

**As Introduced**

**124th General Assembly  
Regular Session  
2001-2002**

**S. B. No. 27**

**SENATOR Mumper**

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**A B I L L**

To amend section 2151.62 of the Revised Code to  
require a public or private entity that places a  
child who has been adjudicated a delinquent child  
for certain acts for adoption to inform the  
prospective adoptive parents about the child's  
background and, in certain circumstances, to  
conduct a psychological examination of the child  
and to maintain the provisions of this act on and  
after January 1, 2002, by amending the version of  
section 2152.72 of the Revised Code that takes  
effect on that date.

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

**Section 1.** That section 2151.62 of the Revised Code be  
amended to read as follows:

**Sec. 2151.62.** (A) This section applies only to a child who is  
or previously has been adjudicated a delinquent child for an act  
to which any of the following applies:

(1) It is a violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05  
of the Revised Code;

(2) It is a violation of section 2923.01 of the Revised Code

and involved an attempt to commit aggravated murder or murder; 21

(3) It would be a felony if committed by an adult, and the 22  
court determined that the child, if an adult, would be guilty of a 23  
specification found in section 2941.141, 2941.144, or 2941.145 of 24  
the Revised Code or in another section of the Revised Code that 25  
relates to the possession or use of a firearm during the 26  
commission of the act for which the child was adjudicated a 27  
delinquent child; 28

(4) It would be an offense of violence that is a felony if 29  
committed by an adult, and the court determined that the child, if 30  
an adult, would be guilty of a specification found in section 31  
2941.1411 of the Revised Code or in another section of the Revised 32  
Code that relates to the wearing or carrying of body armor during 33  
the commission of the act for which the child was adjudicated a 34  
delinquent child. 35

(B)(1) Except as provided in division (E) of this section, a 36  
public children services agency, private child placing agency, 37  
private noncustodial agency, or court, the department of youth 38  
services, or another private or government entity shall not place 39  
a child in a certified foster home or for adoption until it 40  
provides the foster caregivers or prospective adoptive parents 41  
with all of the following: 42

(a) A written report describing the child's social history; 43

(b) A written report describing all the acts committed by the 44  
child the entity knows of that resulted in the child being 45  
adjudicated a delinquent child and the disposition made by the 46  
court, unless the records pertaining to the acts have been sealed 47  
pursuant to section 2151.358 of the Revised Code; 48

(c) A written report describing any other violent act 49  
committed by the child of which the entity is aware; 50

(d) The substantial and material conclusions and 51

recommendations of any psychiatric or psychological examination  
conducted on the child or, if no psychological or psychiatric  
examination of the child is available, the substantial and  
material conclusions and recommendations of an examination to  
detect mental and emotional disorders conducted in compliance with  
the requirements of Chapter 4757. of the Revised Code by an  
independent social worker, social worker, professional clinical  
counselor, or professional counselor licensed under that chapter.  
The entity shall not provide any part of a psychological,  
psychiatric, or mental and emotional disorder examination to the  
foster caregivers other than the substantial and material  
conclusions.

(2) Notwithstanding section 2151.358 of the Revised Code, if  
records of an adjudication that a child is a delinquent child have  
been sealed pursuant to that section and an entity knows the  
records have been sealed, the entity shall provide the foster  
caregivers or prospective adoptive parents a written statement  
that the records of a prior adjudication have been sealed.

(C) The entity that places the child in a certified foster  
home or for adoption shall conduct a psychological examination of  
the child, except that the entity is not required to conduct the  
examination if such an examination was conducted no more than one  
year prior to the child's placement. No later than sixty days  
after placing the child, the entity shall provide the foster  
caregiver or prospective adoptive parents a written report  
detailing the substantial and material conclusions and  
recommendations of the examination conducted pursuant to this  
division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this  
section, the expenses of conducting the examinations and preparing  
the reports and assessment required by division (B) or (C) of this  
section shall be paid by the entity that places the child in the

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certified foster home or for adoption. 84

