

As Reported by the House Health and Family Services Committee

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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

A B I L L

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

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receive and care for children, or places children in private
homes.

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

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

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its certificate has been revoked or, if after revocation, the date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

(D) Every two years, on a date specified by the department,
each institution or association desiring certification or
recertification shall submit to the department a report showing
its condition, management, competency to care adequately for the
children who have been or may be committed to it or to whom it
provides care or services, the system of visitation it employs for
children placed in private homes, and other information the

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department requires.

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

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

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

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

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

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

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