapter is to be paid by the auditor of state through the medium of direct deposit, the application shall be accompanied by an authorization form on which the recipient states either of the following:~~

~~(A) His designation of a financial institution that is equipped for electronic fund transfers and authorized by law to accept direct deposits by electronic transfer and the account to which he wishes his payments to be made by direct deposit;~~

~~(B) His election to receive such payments in the form of a paper warrant information the auditor needs to make direct deposits.~~

The state department may require recipients of disability assistance to participate in a reapplication process two months after initial approval for assistance has been determined and at such other times as the state department requires.

If a recipient of disability assistance, or the spouse of or member of the assistance group of a recipient, becomes possessed of resources or income in excess of the amount allowed under rules adopted by the state department under this section, or if other changes occur that affect the person's eligibility or need for assistance, the recipient shall notify the state department or county department of human services within the time limits specified in the rules. Failure of a recipient to report possession of excess resources or income or a change affecting eligibility or need within those time limits shall be considered prima-facie evidence of intent to defraud under section 5115.15 of the Revised Code.

Each applicant for or recipient of disability assistance shall make reasonable efforts to secure support from persons responsible for ~~his~~ the applicant's or recipient's support, and from other sources, as a means of preventing or reducing the provision of disability assistance at public expense. The state department or county department may provide assistance to the applicant or recipient in securing other forms of financial or medical assistance.

Notwithstanding section 3109.01 of the Revised Code, when a disability assistance applicant or recipient who is at least eighteen but under twenty-two years of age resides with ~~his~~ the applicant's or recipient's parents, the income of the parents shall be taken into account in determining ~~his~~ the applicant's or recipient's financial eligibility. The state department shall adopt rules for determining the amount of income to be attributed to the assistance group of applicants in this age category.

~~(C)~~ Any person who applies for assistance under this section shall

ive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5119.22. (A)(1) As used in this section:

(a) "Mental health agency" means a community mental health agency as defined in division (H) of section 5122.01 of the Revised Code, or a community mental health facility certified by the department of mental health pursuant to division (I) of section 5119.01 of the Revised Code.

(b) "Mental health services" means any of the services listed in section 340.09 of the Revised Code.

(c) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(1)(c) of this section to be considered to be providing personal care services.

(d) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:

(i) Room and board, personal care services, and mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner;

(ii) Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner;

(iii) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a mental health agency, hospital, or practitioner.

The following are not residential facilities: the residence of a relative or guardian of a mentally ill individual, a hospital subject to licensure under section 5119.20 of the Revised Code, a residential facility as defined in section 5123.19 of the Revised Code, a facility providing care for a child in the custody of a ~~county department of human services, county public children services board, agency~~ or a private agency certified under section

5103.03 of the Revised Code, a foster care facility subject to section 5103.03 of the Revised Code, an adult care facility subject to licensure under Chapter 3722. of the Revised Code, and a nursing home, residential care facility, or home for the aging subject to licensure under section 3721.02 of the Revised Code.

(2) Nothing in division (A)(1)(d) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(3) Except in the case of a residential facility described in division (A)(1)(d)(i) of this section, members of the staff of a residential facility shall not administer medication to residents, all medication taken by residents of a residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking ~~his~~ the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility may do any of the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to ~~his~~ the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(B) Every person operating or desiring to operate a residential facility shall apply for licensure of the facility to the department of mental health and shall send a copy of the application to the board of alcohol, drug addiction, and mental health services whose service district includes the county in which the person operates or desires to operate a residential facility. The board shall review such applications and recommend approval or disapproval to the department. Each recommendation shall be consistent with the board's community mental health plan.

(C) The department of mental health shall inspect and license the operation of residential facilities. The department shall consider the past

record of the facility and the applicant or licensee in arriving at its licensure decision. The department may issue full, probationary, and interim licenses. A full license shall expire one year after the date of issuance, a probationary license shall expire in a shorter period of time as prescribed by rule adopted by the director of mental health pursuant to Chapter 119. of the Revised Code, and an interim license shall expire ninety days after the date of issuance. The department may refuse to issue or renew and may revoke a license if it finds the facility is not in compliance with rules adopted by the department pursuant to division (G) of this section or if any facility operated by the applicant or licensee has had repeated violations of statutes or rules during the period of previous licenses. Proceedings initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code.

(D) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under Chapter 119. of the Revised Code.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(E) The department of mental health may conduct an inspection of a residential facility:

(1) Prior to the issuance of a license to a prospective operator;

(2) Prior to the renewal of any operator's license;

(3) To determine whether a facility has completed a plan of correction required pursuant to this division and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(4) Upon complaint by any individual or agency;

(5) At any time the director considers an inspection to be necessary in order to determine whether a residential facility is in compliance with this section and rules adopted pursuant to this section.

In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility, its personnel,

activities, and services. The department shall have access to examine all records, accounts, and any other documents relating to the operation of the residential facility, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(F) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

(G) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code, prescribing minimum standards for the health, safety, adequacy, and cultural specificity and sensitivity of treatment of and services for persons in residential facilities; establishing procedures for the issuance, renewal or revocation of the licenses of such facilities; establishing the maximum number of residents of a facility; establishing the rights of residents and procedures to protect such rights; and requiring an affiliation agreement approved by the board between a residential facility and a mental health agency. Such affiliation agreement must be consistent with the residential portion of the community mental health plan submitted pursuant to section 340.03 of the Revised Code.

(H) The department may investigate any facility that has been reported to the department or that the department has reasonable cause to believe is operating as a residential facility without a valid license.

(I) The department may withhold the source of any complaint reported as a violation of this act when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(J) The director of mental health may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license

or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health or safety of any residents of the facility.

(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. If the violator does not pay, the attorney general, upon the request of the director of mental health, shall bring a civil action to collect the penalty. Fines collected pursuant to this section shall be deposited into the state treasury to the credit of the mental health sale of goods and services fund.

Sec. 5119.65. (A) No person, organization, or public or private agency shall operate a shelter for runaway minors, except the public children services board or county department of human services which has assumed the administration of child welfare agency, unless such person, organization, or agency complies with sections 5119.64 to 5119.68 of the Revised Code and rules adopted under such sections by the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the shelter is located.

(B) Whoever violates division (A) of this section shall be fined not less than five or more than five hundred dollars.

Sec. 5119.68. Each shelter for runaways shall submit to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which it is located such information as the board requires concerning the operation of the shelter and compilations of data concerning runaway minors and other individuals served by the shelter.

The board shall, at least annually, send a list of shelters in operation in the county to the juvenile court and to the public children services board or county department of human services which has assumed the administration of child welfare in the county agency.

Sec. 5122.39. (A) Mentally ill minors shall remain under the natural guardianship of their parents, notwithstanding hospitalization pursuant to this chapter, unless parental rights have been terminated pursuant to a court finding that the minor is neglected or dependent. Where a mentally ill minor is found to be dependent or neglected, the county public children's services board or the county department of human services which has assumed the

~~administration of child welfare agency~~ in the county of residence has final guardianship authority and responsibility.

(B) In no case shall the guardianship of a mentally ill person be assigned to the chief medical officer or any staff member of a hospital, board, or agency from which the person is receiving mental health services.

Sec. 5123.93. Mentally retarded minors shall remain under the guardianship of their parents or of a guardian appointed pursuant to Chapter 2111. of the Revised Code, notwithstanding institutionalization pursuant to any section of this chapter, unless parental rights have been terminated pursuant to a court finding that the child is neglected, abused, or dependent pursuant to Chapter 2151. of the Revised Code. If a mentally retarded minor has been found to be dependent, abused, or neglected, the ~~county children's~~ public children services board agency to whom permanent custody has been assigned pursuant to Chapter 2151. of the Revised Code shall have the same authority and responsibility it would have if the child were not mentally retarded and were not institutionalized. In no case shall the guardianship of a mentally retarded person be assigned to the managing officer or any other employee of an institution in which the person is institutionalized.

Sec. 5139.18. (A) The department of youth services is responsible for locating homes or jobs for children released from its institutions, for supervision of children released from its institutions, and for providing or arranging for the provision to those children of appropriate services that are required to facilitate their satisfactory community adjustment.

(B) The department of youth services shall exercise general supervision over all children who have been released on placement from any of ~~the~~ its institutions. The director of youth services, with the consent and approval of the board of county commissioners of any county, may contract with the ~~department of human services of that county, if the department has assumed the administration of child welfare, the~~ public children services board agency of that county, the department of probation of that county established pursuant to section 2301.27 of the Revised Code, or the probation department or service established pursuant to sections 2151.01 to 2151.54 of the Revised Code for the provision of direct supervision and control over and the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions, or, with the consent of the juvenile judge or the administrative judge of the juvenile court of any county, contract with any other public agency, institution, or organization that is qualified to provide the care and supervision that is required under the terms and conditions of the child's treatment plan for the provision of direct supervision and control over and

the provision of supportive assistance to all children who have been released on placement into that county from any of its institutions.

~~(D)~~(C) Whenever any placement official has reasonable cause to believe that any child has violated the terms and conditions of ~~his~~ the child's placement, the official may request, in writing, from the committing court or transferee court a custodial order, and, upon reasonable and probable cause, the court may order any sheriff, deputy sheriff, constable, or police officer to apprehend the child. A child so apprehended may be confined in the detention home of the county in which ~~he~~ the child is apprehended until further order of the court.

Sec. 5149.03. The adult parole authority shall administer Chapter 5149. and the provisions of Chapter 2967., Chapter 2971., and sections 2301.27 to 2301.32, 2941.46, 2951.05, 2951.06, and 2951.08 of the Revised Code that impose duties upon the authority.

The authority may enter into a written agreement with a person or government entity to share information, personnel, and services for one or more of the following purposes: training, crime interdiction, fugitive apprehension, and community supervision. The agreement may permit the authority to act in concert with and provide assistance to a law enforcement agency, as defined in section ~~5101.20~~ 5101.26 of the Revised Code, in detecting, tracking, apprehending, or detaining an individual subject to arrest.