(2) When a juvenile court grants temporary or permanent 85  
custody of a child pursuant to any section of the Revised Code, 86  
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the 87  
Revised Code, to a public children services agency or private 88  
child placing agency, the court shall provide the agency the 89  
information described in division (B) of this section, pay the 90  
expenses of preparing that information, and, if a new examination 91  
is required to be conducted, pay the expenses of conducting the 92  
examination described in division (C) of this section. On receipt 93  
of the information described in division (B) of this section, the 94  
agency shall provide to the court written acknowledgment that the 95  
agency received the information. The court shall keep the 96  
acknowledgment and provide a copy to the agency. On the motion of 97  
the agency, the court may terminate the order granting temporary 98  
or permanent custody of the child to that agency, if the court 99  
does not provide the information described in division (B) of this 100  
section. 101

(3) If one of the following entities is placing a child in a 102  
certified foster home or for adoption with the assistance of or by 103  
contracting with a public children services agency, private child 104  
placing agency, or a private noncustodial agency, the entity shall 105  
provide the agency with the information described in division (B) 106  
of this section, pay the expenses of preparing that information, 107  
and, if a new examination is required to be conducted, pay the 108  
expenses of conducting the examination described in division (C) 109  
of this section: 110

(a) The department of youth services if the placement is 111  
pursuant to any section of the Revised Code including section 112  
2151.38, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 113  
Code; 114

(b) A juvenile court with temporary or permanent custody of a 115

child pursuant to section 2151.354 or 2151.355 of the Revised Code; 116  
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(c) A public children services agency or private child placing agency with temporary or permanent custody of the child. 118  
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The agency receiving the information described in division (B) of this section shall provide the entity described in division (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers or prospective adoptive parents. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home or for adoption with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers or prospective adoptive parents unless the entity receives written acknowledgment that the agency provided the information. 120  
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(E) If a child is placed in a certified foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division (E)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the certified foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the certified foster home. 133  
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(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a written acknowledgment that the foster caregiver or prospective 143  
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adoptive parents received the information. The entity shall keep 148  
the acknowledgment and provide a copy to the foster caregiver or 149  
prospective adoptive parents. 150

(G) No person employed by an entity subject to this section 151  
and made responsible by that entity for the child's placement in a 152  
certified foster home or for adoption shall fail to provide the 153  
foster caregivers or prospective adoptive parents with the 154  
information required by divisions (B) and (C) of this section. 155

(H) It is not a violation of any duty of confidentiality 156  
provided for in the Revised Code or a code of professional 157  
responsibility for a person or government entity to provide the 158  
substantial and material conclusions and recommendations of a 159  
psychiatric or psychological examination, or an examination to 160  
detect mental and emotional disorders, in accordance with division 161  
(B)(1)(d) or (C) of this section. 162

(I) As used in this section: 163

(1) "Body armor" has the same meaning as in section 2941.1411 164  
of the Revised Code. 165

(2) "Firearm" has the same meaning as in section 2923.11 of 166  
the Revised Code. 167

**Section 2.** That existing section 2151.62 of the Revised Code 168  
is hereby repealed. 169

**Section 3.** That section 2152.72 of the Revised Code as 170  
scheduled to take effect January 1, 2002, be amended to read as 171  
follows: 172

**Sec. 2152.72.** (A) This section applies only to a child who is 173  
or previously has been adjudicated a delinquent child for an act 174  
to which any of the following applies: 175

(1) The act is a violation of section 2903.01, 2903.02, 176  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 177  
2907.05 of the Revised Code; 178

(2) The act is a violation of section 2923.01 of the Revised 179  
Code and involved an attempt to commit aggravated murder or 180  
murder; 181

(3) The act would be a felony if committed by an adult, and 182  
the court determined that the child, if an adult, would be guilty 183  
of a specification found in section 2941.141, 2941.144, or 184  
2941.145 of the Revised Code or in another section of the Revised 185  
Code that relates to the possession or use of a firearm during the 186  
commission of the act for which the child was adjudicated a 187  
delinquent child; 188

