

As Passed by the House

124th General Assembly

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H. B. No. 424

REPRESENTATIVES Raga, Husted, White, Grendell, Seitz, Metzger,
Otterman, Patton, Lendrum, G. Smith, Schneider, Jolivette, Kearns, D. Miller,
Schuring, Kilbane, Williams, McGregor, Mason, Cirelli, Beatty, Evans,
Schmidt, Calvert, Flannery, Coates, Flowers, Niehaus, Willamowski

A BILL

To amend sections 5103.03 and 5103.99 of the Revised Code to grant the Director of Job and Family Services authority to seek injunctive relief to enjoin the operation of a facility that cares for children without a certificate and to increase the penalty for violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5103.03 and 5103.99 of the Revised Code be amended to read as follows:

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management of institutions or associations.

~~Except~~ (B)(1) ~~Except~~ for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2151.34 to 2151.3415 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services every two years shall pass upon the fitness of

every institution and association that receives, or desires to 18
receive and care for children, or places children in private 19
homes. 20

(2) When the department of job and family services is 21
satisfied as to the care given such children, and that the 22
requirements of the statutes and rules covering the management of 23
such institutions and associations are being complied with, it 24
shall issue to the institution or association a certificate to 25
that effect. A certificate is valid for two years, unless sooner 26
revoked by the department. When determining whether an institution 27
or association meets a particular requirement for certification, 28
the department may consider the institution or association to have 29
met the requirement if the institution or association shows to the 30
department's satisfaction that it has met a comparable requirement 31
to be accredited by a nationally recognized accreditation 32
organization. 33

(3) The department may issue a temporary certificate valid 34
for less than one year authorizing an institution or association 35
to operate until minimum requirements have been met. 36

(C) The department may revoke a certificate if it finds that 37
the institution or association is in violation of law or rule. No 38
juvenile court shall commit a child to an association or 39
institution that is required to be certified under this section if 40
its certificate has been revoked or, if after revocation, the date 41
of reissue is less than fifteen months prior to the proposed 42
commitment. 43

(D) Every two years, on a date specified by the department, 44
each institution or association desiring certification or 45
recertification shall submit to the department a report showing 46
its condition, management, competency to care adequately for the 47
children who have been or may be committed to it or to whom it 48
provides care or services, the system of visitation it employs for 49

children placed in private homes, and other information the 50
department requires. 51

(E) The department shall, not less than once each year, send 52
a list of certified institutions and associations to each juvenile 53
court and certified association or institution. 54

(F) No person shall receive children or receive or solicit 55
money on behalf of such an institution or association not so 56
certified or whose certificate has been revoked. 57

(G) The director may delegate by rule any duties imposed on 58
it by this section to inspect and approve family foster homes and 59
specialized foster homes to public children services agencies, 60
private child placing agencies, or private noncustodial agencies. 61

(H) If the director of job and family services determines 62
that an institution or association is operating a facility that 63
cares for children without a certificate, the director may 64
petition the court of common pleas in the county in which the 65
facility is located for an order enjoining the operation of that 66
facility. The court shall grant injunctive relief upon a showing 67
that the institution or association is operating a facility 68
without a certificate. 69

Sec. 5103.99. (A) Whoever violates section 5103.03 of the 70
Revised Code shall be fined not less than five hundred nor more 71
than ~~five hundred~~ one thousand dollars. 72

(B) Whoever violates section 5103.15, 5103.16, or 5103.17 of 73
the Revised Code shall be fined not less than five hundred nor 74
more than one thousand dollars or imprisoned not more than six 75
months, or both. 76

Section 2. That existing sections 5103.03 and 5103.99 of the 77
Revised Code are hereby repealed. 78