Sec. 5153.01. ~~As (A)~~ As used in the Revised Code, "public children services agency" means an entity specified in section 5153.02 Of the Revised Code that has assumed the powers and duties of the children services function prescribed by this chapter for a county.

~~(B) As used in sections 5153.01 to 5153.42 of the Revised Code this chapter:~~

~~(A)~~(1) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.

(2) "Certified family foster home" means a family foster home operated by a person holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(3) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(4) "Child" means any person under eighteen years of age or a mentally or physically handicapped person, as defined by rule of the department of human services, under twenty-one years of age.

~~(B) "County department of human services" means a county department~~

~~of human services which has assumed the administration of child welfare.~~

~~(C)(5) "Executive director" means the person charged with the responsibility of administering the powers and duties of such sections, whether he is a public children services agency appointed by the county children services board or by the county director of human services, or whether the county director of human services himself serves as such executive director pursuant to section 5153.10 Of the Revised Code.~~

~~(D) "Organization" means any institution, including maternity homes and day nurseries, public, semipublic, or private, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.~~

~~(E) "Certified organization" means any organization mentioned in division (D) of this section, holding a certificate that is in full force and effect, issued pursuant to section 5103.03 of the Revised Code.~~

~~(F) "Foster home" means a family home in which any child is received, apart from its parents, for care, supervision, or training.~~

~~(G) "Certified family foster home" means a family foster home operated by a person holding a certificate that is in full force and effect, issued pursuant to section 5103.03 of the Revised Code.~~

~~(H)(6) "Family foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training twenty-four hours a day. "Family foster home" does not include babysitting care provided for a child in the home of a person other than the home of the parents, guardian, or legal custodian of the child.~~

~~(I) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.~~

~~(J) "Public children services agency" has the same meaning as in section 2151.011 of the Revised Code.~~

(7) "Foster home" means a family home in which any child is received, apart from the child's parents, for care, supervision, or training.

(8) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in foster homes or elsewhere.

Sec. 5153.02. Each county shall have a public children services agency.

Any of the following may be the public children services agency:

(A) A county children services board;

(B) A county department of human services;

(C) A private or government entity designated under section 307.981 of the Revised Code.

Sec. ~~5153.08~~ 5153.03. If a county children services board is ~~created pursuant to section 5153.07 of the Revised Code~~ a public children services agency for a county, the board of county commissioners shall appoint five members of the county children services board and for good cause may remove any member so appointed. Each of these members shall be appointed for the term of four years, but the board shall stagger their terms so that the terms of not more than two of the required members of the board expire in one year. The elected ~~chairman~~ chairperson of any citizens advisory committee established under section ~~5153.094~~ 5153.05 of the Revised Code shall be an ex officio voting member of the county children services board ~~created pursuant to section 5153.07 of the Revised Code~~. In addition to the five members it is required to appoint, a board of county commissioners of a county having less than one hundred thousand population according to the last federal census may appoint up to five or a board of county commissioners of a county having a population of one hundred thousand or more according to such census may appoint up to nine additional members of the county children services board. If these additional members are appointed, they shall be appointed for initial terms of one, two, three or four years as will maintain balance in the expiration dates of the members of the board. After the expiration of these original terms, these additional members shall be appointed for four-year terms. Any vacancy shall be filled in the same manner as the original appointment.

Sec. ~~5153.09~~ 5153.04. ~~The~~ A county children services board appointed under section 5153.03 Of the Revised Code shall elect one of its members as ~~chairman~~ chairperson and another as secretary. The ~~chairman~~ chairperson may appoint committees composed of board members and other persons interested in child care. A majority of the members of the board shall constitute a quorum, and the action of a majority of the members present shall constitute the action of the board. The board shall meet at least once a month; and called or adjourned meetings may be held at any time, as the board determines. The board members shall serve without compensation, but they shall be entitled to their necessary expenses and shall be considered employees of the county under section 325.20 of the Revised Code. Failure of any member of the board to attend three consecutive regular meetings, unless for reasons beyond ~~his~~ the member's control, or other manifest

indifference to the purposes or work of the board, shall be cause for ~~his~~ the member's removal from such board.

~~Sec. 5153.091~~ 5153.05. ~~(A) Each~~ If a county children services board, or in a county where the county department of human services has assumed the administration of child welfare, the county welfare advisory board, appointed under section 5153.03 Of the Revised Code is a public children services agency for a county, the board may appoint a seven to twenty one member citizens an advisory committee on children services to. ~~If an entity specified in division (B) or (C) of section 5153.02 Of the Revised Code is a public children services agency for a county, the board of county commissioners may appoint an advisory committee on children services. If appointed, an advisory committee may do all of the following:~~

~~(1)(A)~~ Further cooperation between the county public children services board or county department of human services agency and other child-caring agencies in the county;

~~(2)(B)~~ Carry out studies of the effectiveness and need for particular services to children in the county;

~~(3)(C)~~ Advise the county public children services board or county department of human services agency on policies pertaining to the provision of services to children;

~~(4)~~ Disseminate, to residents of the county, information concerning services to children in the county. At least one fourth of the members of the advisory committee shall be parents of children who are or have been clients of the children services board or county department of human services, or shall themselves have been clients of the board or the county department. One half, or as close to one half as is possible, of the initial appointments shall be for one year terms and the balance of the appointments shall be for two year terms. Subsequent appointments shall be for two year terms.

~~(B)~~ The citizens advisory committee on children services shall elect one of its members as chairman and such other officers as it considers necessary. The elected chairman shall serve as an ex officio voting member of the county children services board. The committee shall meet at least six times each year. The first meeting shall be called by the executive director of the county children services board, or, in a county with no children services board, by the director of the county department of human services no later than one hundred twenty days after the initial appointments to the advisory committee. The chairman shall convene all subsequent meetings, except that a petition signed by one third of the members of the committee shall be sufficient to convene a meeting of the committee. The members of the committee shall serve without compensation.

Sec. 5153.10. ~~The county children services board or the county department of human services, which performs the duties and exercises the powers set forth in sections 5153.16 to 5153.19 of the Revised Code, Each public children services agency shall designate an executive officer known as the "executive director," who shall not be in the classified civil service. The county director of human services may serve as such executive director, and it shall not be incompatible for such executive director and the superintendent of the children's home to be the same person, the county director of human services, or other individual may serve as the executive director.~~

The ~~board or department~~ agency shall, from time to time, inquire into community conditions affecting the welfare of children and study the work of the ~~board or department~~ agency and its relation to the work of other organizations whose functions are related to child welfare. The ~~board or department~~ agency may, after consultation with the executive director, adopt rules of general application, not inconsistent with law or with the rules of the department of human services.

Sec. 5153.11. The executive director shall administer the work of the ~~county public children services board or county department of human services~~ agency, subject to the rules of ~~such board or department~~ the agency. With the approval of the ~~board or department~~ agency, the executive director shall appoint all other employees except the superintendent of any institution maintained by the ~~board or department~~ agency. Such superintendent shall appoint all employees in any such institution.

Upon the advice of one or more reputable practicing physicians, the executive director may consent to such medical, dental, and surgical care, including surgery and the administration of anesthetics, inoculations, and immunizations, or other care as appears to be necessary for any child who is in the temporary or permanent custody of such ~~board or department~~ agency. The executive director may also consent to the enlistment of a ward of such ~~board or department~~ agency into the armed forces of the United States.

Sec. 5153.111. (A)(1) The executive director of a public children services agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the

applicant from the federal bureau of investigation in a criminal records check, the executive director shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the executive director may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, that agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the department of human services in accordance with division (E) of this section, no public children services agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,

2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date,; a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A public children services agency may employ an applicant conditionally until the criminal records check required by this section is completed and the agency receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment.

(C)(1) Each public children services agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the executive director of the agency.

(2) A public children services agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C)(1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the agency will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the public children services agency requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of

employment to the applicant.

(E) The department of human services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a public children services agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with the agency as a person responsible for the care, custody, or control of a child.

(2) ~~"Public children services agency" means the county children services board or the county department of human services that has assumed the administration of child welfare.~~

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(4)(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 5153.12. All employees of the ~~county public children services board or county department of human services~~ agency shall be in the classified civil service. The ~~board~~ agency may establish compensation rates and vacation benefits for any of its employees. Insofar as practicable, all employees holding positions in the classified service, whose duties are transferred by this section to the ~~board or department~~ agency, shall be continued, with like status, by the appointing authority before any other appointments are made. ~~Sections 5153.01 to 5153.42 of the Revised Code~~ This chapter shall not affect the civil service status of any employee.

Sec. 5153.13. Before entering upon ~~his~~ official duties, the executive director shall give a bond to the county in such sum as is fixed by the ~~county public children services board or county department of human services~~ agency, with sufficient surety, conditioned upon the faithful performance of ~~his~~ official duties and the full and faithful accounting of all funds and

properties of the ~~board or department~~ agency or county coming into ~~his~~ the executive director's hands. Before entering upon such duties, ~~he~~ the executive director shall give a bond to the probate court, with sufficient surety, conditioned upon the full and faithful accounting of all trust funds which ~~he~~ the executive director holds on behalf of wards. The amount of such bond shall be determined by the court and may be modified by the court, provided that the minimum amount of the bond shall be five thousand dollars.

The ~~board or department~~ agency may require any other employee thereof, including the superintendent of the children's home, having custody or control of funds or property, to give bond to the county, in such sum as the board determines, with sufficient surety, conditioned upon the faithful performance of the duties of such employee and the full and faithful accounting of any funds and properties coming into ~~his~~ the employee's hands. The cost of such bonds shall be paid by the ~~board or department~~ agency.

Sec. 5153.131. A ~~county~~ public children services ~~board~~ agency may procure a policy or policies of insurance insuring ~~board members,~~ employees of the ~~board~~ agency, volunteers, ~~or~~ foster parents associated with the ~~board,~~ agency, and, if a county children services board is the public children services agency, board members against liability arising from the performance of their official duties.

