

**As Passed by the Senate**

**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  
SENATORS Wachtmann, Randy Gardner, Prentiss, Spada**

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**A B I L L**

To amend sections 5103.03 and 5103.99 of the Revised 1  
Code to grant the Director of Job and Family 2  
Services authority to seek injunctive relief to 3  
enjoin the operation of a facility that cares for 4  
children without a certificate and to increase the 5  
penalty for violations. 6

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

**Section 1.** That sections 5103.03 and 5103.99 of the Revised 7  
Code be amended to read as follows: 8

**Sec. 5103.03.** (A) The director of job and family services 9  
shall adopt rules as necessary for the adequate and competent 10  
management of institutions or associations. 11

~~Except~~ (B)(1) Except for facilities under the control of the 12  
department of youth services, places of detention for children 13  
established and maintained pursuant to sections 2151.34 to 14  
2151.3415 of the Revised Code, and child day-care centers subject 15  
to Chapter 5104. of the Revised Code, the department of job and 16

family services every two years shall pass upon the fitness of 17  
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