(4) It would be an offense of violence that is a felony if 189  
committed by an adult, and the court determined that the child, if 190  
an adult, would be guilty of a specification found in section 191  
2941.1411 of the Revised Code or in another section of the Revised 192  
Code that relates to the wearing or carrying of body armor during 193  
the commission of the act for which the child was adjudicated a 194  
delinquent child. 195

(B)(1) Except as provided in division (E) of this section, a 196  
public children services agency, private child placing agency, 197  
private noncustodial agency, or court, the department of youth 198  
services, or another private or government entity shall not place 199  
a child in a certified foster home or for adoption until it 200  
provides the foster caregivers or prospective adoptive parents 201  
with all of the following: 202

(a) A written report describing the child's social history; 203

(b) A written report describing all the acts committed by the 204  
child the entity knows of that resulted in the child being 205  
adjudicated a delinquent child and the disposition made by the 206

court, unless the records pertaining to the acts have been sealed 207  
pursuant to section 2151.358 of the Revised Code; 208

(c) A written report describing any other violent act 209  
committed by the child of which the entity is aware; 210

(d) The substantial and material conclusions and 211  
recommendations of any psychiatric or psychological examination 212  
conducted on the child or, if no psychological or psychiatric 213  
examination of the child is available, the substantial and 214  
material conclusions and recommendations of an examination to 215  
detect mental and emotional disorders conducted in compliance with 216  
the requirements of Chapter 4757. of the Revised Code by an 217  
independent social worker, social worker, professional clinical 218  
counselor, or professional counselor licensed under that chapter. 219  
The entity shall not provide any part of a psychological, 220  
psychiatric, or mental and emotional disorder examination to the 221  
foster caregivers other than the substantial and material 222  
conclusions. 223

(2) Notwithstanding section 2151.358 of the Revised Code, if 224  
records of an adjudication that a child is a delinquent child have 225  
been sealed pursuant to that section and an entity knows the 226  
records have been sealed, the entity shall provide the foster 227  
caregivers or prospective adoptive parents a written statement 228  
that the records of a prior adjudication have been sealed. 229

(C) The entity that places the child in a certified foster 230  
home or for adoption shall conduct a psychological examination of 231  
the child, except that the entity is not required to conduct the 232  
examination if such an examination was conducted no more than one 233  
year prior to the child's placement. No later than sixty days 234  
after placing the child, the entity shall provide the foster 235  
caregiver or prospective adoptive parents a written report 236  
detailing the substantial and material conclusions and 237  
recommendations of the examination conducted pursuant to this 238



division. 239

(D)(1) Except as provided in divisions (D)(2) and (3) of this 240  
section, the expenses of conducting the examinations and preparing 241  
the reports and assessment required by division (B) or (C) of this 242  
section shall be paid by the entity that places the child in the 243  
certified foster home or for adoption. 244

(2) When a juvenile court grants temporary or permanent 245  
custody of a child pursuant to any section of the Revised Code, 246  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 247  
Revised Code, to a public children services agency or private 248  
child placing agency, the court shall provide the agency the 249  
information described in division (B) of this section, pay the 250  
expenses of preparing that information, and, if a new examination 251  
is required to be conducted, pay the expenses of conducting the 252  
examination described in division (C) of this section. On receipt 253  
of the information described in division (B) of this section, the 254  
agency shall provide to the court written acknowledgment that the 255  
agency received the information. The court shall keep the 256  
acknowledgment and provide a copy to the agency. On the motion of 257  
the agency, the court may terminate the order granting temporary 258  
or permanent custody of the child to that agency, if the court 259  
does not provide the information described in division (B) of this 260  
section. 261

(3) If one of the following entities is placing a child in a 262  
certified foster home or for adoption with the assistance of or by 263  
contracting with a public children services agency, private child 264  
placing agency, or a private noncustodial agency, the entity shall 265  
provide the agency with the information described in division (B) 266  
of this section, pay the expenses of preparing that information, 267  
and, if a new examination is required to be conducted, pay the 268  
expenses of conducting the examination described in division (C) 269  
of this section: 270

(a) The department of youth services if the placement is 271  
pursuant to any section of the Revised Code including section 272  
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 273  
Code; 274