Sec. 5153.14. The executive director shall prepare and submit an annual report to the ~~county~~ public children services ~~board or to the county department of human services~~ agency at the end of each calendar year and shall file copies of such report with the department of human services, the board of county commissioners, and the juvenile court. The executive director shall submit the inspection reports required under section 5153.16 of the Revised Code and such other reports as are required by law, by the rules of the department of human services, or by the board of county commissioners to specified governmental bodies and officers and shall provide reports to the public, when so authorized.

Sec. 5153.16. (A) As used in this section and section 5153.164 of the Revised Code, "child care facility" means a public twenty-four-hour residential facility for six or more children.

(B) Subject to the rules and standards of the state department of human services and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused,

neglected, or dependent child;

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the state department of human services, department of mental health, department of mental retardation and developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court;

(3) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;

(4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;

(5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;

(6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

(7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;

(8) Find family foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county;

(9) Subject to the approval of the board of county commissioners and the state department of human services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure family foster homes for this purpose;

(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(12) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of human services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the companionship or visitation rights;

(13) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;

(14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted by the state department of human services under section 5101.141 of the Revised Code;

(15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

(16) On or before the fifteenth day of April of each year, conduct, or contract with an independent contractor to conduct, an annual evaluation of the services provided by the public children services agency to children under its care, including, but not limited to, services provided in child care facilities during the previous calendar year under the plan required by division ~~(D)~~(E) of section 5101.14 of the Revised Code;

(17) Implement a system of risk assessment, in accordance with rules adopted by the state department of human services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

(18) Enter into a plan of cooperation with the board of county commissioners under section 307.983 Of the Revised Code and comply with the partnership agreement the board enters into under section 307.98 Of the Revised Code and contracts the board enters into under sections 307.981

and 307.982 Of the Revised Code that affect the public children services agency.

(C) The public children services agency shall use the system implemented pursuant to division (B)(17) of this section in connection with an investigation undertaken pursuant to division (F)(1) of section 2151.421 of the Revised Code and may use the system at any other time the agency is involved with any child when the agency determines that risk assessment is necessary.

(D) ~~Subject to the~~ In accordance with rules and standards of the state department of human services and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may ~~provide~~ do the following:

(1) Provide or find, with other child serving systems, treatment foster care for the care of children in a treatment foster home, as defined in section 2151.011 5103.02 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of human services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of mental retardation and developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Sec. 5153.161. Care provided by the ~~county~~ public children services board or county department of human services agency under division (B)(4) of section 5153.16 of the Revised Code shall be provided by the ~~board or~~

~~county department agency~~, by its own means or through other available resources, in the child's own home, in the home of a relative, or in a certified family foster home, any other home approved by the court, receiving home, school, hospital, convalescent home, or other public or private institution within or outside the county or state.

Sec. 5153.162. Pursuant to an agreement entered into under division (B)(9) of section 5153.16 of the Revised Code respecting the operation, acquisition, or maintenance of a children's home, training school, or other institution for the care of children maintained by a municipal corporation or other political subdivision, the ~~county public children services board or county department of human services~~ agency may acquire, operate, and maintain such an institution. The ~~board or county department~~ agency may enter into an agreement with a municipal corporation, a board of education, and the board of county commissioners, or with any one of them, to provide for the maintenance and operation of children's training schools. The agreement may provide for the contribution of funds by the municipal corporation, board of education, or board of county commissioners, in such proportions and amounts as the agreement states. The agreement also may provide for the operation and supervision of the training school by any one of them, or by the joint action of two or more of them, provided that municipal corporations, boards of education, and boards of county commissioners may expend moneys from their general funds for maintaining and operating the joint children's training school.

Sec. 5153.163. (A) As used in this section:

(1) ~~"Adoptive,~~ "adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) ~~"Public children services agency" has the same meaning as in section 2151.011 of the Revised Code.~~

(B)(1) If a public children services agency considers a child with special needs residing in the county served by the agency to be in need of public care or protective services and all of the following apply, the agency shall enter into an agreement with the child's adoptive parent before the child is adopted under which the agency shall make payments as needed on behalf of the child:

(a) The adoptive parent has the capability of providing the permanent family relationships needed by the child in all areas except financial need as determined by the agency;

(b) The needs of the child are beyond the economic resources of the adoptive parent as determined by the agency;

(c) The agency determines the acceptance of the child as a member of

the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(2) Payments to an adoptive parent under division (B) of this section shall include medical, surgical, psychiatric, psychological, and counseling expenses, and may include maintenance costs if necessary and other costs incidental to the care of the child. No payment of maintenance costs shall be made under division (B) of this section on behalf of a child if either of the following apply:

(a) The gross income of the adoptive parent's family exceeds one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended;

(b) The child is eligible for adoption assistance payments for maintenance costs under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

Payments under division (B) of this section may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C) If a public children services agency considers a child residing in the county served by the agency to be in need of public care or protective services and both of the following apply, the agency may, and to the extent state funds are appropriated for this purpose shall, enter into an agreement with the child's adoptive parent after the child is adopted under which the agency shall make payments on behalf of the child as needed:

(1) The child has a physical or developmental handicap or mental or emotional condition that either:

(a) Existed before the adoption petition was filed;

(b) Developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(2) The agency determines the expenses necessitated by the child's handicap or condition are beyond the adoptive parent's economic resources.

Payments to an adoptive parent under this division shall include medical, surgical, psychiatric, psychological, and counseling expenses, but

shall not include maintenance costs.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person twenty-one years of age or older. Payments under those divisions shall be made in accordance with the terms of the agreement between the public children services agency and the adoptive parent, subject to an annual redetermination of need. The agency may use sources of funding in addition to any state funds appropriated for the purposes of those divisions.

The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

- (1) The application process for payments under this section;
- (2) The method to determine the amounts and kinds of assistance payable under this section;
- (3) The definition of "child with special needs" for this section.

The rules shall allow for payments for children placed by nonpublic agencies.

(E) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of human services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person listed pursuant to division (B), (C), or (D) of section 5103.154 of the Revised Code, including the impossibility of entering into a payment agreement with such a person. The agency so maintaining such a child shall report its reasons for doing so to the department of human services. No agency that fails to so determine, redetermine, and report shall receive more than fifty per cent of the state funds to which it would otherwise be eligible for that part of the fiscal year following placement under section 5101.14 of the Revised Code.

Sec. 5153.164. (A) The evaluation for each child care facility under division (B)(16) of section 5153.16 of the Revised Code shall determine all of the following:

- (1) Whether resident children receive competent and adequate care, protection, treatment, and supervision from the staff and employees of the facility, or are mistreated, neglected, or otherwise abused by those personnel;
- (2) Whether resident children receive wholesome and well-balanced

meals, ample clothing and wearing apparel, sufficient linens and toiletries, and other similar items necessary for their health, hygiene, and physical or mental development;

(3) Whether resident children receive appropriate public education in accordance with the Revised Code;

(4) Whether resident children receive adequate recreational opportunities;

(5) Whether resident children receive instruction and training under section 3737.73 of the Revised Code with respect to emergency fire and tornado procedures.

(B) The results of the annual evaluation shall be submitted in writing to the board of county commissioners, the citizens advisory committee on children's services, if any, and the state department of human services. Any person may purchase a copy of the report upon the payment of a reasonable fee to the ~~county public children services board or county department of human services~~ agency sufficient in amount to cover the costs of publication.

(C) If any evaluation conducted by the ~~county public children services board or county department of human services~~ agency reveals that a child care facility operated by the ~~board or county department~~ agency does not satisfactorily meet one or more of the criteria specified in division (A) of this section, the ~~board or county department~~ agency shall order the individual in charge of the facility to remedy inadequate conditions or to institute activities or programs to comply with the criteria immediately. The power of ~~county a public children services boards or county departments of human services~~ agency to issue corrective orders under this division does not affect the powers of other state, county, and municipal governmental bodies or officers to issue corrective orders.

Sec. 5153.165. ~~(A)~~ If a family is encountering an emergency that could lead, or has led, to removal of a child from the family's home pursuant to Chapter 2151. of the Revised Code, the ~~county public children services board or county department of human services that has assumed the administration of child welfare~~ agency shall determine whether the child could remain safely with, or be safely returned to, the family if the emergency were alleviated by providing ~~family emergency~~ assistance and services under this section the prevention, retention, and contingency program established under Chapter 5108. Of the Revised Code. If it is determined that the child could remain safely with, or be safely returned to, the family, the ~~board or county department~~ agency, with the cooperation of the child's family, shall determine the amount of ~~family emergency~~

assistance and services necessary to prevent the removal of the child from the home, or to permit the child's return to the home and may provide the assistance. ~~In the case of a child who is still with the family, the assistance may be provided at any time after the family submits an application requesting the assistance. In the case of a child who has been removed from the family's home, the board or county department may provide the assistance if the family submits an application requesting the assistance not more than six months after the child was removed. Funding for assistance provided under this section is limited to the one hundred eighty-day period following the date of application.~~

~~(B) The department of human services may, through the family emergency assistance program established under section 5107.16 of the Revised Code, provide funding for the assistance provided under this section. The department shall submit to the United States secretary of health and human services any amendments to the state plan for aid to dependent children prepared in accordance with section 5107.02 of the Revised Code that are necessary to provide the funding. Each board or county department shall provide nonfederal funds to match the federal funds received through the family emergency assistance program for assistance provided under this section. The nonfederal funds shall be in addition to the county share required under sections 5101.16 and 5101.161 and services pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code.~~

Sec. 5153.17. The county public children services board or county department of human services agency shall prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and shall prepare and keep such other records as are required by the department of human services. Such records shall be confidential, but, except as provided by division (B) of section 3107.17 of the Revised Code, shall be open to inspection by the ~~board or department of human services~~ agency, the director of the county department of human services, and by other persons, upon the written permission of the executive secretary.

Sec. 5153.18. (A) The county public children services board or county department of human services agency shall have the capacity possessed by natural persons to institute proceedings in any court.

(B) When appointed by the probate court exercising jurisdiction in adoption proceedings, the executive director may act as next friend of any child and perform the duties of such next friend.

(C) When appointed by the probate court, in lieu of a guardian, in accordance with section 2111.05 of the Revised Code:

(1) The executive director may act as trustee of the estate of any ward, provided such an estate does not exceed one thousand dollars in value.

(2) The executive director may also act as trustee, on behalf of any ward, of periodic payments of not more than twenty-five dollars per week of which such ward is entitled as a claimant pursuant to the terms of any insurance policy, annuity, pension, benefit, or allowance, governmental or private.

(3) Such director shall administer all trusteeships in accordance with the laws relating to fiduciaries.

The funds of any such trusteeship shall not be mingled with other moneys of the ~~board or department~~ agency or of the county. The cost of any such trusteeship shall be paid out of the funds of the trust, but no fee shall be allowed to the executive director as such trustee. At least once a year, or more often if required by the probate court, the executive director shall make a complete report and accounting to the ~~board or to the department~~ agency as to the disposition of all trust funds administered by ~~him~~ the executive director during the year.

Sec. 5153.19. The county public children services ~~board or county department of human services~~ agency shall, before entering into any agreement obligating the ~~board or department~~ agency with respect to the care of any child, determine the ability of the child, parent, guardian, or other person to pay for the cost of such care, having due regard for other dependents. Such determination shall, if accepted by the parent, guardian, or other person, be made a part of such agreement. If the executive director has been appointed in lieu of a guardian and is acting as trustee of the estate of the child, such determination shall be subject to the approval of the probate court.

Sec. 5153.20. The cost of care furnished by the county public children services ~~board, by agency or the board of county commissioners, or by the county department of human services,~~ to any child having a legal residence in another county, shall be charged to the county of legal residence. No expense shall be incurred by the ~~county children services board, by agency or the board of county commissioners, or by the department,~~ on account of such care, except for temporary or emergency care, without the consent of the ~~county children services board, agency or board of county commissioners, or department of such other county,~~ agency or board of county commissioners, or as provided by this section. If such consent cannot be obtained the ~~county children services board, board of county commissioners, or department~~ may file a petition in the court of common pleas of the county in which the child is found for a determination of legal residence of such child. Summons in such a

proceeding shall be served, as in other civil actions, upon the board of county commissioners and the executive director of the ~~county children services board or on the county department of human services~~ agency of the county alleged to be the county of legal residence, but the answer day shall be the tenth day after the issuance of such summons. The return day shall be the fifth day after issuance of the summons. The cause shall be set for hearing not less than ten nor more than thirty days after the issuance of the summons. The finding and determination by the court upon such application, subject to the right of appeal, shall be final and conclusive as to the county chargeable under this section with the costs of the care of such child. The board of county commissioners out of its general funds shall reimburse the ~~county children services board or department~~ agency furnishing such care, upon receipt of itemized statements.

Any moneys received by the ~~county children services board or department~~ agency furnishing such care from persons liable for the cost of any part of such care, by agreement or otherwise, shall be credited to the county of legal residence.

The ~~county children services board or department~~ agency may remove and deliver any child, having legal residence in another county in Ohio and deemed to be in need of public care, to the ~~county~~ public children services ~~board or department~~ agency of the county of legal residence. All cost incidental to the transportation of such child and of any escort required shall be paid by the ~~county~~ public children services ~~board or department~~ agency which delivers back the child. With the approval of the department of human services, any child whose legal residence has been found to be in another state or country may be transferred to the department for return to the place of legal residence, or such child may be returned by the ~~county children services board or department~~ agency. All costs incidental to the transportation of such child and of any escort required shall be paid by the department of human services if it returns the child, otherwise the cost shall be paid by the ~~county children services board or department~~ agency, subject in either case to such reimbursement as may be obtained from the responsible persons or authorities of the place of legal residence. The department of human services may enter into agreements with the authorities of other states relative to the placement and return of children.

Sec. 5153.21. The board of county commissioners may establish a children's home upon the recommendation of the ~~county~~ public children services ~~board or county department of human services~~ agency and subject to the approval of certification by the department of human services under section 5103.03 Of the Revised Code.

Sec. 5153.22. If there is no children's home in the county or if the facilities for institutional care are inadequate, the ~~county public~~ children services ~~board or county department of human services~~ agency may, subject to the approval of the department of human services and the board of county commissioners, enter into an agreement with the ~~county public~~ children services ~~board or department~~ agency of, or a certified organization located in another county, or with the board of trustees of any district or semipublic children's home, or with any agency or institution outside the state for the furnishing of institutional care to children of the county.

Sec. 5153.23. The superintendent of the county children's home shall control, manage, operate, and have general charge of such home, subject to the rules, standards, and orders of the ~~county public~~ children services ~~board or county department of human services~~ agency.

Sec. 5153.25. The superintendent of the county children's home may provide and carry on, in connection with a children's home, such industrial, agricultural, and other pursuits for the children in such home as are deemed expedient by the ~~county public~~ children services ~~board or county department of human services~~ agency. Any products of such pursuits not needed to maintain the home may be sold, and all receipts from such sales shall be paid into the county treasury.

Sec. 5153.26. At the request of the superintendent of the county children's home, the ~~county public~~ children services ~~board or county department of human services~~ agency may issue orders upon the county auditor for the payment to such superintendent of a sum, not exceeding two hundred dollars at any one time, to be designated the fund for the payment of emergency accounts, and to be used and accounted for by the superintendent. The amounts so paid in any year, after the first full year of operation, shall not exceed twenty per cent of the total expenditures for such children's home during the preceding year.

Sec. 5153.27. A ~~county public~~ children services ~~board or a county department of human services~~ agency operating a children's home or other institution is subject to sections 5103.03 and 5103.04 of the Revised Code respecting certification by the department of human services.

Sec. 5153.28. Boards of township trustees, the superintendent of any county home, and other officers and employees of any county, municipal corporation, or other political subdivisions of the state shall make a report to the ~~county public~~ children services ~~board or county department of human services~~ agency respecting any child in the county coming to their attention, who is deemed to be in need of public care.

No child shall be kept or maintained in any county home, except with

he approval of the ~~board or department~~ public children services agency of such county.

Sec. 5153.29. The board of county commissioners of any county having a county children's home, may, upon the recommendation of the ~~county public children services board or county department of human services~~ agency and with the approval of the department of human services, abandon the use of such home and proceed to sell or lease the site, building, furniture, and equipment of such home in the manner most advantageous to the county, or it may use the home for other necessary and proper purposes. The net proceeds of any such sale or lease shall be paid into the county treasury.

Sec. 5153.30. The ~~county public children services board or county department of human services~~ agency may accept and receive bequests, donations, and gifts of funds or property, real or personal, for child care and services. The facilities or services to be established or maintained through any such gift shall be subject to the approval of the department of human services.

Sec. 5153.31. All personal property, records, files, and other documents and papers belonging to or in the possession of any agency or institution, the powers and duties of which are transferred; by ~~sections 5153.01 to 5153.42 of the Revised Code, this chapter~~ to the ~~county public children services board or county department of human services~~ agency, the proceeds of all tax levies in process of collection, the unexpended balances of all current appropriations for the use of such agencies and institutions, and the custody of all wards of such agencies and institutions, shall be deemed transferred to the ~~board or department~~ agency.

Sec. 5153.32. Any corporation, organized under the laws of this state for the purpose of establishing, conducting, and maintaining a child welfare institution or agency, which is unable, for any reason, to conduct and maintain such institution or agency, and which has not, for a period of three consecutive years, conducted or maintained a place or establishment for the care of children, and which has in its hands funds or properties acquired by it for the purpose of establishing, conducting, and maintaining such institution or agency, may, subject to the approval of the department of human services, and subject to the terms of any deed, will, or other instrument pursuant to which such funds or properties were acquired, transfer such funds or properties to the ~~county public children services board or county department of human services~~ agency, to be used for the purposes for which such funds or property were acquired. The transfer of such funds or properties to the ~~board or department~~ agency shall be a full discharge of the obligation or liability of such corporation and its trustees with respect to

the funds and properties so transferred.

Sec. 5153.33. Funds in the hands of the ~~county public~~ public children services ~~board or county department of human services~~ agency, donated or transferred to such ~~board or department~~ agency under sections 5153.31 and 5153.32 of the Revised Code, and which are not immediately needed, may be invested in bonds of the United States or of any political subdivision of the state.

Sec. 5153.34. The ~~county public~~ public children services ~~board or county department of human services~~ agency may acquire such property and equipment and purchase such supplies and services as are necessary for the proper conduct of its work, including the ownership, operation, and maintenance of motor vehicles. Neither the director nor an employee of the ~~board or department~~ agency shall sell or supply any article to the ~~board or department~~ agency, or to any institution maintained by such ~~board or department~~ agency, or be personally interested in any contract made by the ~~board or department~~ agency.

Sec. 5153.35. The boards of county commissioners shall levy taxes and make appropriations sufficient to enable the ~~county public~~ public children services ~~board or county department of human services~~ agency to perform its functions and duties under ~~sections 5153.01 to 5153.42 of the Revised Code~~ this chapter. If the board of county commissioners levies a tax for children services and the children services functions are transferred from a county children services board to the department of human services, or from the department of human services to a county children services board, the levy shall continue in effect for the period for which it was approved by the electors for the use by the public children services agency that provides children services pursuant to the transfer.

In addition to making the usual appropriations, there may be allowed annually to the executive director an amount not to exceed one-half ~~his~~ the executive director's official salary to provide for necessary expenses which are incurred by ~~him~~ the executive director or ~~his~~ the executive director's staff in the performance of their official duties. Upon the order of the executive director, the county auditor shall draw ~~his~~ a warrant on the county treasurer payable to the executive director or such other person as the order designates, for such amount as the order requires, not exceeding the amount provided for in this section, and to be paid out of the general fund of the county. The bond of the executive director provided for by section 5153.13 of the Revised Code shall at all times be in sufficient amount to cover the additional appropriations provided for by this section.