(b) A juvenile court with temporary or permanent custody of a 275  
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 276  
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(c) A public children services agency or private child 278  
placing agency with temporary or permanent custody of the child. 279

The agency receiving the information described in division 280  
(B) of this section shall provide the entity described in division 281  
(D)(3)(a) to (c) of this section that sent the information written 282  
acknowledgment that the agency received the information and 283  
provided it to the foster caregivers or prospective adoptive 284  
parents. The entity shall keep the acknowledgment and provide a 285  
copy to the agency. An entity that places a child in a certified 286  
foster home or for adoption with the assistance of or by 287  
contracting with an agency remains responsible to provide the 288  
information described in division (B) of this section to the 289  
foster caregivers or prospective adoptive parents unless the 290  
entity receives written acknowledgment that the agency provided 291  
the information. 292

(E) If a child is placed in a certified foster home as a 293  
result of an emergency removal of the child from home pursuant to 294  
division (D) of section 2151.31 of the Revised Code, an emergency 295  
change in the child's case plan pursuant to division (E)(3) of 296  
section 2151.412 of the Revised Code, or an emergency placement by 297  
the department of youth services pursuant to this chapter or 298  
Chapter 5139. of the Revised Code, the entity that places the 299  
child in the certified foster home shall provide the information 300  
described in division (B) of this section no later than ninety-six 301  
hours after the child is placed in the certified foster home. 302

(F) On receipt of the information described in divisions (B) 303  
and (C) of this section, the foster caregiver or prospective 304  
adoptive parents shall provide to the entity that places the child 305  
in the foster caregiver's or prospective adoptive parents' home a 306  
written acknowledgment that the foster caregiver or prospective 307  
adoptive parents received the information. The entity shall keep 308  
the acknowledgment and provide a copy to the foster caregiveror 309  
prospective adoptive parents. 310

(G) No person employed by an entity subject to this section 311  
and made responsible by that entity for the child's placement in a 312  
certified foster home or for adoption shall fail to provide the 313  
foster caregivers or prospective adoptive parents with the 314  
information required by divisions (B) and (C) of this section. 315

(H) It is not a violation of any duty of confidentiality 316  
provided for in the Revised Code or a code of professional 317  
responsibility for a person or government entity to provide the 318  
substantial and material conclusions and recommendations of a 319  
psychiatric or psychological examination, or an examination to 320  
detect mental and emotional disorders, in accordance with division 321  
(B)(1)(d) or (C) of this section. 322

(I) As used in this section: 323

(1) "Body armor" has the same meaning as in section 2941.1411 324  
of the Revised Code. 325

(2) "Firearm" has the same meaning as in section 2923.11 of 326  
the Revised Code. 327

**Section 4.** That existing section 2152.72 of the Revised Code 328  
as scheduled to take effect January 1, 2002, is hereby repealed. 329

**Section 5.** Sections 3 and 4 of this act shall take effect 330  
January 1, 2002. 331

**Section 6.** (A) Section 2151.62 of the Revised Code is 332  
presented in Section 1 of this act as a composite of the section 333  
as amended by both Sub. H.B. 448 and Am. Sub. S.B. 222 of the 334  
123rd General Assembly. The General Assembly, applying the 335  
principle stated in division (B) of section 1.52 of the Revised 336  
Code that amendments are to be harmonized if reasonably capable of 337  
simultaneous operation, finds that the composite is the resulting 338  
version of the section in effect prior to the effective date of 339  
the section as presented in this act. 340

(B) Section 2151.72 of the Revised Code is presented in 341  
Section 3 of this act as a composite of the section as amended by 342  
Sub. H.B. 448, Am. Sub. S.B. 222, and Am. Sub. S.B. 179 of the 343  
123rd General Assembly. The General Assembly, applying the 344  
principle stated in division (B) of section 1.52 of the Revised 345  
Code that amendments are to be harmonized if reasonably capable of 346  
simultaneous operation, finds that the composite is the resulting 347  
version of the section in effect prior to the effective date of 348  
the section as presented in this act. 349