The executive director, annually, before the first Monday of January,

shall file with the auditor a detailed and itemized statement, verified by the executive director, as to the manner in which the fund has been expended during the current year, and if any part of such fund remains in ~~his~~ the executive director's hands unexpended, forthwith shall pay that amount into the county treasury.

Sec. 5153.36. The boards of county commissioners of two or more adjoining counties, not to exceed four, may, upon the recommendation of the ~~county public~~ children services ~~boards or the county departments of~~ human services agencies of such counties, and subject to the approval of the department of human services form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, by using a site and buildings already established in one such county, or by providing for the purchase of a site and the erection of necessary buildings thereon.

Sec. 5153.49. The board of county commissioners of any county within a children's home district may, upon the recommendation of the ~~county public~~ children services ~~board or of the county department of~~ human services agency, and subject to the approval of the department of human services, withdraw from such district and dispose of its interest in such home by selling or leasing its right, title, and interest in the site, buildings, furniture, and equipment to any counties in the district, at such price and on such terms as are agreed upon among the boards of county commissioners of the counties concerned. Section 307.10 of the Revised Code does not apply to this section. The net proceeds of any such sale or lease shall be paid into the county treasury of the withdrawing county.

Members of the board of trustees of a district children's home who are residents of a county withdrawing from such district are deemed to have resigned their positions upon completion of the withdrawal procedure provided by this section. Vacancies thus created shall be filled according to ~~section 5153.05 or~~ sections 5153.39 and 5153.45 of the Revised Code.

Sec. 5153.53. The ~~county public~~ children services ~~board or county department of~~ human services agency may purchase, operate, and maintain ~~busses~~ buses to be used for educational purposes.

The operation and maintenance of such ~~busses~~ buses shall be according to the law relating to school ~~busses~~ buses.

Sec. 5502.13. The department of public safety shall maintain an investigations unit in order to conduct such investigations and other enforcement activity as are authorized by Chapters 4301., 4303., 5101., 5107., and ~~5113.~~ 5108. and section 5115.03 of the Revised Code. The director of public safety shall appoint such employees of the unit as are

necessary, designate the activities to be performed by those employees, and prescribe their titles and duties.

Sec. 5709.64. (A) If an enterprise has been granted an incentive for the current calendar year under an agreement entered pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, it may apply, on or before the thirtieth day of April of that year, to the director of development, on a form prescribed by ~~him~~ the director, for a tax incentive qualification certificate. The enterprise qualifies for an initial certificate if, on or before the last day of the calendar year immediately preceding that in which application is made, it satisfies all of the following requirements:

(1) The enterprise has established, expanded, renovated, or occupied a facility pursuant to the agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code.

(2) The enterprise has hired new employees to fill nonretail positions at the facility, at least twenty-five per cent of whom at the time they were employed were at least one of the following:

(a) Unemployed persons who had resided at least six months in the county in which the enterprise's project site is located;

(b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located;

(c) ~~Recipients of aid to dependent children~~ Participants of the Ohio works first program under Chapter 5107. of the Revised Code; or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, disability assistance under Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located;

(d) Handicapped persons, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located;

(e) Residents for at least one year of a zone located in the county in which the enterprise's project site is located.

The director of development shall, by rule, establish criteria for determining what constitutes a nonretail position at a facility.

(3) The average number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the calendar year in which application is made exceeds the maximum number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the first year the enterprise satisfies the requirements set forth in divisions (A)(1) and (2) of this section. If the

enterprise is engaged in a business which, because of its seasonal nature, customarily enables the enterprise to operate at full capacity only during regularly recurring periods of the year, the average number of positions attributable to the enterprise in the municipal corporation during each period of the calendar year immediately preceding the calendar year in which application is made must exceed only the maximum number of positions attributable to the enterprise in each corresponding period of the calendar year immediately preceding the first year the enterprise satisfies the requirements of divisions (A)(1) and (2) of this section. The director of development shall, by rule, prescribe methods for determining whether an enterprise is engaged in a seasonal business and for determining the length of the corresponding periods to be compared.

(4) The enterprise has not closed or reduced employment at any place of business in the state for the primary purpose of establishing, expanding, renovating, or occupying a facility. The legislative authority of any municipal corporation or the board of county commissioners of any county that concludes that an enterprise has closed or reduced employment at a place of business in that municipal corporation or county for the primary purpose of establishing, expanding, renovating, or occupying a facility in a zone may appeal to the director to determine whether the enterprise has done so. Upon receiving such an appeal, the director shall investigate the allegations and make such a determination before issuing an initial or renewal tax incentive qualification certificate under this section.

Within sixty days after receiving an application under this division, the director shall review, investigate, and verify the application and determine whether the enterprise qualifies for a certificate. The application shall include an affidavit executed by the applicant verifying that the enterprise satisfies the requirements of division (A)(2) of this section, and shall contain such information and documents as the director requires, by rule, to ascertain whether the enterprise qualifies for a certificate. If the director finds the enterprise qualified, ~~he~~ the director shall issue a tax incentive qualification certificate, which shall bear as its date of issuance the thirtieth day of June of the year of application, and shall state that the applicant is entitled to receive, for the taxable year that includes the certificate's date of issuance, the tax incentives provided under section 5709.65 of the Revised Code with regard to the facility to which the certificate applies. If an enterprise is issued an initial certificate, it may apply, on or before the thirtieth day of April of each succeeding calendar year for which it has been granted an incentive under an agreement entered pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised Code, for a renewal

certificate. Subsequent to its initial certification, the enterprise qualifies for up to three successive renewal certificates if, on or before the last day of the calendar year immediately preceding that in which the application is made, it satisfies all the requirements of divisions (A)(1) to (4) of this section, and neither the zone's designation nor the zone's certification has been revoked prior to the fifteenth day of June of the year in which the application is made. The application shall include an affidavit executed by the applicant verifying that the enterprise satisfies the requirements of division (A)(2) of this section. An enterprise with ten or more supervisory personnel at the facility to which a certificate applies qualifies for any subsequent renewal certificates only if it meets all of the foregoing requirements and, in addition, at least ten per cent of those supervisory personnel are employees who, when first hired by the enterprise, satisfied at least one of the criteria specified in divisions (A)(2)(a) to (e) of this section. If the enterprise qualifies, a renewal certificate shall be issued bearing as its date of issuance the thirtieth day of June of the year of application. The director shall send copies of the initial certificate, and each renewal certificate, by certified mail, to the enterprise, the tax commissioner, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate applies is located.

(B) If the director determines that an enterprise is not qualified for an initial or renewal tax incentive qualification certificate, ~~he~~ the director shall send notice of this determination, specifying the reasons for it, by certified mail, to the applicant, the tax commissioner, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate would have applied is located. Within thirty days after receiving such a notice, an enterprise may request, in writing, a hearing before the director for the purpose of reviewing the application and the reasons for the determination. Within sixty days after receiving a request for a hearing, the director shall afford one and, within thirty days after the hearing, shall issue a redetermination of the enterprise's qualification for a certificate. If the enterprise is found to be qualified, the director shall proceed in the manner provided under division (A) of this section. If the enterprise is found to be unqualified, the director shall send notice of this finding, by certified mail, to the applicant, the tax commissioner, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate would have applied is located. The director's redetermination that an enterprise is unqualified may be appealed to the board of tax appeals in the manner provided under section 5717.02 of the Revised Code.

Sec. 5709.66. (A) If an enterprise has been granted an incentive for the current calendar year under an agreement entered into pursuant to section 5709.62 or 5709.63 of the Revised Code and satisfies both of the requirements described in divisions (A)(1) and (2) of this section at the time of application, it may apply to the director of development, on a form prescribed by the director, for the employee tax credit certificate under division (B) of this section.

(1) The enterprise has established, expanded, renovated, or occupied a facility pursuant to an agreement under section 5709.62 or 5709.63 of the Revised Code in a zone that is certified by the director of development as having one of the characteristics described in divisions (A)(1)(a) or (b) and at least one of the characteristics described in divisions (A)(1)(c) to (h) of section 5709.61 of the Revised Code.

(2) The enterprise or any predecessor enterprise has not closed or reduced employment at any place of business in this state within the twelve months preceding application unless the enterprise, since the date the agreement was formally approved by the legislative authority, has hired new employees equal in number to not less than fifty per cent of the total number of employees employed by the enterprise at other locations in this state on that date. The legislative authority of any municipal corporation or county that concludes that an enterprise or any predecessor enterprise has closed or reduced employment at a place of business in that municipal corporation or county may appeal to the director to determine whether the enterprise or any predecessor enterprise has done so. Upon receiving such an appeal, the director shall investigate the allegations and determine whether the enterprise satisfies the requirement of division (A)(2) of this section before proceeding under division (B) of this section.

Within sixty days after receiving an application under this section, the director shall review, investigate, and verify the application and determine whether the enterprise is eligible for the employee tax credit certificate under division (B) of this section. The application shall contain such information and documents as the director requires, by rule, to ascertain whether the enterprise is eligible for the certificate. On finding that the enterprise is eligible, the director shall proceed under division (B) of this section.

On determining that an enterprise is not eligible for the certificate under division (B) of this section, the director shall send notice of this determination, specifying the reasons for it, by certified mail, to the applicant, the board of county commissioners, and the chief executive of the municipal corporation in which the facility to which the certificate would

have been given is located. Within thirty days after receiving such a notice, an enterprise may request, in writing, a hearing before the director for the purpose of reviewing the application and the reasons for the determination. Within sixty days after receiving a request for a hearing, the director shall afford one and, within thirty days after the hearing, shall issue a redetermination of the enterprise's eligibility for the incentives. If the enterprise is found to be eligible, the director shall proceed under division (B) of this section. If the enterprise is found to be ineligible, the director shall send notice of this finding, by certified mail, to the applicant, the board of commissioners of the county or the chief executive of the municipal corporation in which the facility to which the certificate would have been given is located. The director's redetermination that an enterprise is ineligible may be appealed to the board of tax appeals under section 5717.02 of the Revised Code.

(B)(1) If the director determines an enterprise to be eligible under division (A) of this section, the director shall determine if the enterprise is entitled to an employee tax credit certificate. An enterprise is entitled to an employee tax credit certificate for each eligible employee the enterprise hires. A taxpayer who is issued an employee tax credit certificate under this section may claim a nonrefundable credit of one thousand dollars against the tax imposed under Chapter 5733. or 5747. of the Revised Code for each taxable year of the agreement entered into under section 5709.62 or 5709.63 of the Revised Code in which an eligible employee is employed for the taxpayer's full taxable year. If the eligible employee is employed for less than the taxpayer's full taxable year, the taxpayer may claim a reduced credit against the tax imposed under Chapter 5733. or 5747. of the Revised Code. The reduced credit shall be computed by dividing the total number of days in the taxable year into one thousand dollars and multiplying the quotient by the number of days the eligible employee was employed in the taxable year. For purposes of the computation, the eligible employee shall be deemed to have been employed for each day of the taxable year commencing on the date of employment or ending on the date of termination of employment.

The credit provided under this division to a noncorporate enterprise or an enterprise that is an S corporation as defined in section 1361 of the Internal Revenue Code shall be divided pro rata among the owners or shareholders of the enterprise subject to the tax imposed under Chapter 5747. of the Revised Code, based on their proportionate ownership interests in the enterprise. The enterprise shall file with the tax commissioner, on a form prescribed by the tax commissioner, a statement showing the total available credit and the portion of that credit attributed to each owner or

shareholder. The statement shall identify each owner or shareholder by name and social security number and shall be filed with the tax commissioner by the date prescribed by the tax commissioner, which shall be no earlier than the fifteenth day of the month following the close of the enterprise's taxable year for which the credit is claimed.

The taxpayer shall claim the credit in the order required under section 5733.98 or 5747.98 of the Revised Code. If the credit provided under this division exceeds the taxpayer's tax liability for the taxable year after allowance for any other credits that precede the credit under this section in that order, the credit may be carried forward for the next three succeeding taxable years, but the amount of any excess credit allowed in any such year shall be deducted from the balance carried forward to the succeeding taxable year.

(b)(2) As used in this division:

(i)(a) "Eligible employee" means a new employee at a facility who, at the time the employee was hired to work at the facility, was a ~~recipient participant of aid to dependent children~~ recipient of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or a recipient of general assistance under former Chapter 5113. of the Revised Code and resided for at least one year in the county in which the facility is located. "Eligible employee" does not include any employee of the enterprise who is a new employee, as defined under section 122.17 of the Revised Code, on the basis of whom the enterprise has claimed a credit under that section.

(i)(b) "Taxable year" has the same meaning as in section 5733.04 or 5747.01 of the Revised Code, as applicable to the enterprise claiming the credit.

Sec. 5733.04. As used in this chapter:

(A) "Issued and outstanding shares of stock" applies to nonprofit corporations, as provided in section 5733.01 of the Revised Code, and includes but is not limited to, membership certificates and other instruments evidencing ownership of an interest in such nonprofit corporations, and with respect to a financial institution which does not have capital stock, "issued and outstanding shares of stock" includes, but is not limited to, ownership interests of depositors in the capital employed in such an institution.

(B) "Taxpayer" means a corporation subject to the tax imposed by this chapter.

(C) "Resident" means a corporation organized under the laws of this state.

(D) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(E) "Taxable year" means the year or portion thereof upon the net income of which the value of the taxpayer's issued and outstanding shares of stock is determined or the year at the end of which the total value of the corporation is determined.

(F) "Tax year" means the calendar year in and for which the tax provided by this chapter is required to be paid.

(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code.

(I) "Net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments:

(1)(a) Deduct any net operating loss incurred in any taxable years ending in 1971 or thereafter but exclusive of any net operating loss incurred in taxable years ending prior to January 1, 1971. This deduction shall not be allowed in any tax year commencing before December 31, 1973, but shall be carried over and allowed in tax years commencing after December 31, 1973, until fully utilized in the next succeeding taxable year or years in which the taxpayer has net income, but in no case for more than the designated carryover period as described in division (I)(1)(b) of this section. The amount of such net operating loss, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code for the year in which the net operating loss occurs, shall be deducted from net income, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code, to the extent necessary to reduce net income to zero with the remaining unused portion of the deduction, if any, carried forward to the remaining years of the designated carryover period as described in division (I)(1)(b) of this section, or until fully utilized, whichever occurs first.

(b) For losses incurred in taxable years ending on or before December 31, 1981, the designated carryover period shall be the five consecutive taxable years after the taxable year in which the net operating loss occurred. For losses incurred in taxable years ending on or after January 1, 1982, the designated carryover period shall be the fifteen consecutive taxable years after the taxable year in which the net operating loss occurs.

(c) The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for deduction under division (I)(1)(a) of this section and no deduction shall be allowed unless the information is furnished.

(2) Deduct any amount included in net income by application of section 78 or 951 of the Internal Revenue Code, amounts received for royalties, technical or other services derived from sources outside the United States, and dividends received from a subsidiary, associate, or affiliated corporation that neither transacts any substantial portion of its business nor regularly maintains any substantial portion of its assets within the United States. For purposes of determining net foreign source income deductible under division (I)(2) of this section, the amount of gross income from all such sources other than income derived by application of section 78 or 951 of the Internal Revenue Code shall be reduced by:

(a) The amount of any reimbursed expenses for personal services performed by employees of the taxpayer for the subsidiary, associate, or affiliated corporation;

(b) Ten per cent of the amount of royalty income and technical assistance fees;

(c) Fifteen per cent of the amount of dividends and all other income.

The amounts described in divisions (I)(2)(a) to (c) of this section are deemed to be the expenses attributable to the production of deductible foreign source income unless the taxpayer shows, by clear and convincing evidence, less actual expenses or the tax commissioner shows, by clear and convincing evidence, more actual expenses.

(3) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of a capital asset, or an asset described in section 1231 of the Internal Revenue Code, to the extent that such loss or gain occurred prior to the first taxable year on which the tax provided for in section 5733.06 of the Revised Code is computed on the corporation's net income. For purposes of division (I)(3) of this section, the amount of the prior loss or gain shall be measured by the difference between the original cost or other basis of the asset and the fair market value as of the beginning of the first taxable year on which the tax provided for in section 5733.06 of the Revised Code is computed on the corporation's net income. At the option of the taxpayer, the amount of the prior loss or gain may be a percentage of the gain or loss, which percentage shall be determined by multiplying the gain or loss by a fraction, the numerator of which is the number of months from the acquisition of the asset to the beginning of the first taxable year on which the fee provided in section 5733.06 of the Revised Code is computed

on the corporation's net income, and the denominator of which is the number of months from the acquisition of the asset to the sale, exchange, or other disposition of the asset.

(4) Deduct the dividend received deduction provided by section 243 of the Internal Revenue Code.

(5) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income. As used in divisions (I)(5) and (6) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(6) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent included in federal taxable income.

(7) To the extent not otherwise allowed, deduct any dividends or distributions received by a taxpayer from a public utility, if the taxpayer owns at least eighty per cent of the issued and outstanding common stock of the utility. As used in division (I)(7) of this section, "public utility" or "utility" means a public utility as defined in Chapter 5727. of the Revised Code, whether or not the utility is doing business in the state.

(8) To the extent not otherwise allowed, deduct any dividends received by a taxpayer from an insurance company, if the taxpayer owns at least eighty per cent of the issued and outstanding common stock of the insurance company. As used in division (I)(8) of this section, "insurance company" means an insurance company which is taxable under Chapter 5725. or 5729. of the Revised Code.

(9) Deduct expenditures for modifying existing buildings or structures to meet American national standards institute standard A-117.1-1961 (R-1971), as amended; provided, that no deduction shall be allowed to the extent that such deduction is not permitted under federal law or under rules of the tax commissioner. Those deductions as are allowed may be taken over a period of five years. The tax commissioner shall adopt rules under Chapter 119. of the Revised Code establishing reasonable limitations on the extent that expenditures for modifying existing buildings or structures are attributable to the purpose of making the buildings or structures accessible to and usable by physically handicapped persons.

(10) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income before operating loss deduction and special deductions for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code

not been in effect.

(11) Deduct net interest income on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent the laws of the United States prohibit inclusion of the net interest for purposes of determining the value of the taxpayer's issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code. As used in division (I)(11) of this section, "net interest" means interest net of any expenses taken on the federal income tax return that would not have been allowed under section 265 of the Internal Revenue Code if the interest were exempt from federal income tax.

(12)(a) Except as set forth in division (I)(12)(d) of this section, to the extent not included in computing the taxpayer's federal taxable income before operating loss deduction and special deductions, add gains and deduct losses from direct or indirect sales, exchanges, or other dispositions, made by a related entity who is not a taxpayer, of the taxpayer's indirect, beneficial, or constructive investment in the stock or debt of another entity, unless the gain or loss has been included in computing the federal taxable income before operating loss deduction and special deductions of another taxpayer with a more closely related investment in the stock or debt of the other entity. The amount of gain added or loss deducted shall not exceed the product obtained by multiplying such gain or loss by the taxpayer's proportionate share, directly, indirectly, beneficially, or constructively, of the outstanding stock of the related entity immediately prior to the direct or indirect sale, exchange, or other disposition.

(b) Except as set forth in division (I)(12)(e) of this section, to the extent not included in computing the taxpayer's federal taxable income before operating loss deduction and special deductions, add gains and deduct losses from direct or indirect sales, exchanges, or other dispositions made by a related entity who is not a taxpayer, of intangible property other than stock, securities, and debt, if such property was owned, or used in whole or in part, at any time prior to or at the time of the sale, exchange, or disposition by either the taxpayer or by a related entity that was a taxpayer at any time during the related entity's ownership or use of such property, unless the gain or loss has been included in computing the federal taxable income before operating loss deduction and special deductions of another taxpayer with a more closely related ownership or use of such intangible property. The amount of gain added or loss deducted shall not exceed the product obtained by multiplying such gain or loss by the taxpayer's proportionate share, directly, indirectly, beneficially, or constructively, of the outstanding stock

f the related entity immediately prior to the direct or indirect sale, exchange, or other disposition.

(c) As used in division (I)(12) of this section, "related entity" means those entities described in divisions (I)(12)(c)(i) to (iii) of this section:

(i) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(ii) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

(iii) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (I)(12)(c)(iv) of this section, if the taxpayer owns, directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock.

(iv) The attribution rules of section 318 of the Internal Revenue Code apply for purposes of determining whether the ownership requirements in divisions (I)(12)(c)(i) to (iii) of this section have been met.

(d) For purposes of the adjustments required by division (I)(12)(a) of this section, the term "investment in the stock or debt of another entity" means only those investments where the taxpayer and the taxpayer's related entities directly, indirectly, beneficially, or constructively own, in the aggregate, at any time during the twenty-four month period commencing one year prior to the direct or indirect sale, exchange, or other disposition of such investment at least fifty per cent or more of the value of either the outstanding stock or such debt of such other entity.

(e) For purposes of the adjustments required by division (I)(12)(b) of this section, the term "related entity" excludes all of the following:

(i) Foreign corporations as defined in section 7701 of the Internal Revenue Code;

(ii) Foreign partnerships as defined in section 7701 of the Internal Revenue Code;

(iii) Corporations, partnerships, estates, and trusts created or organized in or under the laws of the Commonwealth of Puerto Rico or any possession of the United States;

(iv) Foreign estates and foreign trusts as defined in section 7701 of the

Internal Revenue Code.

The exclusions described in divisions (I)(12)(e)(i) to (iv) of this section do not apply if the corporation, partnership, estate, or trust is described in any one of divisions (C)(1) to (5) of section 5733.042 of the Revised Code.

(f) Nothing in division (I)(12) of this section shall require or permit a taxpayer to add any gains or deduct any losses described in divisions (I)(12)(f)(i) and (ii) of this section:

(i) Gains or losses recognized for federal income tax purposes by an individual, estate, or trust without regard to the attribution rules described in division (I)(12)(c) of this section, and

(ii) A related entity's gains or losses described in division (I)(12)(b) if the taxpayer's ownership of or use of such intangible property was limited to a period not exceeding nine months and was attributable to a transaction or a series of transactions executed in accordance with the election or elections made by the taxpayer or a related entity pursuant to section 338 of the Internal Revenue Code.

(13) Any adjustment required by section 5733.042 of the Revised Code.

(14) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of human services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (I)(14) of this section.

(J) Any term used in this chapter has the same meaning as when used in comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter has the same meaning as when used in a comparable context in the Internal Revenue Code, and all other statutes of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means adjusted gross income as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities;

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States that are exempt from federal income taxes but not from state income taxes;

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States;

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income;

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code;

(6) Add, in the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period.

(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect;

(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal adjusted gross income;

(9) Add any loss or deduct any gain resulting from the sale, exchange,

or other disposition of public obligations to the extent included in federal adjusted gross income;

(10) Regarding tuition credits purchased under Chapter 3334. of the Revised Code:

(a) Deduct the following:

(i) For credits that as of the end of the taxable year have not been refunded pursuant to the termination of a tuition payment contract under section 3334.10 of the Revised Code, the amount of income related to the credits, to the extent included in federal adjusted gross income;

(ii) For credits that during the taxable year have been refunded pursuant to the termination of a tuition payment contract under section 3334.10 of the Revised Code, the excess of the total purchase price of the tuition credits refunded over the amount of refund, to the extent the amount of the excess was not deducted in determining federal adjusted gross income;

(b) Add the following:

(i) For credits that as of the end of the taxable year have not been refunded pursuant to the termination of a tuition payment contract under section 3334.10 of the Revised Code, the amount of loss related to the credits, to the extent the amount of the loss was deducted in determining federal adjusted gross income;

(ii) For credits that during the taxable year have been refunded pursuant to the termination of a tuition payment contract under section 3334.10 of the Revised Code, the excess of the amount of refund over the purchase price of each tuition credit refunded, to the extent not included in federal adjusted gross income.

(11) Deduct, in the case of a self-employed individual as defined in section 401(c)(1) of the Internal Revenue Code and to the extent not otherwise allowable as a deduction in computing federal adjusted gross income for the taxable year, the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents. No deduction under division (A)(11) of this section shall be allowed to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer. No deduction under division (A)(11) of this section shall be allowed to the extent that the sum of such deduction and any related deduction allowable in computing federal adjusted gross income for the taxable year exceeds the taxpayer's earned income, within the meaning of section 401(c) of the Internal Revenue Code, derived by the taxpayer from the trade or business with respect to which the plan providing the medical coverage is established.

(12) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in a previous year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations;

(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code;

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of human services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

(B) "Business income" means income arising from transactions, activities, and sources in the regular course of a trade or business and includes income from tangible and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties

from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code and any election under section 5747.25 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Partnership" means any unincorporated business association and includes, but is not limited to, a syndicate, group, pool, or joint venture through or by means of which any business, financial operation, or venture is carried on, but does not include a trust, or estate within the meaning of this section.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio ~~constitution~~ Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" applies to estates only and means taxable income as defined and used in the Internal Revenue Code adjusted as follows:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities;

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States that are exempt from federal income taxes but not from state income taxes;

(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States that are exempt from state taxes under the laws of the United States;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect;

(6) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent included in federal taxable income;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to

ion 5731.14 of the Revised Code, and on its federal income tax return in determining either federal adjusted gross income or federal taxable income;

(9) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations;

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

SECTION 2. That existing sections 117.45, 124.11, 124.30, 125.13, 127.16, 176.05, 302.18, 307.01, 307.12, 307.441, 307.851, 319.16, 329.01, 329.02, 329.03, 329.04, 329.043, 329.05, 329.051, 329.06, 329.09, 2151.011, 2151.10, 2151.31, 2151.421, 2301.03, 2301.35, 2301.351, 2301.357, 2301.36, 2301.37, 2301.372, 2329.66, 2715.041, 2715.045, 2716.13, 2901.30, 2921.13, 2951.02, 3101.01, 3107.01, 3109.051, 3111.09, 3111.20, 3111.23, 3113.06, 3113.07, 3113.21, 3113.215, 3113.216, 3113.217, 3113.218, 3115.24, 3301.0719, 3313.64, 3317.023, 3317.10, 3317.14, 3701.503, 3727.17, 4115.04, 4117.01, 4123.27, 4141.16, 4141.162, 4141.163, 4141.28, 5101.02, 5101.06, 5101.07, 5101.071, 5101.10, 5101.14, 5101.141, 5101.15, 5101.16, 5101.161, 5101.18, 5101.181, 5101.183, 5101.20, 5101.21, 5101.31, 5101.323, 5101.35, 5101.36, 5101.37, 5101.46, 5101.54, 5101.544, 5101.58, 5101.59, 5101.82, 5101.83, 5101.91, 5101.92,

5101.93, 5101.97, 5101.99, 5103.02, 5103.154, 5104.01, 5104.011, 5104.03, 5104.04, 5104.081, 5104.11, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38, 5104.39, 5104.42, 5107.01, 5107.02, 5107.031, 5107.04, 5107.041, 5107.05, 5107.07, 5107.071, 5107.10, 5107.12, 5107.13, 5107.15, 5107.18, 5107.19, 5107.21, 5107.22, 5107.23, 5107.24, 5107.25, 5107.26, 5107.30, 5107.31, 5107.32, 5107.36, 5107.37, 5111.01, 5111.013, 5111.017, 5111.023, 5111.09, 5115.01, 5115.03, 5115.04, 5115.05, 5119.22, 5119.65, 5119.68, 5122.39, 5123.93, 5139.18, 5149.03, 5153.01, 5153.08, 5153.09, 5153.091, 5153.10, 5153.11, 5153.111, 5153.12, 5153.13, 5153.131, 5153.14, 5153.16, 5153.161, 5153.162, 5153.163, 5153.164, 5153.165, 5153.17, 5153.18, 5153.19, 5153.20, 5153.21, 5153.22, 5153.23, 5153.25, 5153.26, 5153.27, 5153.28, 5153.29, 5153.30, 5153.31, 5153.32, 5153.33, 5153.34, 5153.35, 5153.36, 5153.49, 5153.53, 5502.13, 5709.64, 5709.66, 5733.04, and 5747.01, and sections 329.041, 329.07, 329.99, 4141.043, 5101.09, 5101.461, 5101.462, 5101.463, 5101.464, 5101.57, 5101.80, 5101.81, 5101.84, 5101.841, 5101.842, 5101.85, 5101.86, 5101.87, 5101.88, 5101.881, 5101.89, 5101.90, 5101.94, 5101.95, 5101.98, 5107.011, 5107.03, 5107.032, 5107.033, 5107.034, 5107.06, 5107.08, 5107.09, 5107.11, 5107.14, 5107.151, 5107.16, 5107.17, 5107.20, 5107.33, 5107.34, 5107.99, 5111.014, 5115.18, 5153.02, 5153.03, 5153.04, 5153.05, 5153.06, and 5153.07 of the Revised Code are hereby repealed.

SECTION 3. (A) A determination that the Department of Human Services or a county department of human services made prior to the effective date of this act pursuant to the following continue in effect after the effective date of this act and the Department or county department may act on those determinations unless the Department adopts rules providing that a determination is no longer in effect:

(1) A state hearing or administrative appeal made under section 5101.35 of the Revised Code;

(2) Section 5107.04 (5107.76), 5107.041 (5101.83), or 5107.11 of the Revised Code, as those sections existed immediately prior to the effective date of this act, regarding erroneous and fraudulent payments and improperly obtained aid;

(3) A federal statute or regulation, state law, or a rule adopted by the Department regarding disqualifications, sanctions, and warnings for failure to satisfy a requirement for aid under Chapter 5107. of the Revised Code.

(B) A determination that a person was eligible for aid under Chapter 5107. of the Revised Code that was made prior to the effective date of this act does not authorize automatic continued eligibility for aid under that

chapter. The person must satisfy the requirements for eligibility established for the Ohio Works First Program.

SECTION 4. A rule adopted by the Department of Human Services under Chapter 5101. or 5107. of the Revised Code or pursuant to Executive Order 96-73V prior to the effective date of this act remains valid and enforceable until repealed by the Department notwithstanding the abolition of the Aid to Dependent Children Program and the Job Opportunities and Basic Skills Training Program and creation of the Ohio Works First Program and the Prevention, Retention, and Contingency Program.

No later than July 1, 1998, the Department shall, to the extent allowable under rule making authority, conduct a review and repeal all rules that, as a result of enactment of this act, are no longer applicable to the administration of the Department's programs.

SECTION 5. The elimination of the Aid to Dependent Children Program and replacement of the program authorized by Executive Order 96-73V with the Ohio Works First Program and the Prevention, Retention, and Contingency Program does not bar a county department of human services from doing either of the following:

(A) Making determinations of whether erroneous payments were made under either program and taking action to recover erroneous payments pursuant to section 5107.76 of the Revised Code;

(B) Pursuant to section 5101.83 of the Revised Code, denying eligibility to participate in the Ohio Works First Program and the Prevention, Retention, and Contingency Program to an assistance group that received a fraudulent payment under the Aid to Dependent Children Program or the program authorized by Executive Order 96-73V and has not repaid the fraudulent payment.

SECTION 6. The right of subrogation for the cost of medical services and care given under section 5101.58, an assignment of the right to medical support given under section 5101.59, and an assignment of the right to support from another person given under section 5107.07 (5107.20) of the Revised Code to the Department of Human Services or a county department of human services prior to the effective date of this act continues in force to the extent those sections provide, notwithstanding the elimination of the Aid to Dependent Children Program and the program authorized by Executive

Order 96-73V and creation of the Ohio Works First Program.

SECTION 7. Aid provided under the former Aid to Dependent Children Program and program authorized by Executive Order 96-73V continues to be inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process notwithstanding the creation of the Ohio Works First Program.

SECTION 8. In the case of a person receiving transitional Medicaid under section 5111.023 of the Revised Code or transitional publicly funded child day-care under division (A)(3) of section 5104.34 of the Revised Code on the effective date of this act, the number of months the person received the transitional Medicaid and day-care prior to the effective date of this act shall be applied to the maximum number of months the person may receive transitional Medicaid and transitional day-care for the current duration of eligibility.

SECTION 9. The Department of Human Services shall continue to operate the federal waiver that former section 5101.09 of the Revised Code required the Department to seek regarding the former Job Opportunities and Basic Skills Training Program. The Department shall continue to operate the federal waiver in accordance with the terms of the waiver and until the waiver expires for the purpose of allowing county departments of human services to assign participants of the Ohio Works First Program to the work activity established pursuant to section 5107.58 of the Revised Code and developmental activities established pursuant to section 5107.62 of the Revised Code.

SECTION 10. Whenever the Aid to Dependent Children Program is referred to in the Ohio Administrative Code, a contract, or other document, the reference is hereby deemed to refer to the Ohio Works First Program established under Chapter 5107. of the Revised Code unless the context of the reference demands that it mean the former Aid to Families with Dependent Children Program, known in Ohio as Aid to Dependent Children, that the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) abolished.

SECTION 11. The Department of Human Services may adopt rules in accordance with Chapter 119. of the Revised Code governing the transition from providing aid under the Aid to Dependent Children Program and the program authorized by Executive Order 96-73V to providing assistance under the Ohio Works First Program and the Prevention, Retention, and Contingency Program.

SECTION 12. If the evaluation report on the Learnfare Program operated for three years in Allen and Shelby Counties has not been completed on or before the effective date of this act, the Department shall complete the report according to the schedule specified in division (D) of section 5107.18 (5107.28) of the Revised Code as that division existed immediately prior to the effective date of this act.

SECTION 13. The Department of Human Services shall index and provide a copy of all provisions of this act that are necessary to assist a county in fulfilling its responsibilities under this act to each county department of human services.

SECTION 14. No later than July 1, 1998, the Department of Human Services shall, in consultation with representatives of county departments of human services and child day-care providers and advocates, conduct a review of all rules governing the certification of type B family day-care homes and shall repeal or simplify the rules to provide flexibility to county departments of human services in certifying type B homes.

SECTION 15. No later than January 1, 1998, the Department of Human Services shall, in consultation with boards of county commissioners, develop a technology enablement plan. The plan shall include an outline of an information technology strategy that addresses the following: prioritization of needed short-term management information changes to the current technology system; an outline of how independent technology systems will interface to support reporting needs; a listing of needed adaptations to operate simultaneous administration of current and new human services programs in order to fulfill reporting requirements; and long-term changes required to the current information technology system

necessary for the implementation of initiatives of this act.

SECTION 16. The Director of Human Services shall convene a group composed of the Directors of Transportation, Mental Retardation and Developmental Disabilities, and Development, the Administrator of the Ohio Bureau of Employment Services, a representative of regional transit authorities established pursuant to sections 306.30 to 306.53 of the Revised Code, a representative of the County Commissioners Association of Ohio, a representative of the Ohio Rideshare Agency, and a representative of the Rehabilitation Services Commission to conduct a review of current state transportation resources and policies and consider new transportation coordination initiatives to support local community efforts in the design of local transportation solutions for underemployed and unemployed Ohioans. The group also shall review economic development issues related to underemployed and unemployed Ohioans. The group shall report its findings and recommendations to the Speaker and minority leader of the House of Representatives and the President and minority leader of the Senate no later than July 1, 1998.

SECTION 17. The Director of Transportation shall apply for federal funds that are or may become available under the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, as amended, for transportation services for participants of the Ohio Works First Program.

SECTION 18. The Department of Administrative Services shall develop a statewide, coordinated campaign to encourage government employers, and the Bureau of Employment Services shall develop a statewide, coordinated campaign to encourage private employers, to hire participants of the Ohio Works First Program established under Chapter 5107. of the Revised Code. As part of the campaigns, the Department and Bureau shall promote the Subsidized Employment Program established under section 5107.52 of the Revised Code. The Department and Bureau shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the campaigns.

SECTION 19. There is hereby created the Confidentiality Study Committee, consisting of six members as follows: three members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the President of the Senate; with no

more than two members appointed from each house being from the same party. Appointments to the committee shall be made no later than December 1, 1997. Vacancies shall be filled in the manner provided for original appointments.

The Committee shall study the confidentiality requirements pertaining to the handling of and access to official records of county social service agencies. The Committee shall make a report of its findings and legislative and administrative recommendations to the Speaker of the House of Representatives, the President of the Senate, both minority leaders, and the Department of Human Services no later than October 1, 1998. At the time the report is issued, the Committee shall cease to exist.

SECTION 20. Of the amount appropriated for the Ohio Works First program that is not used due to caseload reductions, the Department of Human Services shall allocate up to five million dollars in fiscal year 1998 and five million dollars in fiscal year 1999 to county departments of human services for the purpose of enhancing transportation services to participants of the

work

component of the Ohio Works First

SECTION program established under Chapter 5107. of the Revised Code.

SECTION 21. Each county department of human services shall, not later than November 1, 1997, notify the head of each household that includes an assistance group participating in the Ohio Works First Program of the changes made by this act that may affect the assistance group.

SECTION 22. The Department of Human Services shall develop a protocol that outlines how it will produce and make available to the public state and county aggregate statistics on data elements related to monitoring trends and outcomes of welfare reform activities. The Department shall develop the protocol with input from county representatives and academic researchers.

SECTION 23. The General Assembly recognizes that the lack of affordable child day-care represents a significant barrier to attaining self-sufficiency through employment. Subject to available funds, it is the intent of the General Assembly to continue on and after the effective date of

this act to provide publicly funded child day-care to eligible persons currently receiving publicly funded child day-care.

SECTION 24. Section 5101.323 of the Revised Code, although not presented in this act in all capital letters, is revived and amended by this act. Section 5 of Am. Sub. S.B. 292 of the 121st General Assembly repealed Section 3 of Am. Sub. S.B. 10 of the 119th General Assembly, which latter section repealed section 5101.323 of the Revised Code effective October 1, 1996. Section 5 of Am. Sub. S.B. 292, however, did not become effective until November 6, 1996, after the repeal of section 5101.323 of the Revised Code by Section 3 of Am. Sub. S.B. 10 had taken effect on October 1, 1996. While legislative intent to retain section 5101.323 of the Revised Code is explicit in Section 5 of Am. Sub. S.B. 292, efficacy of the legislative intent is uncertain because Ohio Constitution, Article II, Section 15(D) states that repealed sections may not be revived "unless the new act contains the entire act revived," and section 5101.323 is not set forth in its entirety in Am. Sub. S.B. 292. This act, in confirmation of the legislative intent stated in Section 5 of Am. Sub. S.B. 292, revives section 5101.323 of the Revised Code by setting forth the section in its entirety for purposes of amendment.

SECTION 25. Section 127.16 of the Revised Code is presented in this act as a composite of the section as amended by Am. H.B. 249, Am. Sub. S.B. 99, Am. Sub. S.B. 150, and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2151.011 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 124, Sub. H.B. 265, and Sub. S.B. 223 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2151.421 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 274, Am. Sub. S.B. 269, and Sub. S.B. 223 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2301.03 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 377 and Am. Sub. S.B. 269 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 2301.35 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 274, Sub. H.B. 357, and Am. Sub. S.B. 292 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 2921.13 of the Revised Code is presented in this act as a composite of the

section as amended by both Sub. H.B. 644 and Am. Sub. S.B. 269 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 3113.21 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 274 and Am. Sub. S.B. 292 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 4115.04 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 167 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 5101.54 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 167 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 5153.111 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 445 and Am. Sub. S.B. 269 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 5709.64 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 19 of the 120th General Assembly and Am. H.B. 249 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 5709.66 of the Revised Code is presented in this act as a composite of the section as amended by Am. H.B. 249, Am. Sub. S.B. 188, and Sub. H.B. 167 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 26. Sections 1 to 25 of this act shall take effect October 1, 1997.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 408

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____