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A B I L L

To amend sections 2151.36, 2151.62, 2152.72, 2919.231, 1
3107.013, 3107.12, and 3119.01 and to enact 2
sections 2151.361 and 3107.017 of the Revised Code 3
to modify the law regarding child support for a 4
child who is adopted by foster parents, to modify 5
the law regarding the information that must be 6
provided to prospective adoptive parents about a 7
prospective adoptive child's background, to require 8
a psychological examination of certain prospective 9
adoptive children, to extend the permissible time 10
period between psychological exams for certain 11
prospective adoptive children, to require the 12
Director of Job and Family Services to create a 13
task force to study methods to assess behaviors of 14
children in the foster care and adoption systems, 15
and to amend the version of section 2151.36 of the 16
Revised Code that is scheduled to take effect on 17
January 1, 2002, to continue the provisions of this 18

act on and after that effective date. 19
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.36, 2151.62, 2152.72, 2919.231, 21
3107.013, 3107.12, and 3119.01 be amended and sections 2151.361 22
and 3107.017 of the Revised Code be enacted to read as follows: 23
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Sec. 2151.36. ~~When~~ Except as provided in section 2151.361 of 25
the Revised Code, when a child has been committed as provided by 26
this chapter, the juvenile court shall issue an order pursuant to 27
~~sections~~ Chapters 3119., 3121., 3123., and 3125. of the Revised 28
Code requiring that the parent, guardian, or person charged with 29
the child's support pay for the care, support, maintenance, and 30
education of the child. The juvenile court shall order that the 31
parents, guardian, or person pay for the expenses involved in 32
providing orthopedic, medical, or surgical treatment for, or for 33
special care of, the child, enter a judgment for the amount due, 34
and enforce the judgment by execution as in the court of common 35
pleas. 36

Any expenses incurred for the care, support, maintenance, 37
education, orthopedic, medical, or surgical treatment, and special 38
care of a child who has a legal settlement in another county shall 39
be at the expense of the county of legal settlement if the consent 40
of the juvenile judge of the county of legal settlement is first 41
obtained. When the consent is obtained, the board of county 42
commissioners of the county in which the child has a legal 43
settlement shall reimburse the committing court for the expenses 44
out of its general fund. If the department of job and family 45
services considers it to be in the best interest of any 46

delinquent, dependent, unruly, abused, or neglected child who has
a legal settlement in a foreign state or country that the child be
returned to the state or country of legal settlement, the juvenile
court may commit the child to the department for the child's
return to that state or country.

Any expenses ordered by the court for the care, support,
maintenance, education, orthopedic, medical, or surgical
treatment, or special care of a dependent, neglected, abused,
unruly, or delinquent child or of a juvenile traffic offender
under this chapter, except the part of the expense that may be
paid by the state or federal government or paid by the parents,
guardians, or person charged with the child's support pursuant to
this section, shall be paid from the county treasury upon
specifically itemized vouchers, certified to by the judge. The
court shall not be responsible for any expenses resulting from the
commitment of children to any home, public children services
agency, private child placing agency, or other institution,
association, or agency, unless the court authorized the expenses
at the time of commitment.

Sec. 2151.361. (A) If the parents of a child enter into an
agreement with a public children services agency or private child
placing agency to place the child into the temporary custody of
the agency or the child is committed as provided by this chapter,
the juvenile court, at its discretion, may issue an order pursuant
to Chapters 3119., 3121., 3123., and 3125. of the Revised Code
requiring that the parents pay for the care, support, maintenance,
and education of the child if the parents adopted the child.

(B) When determining whether to issue an order under division
(A) of this section, the juvenile court shall consider all
pertinent issues, including, but not limited to, all of the
following:

<u>(1) The ability of the parents to pay for the care, support, maintenance, and education of the child;</u>	78 79
<u>(2) The chances for reunification of the parents and child;</u>	80
<u>(3) Whether issuing the order will encourage the reunification of the parents and child or undermine that reunification;</u>	81 82 83
<u>(4) Whether the problem underlying the agreement to place the child into temporary custody existed prior to the parents' adoption of the child and whether the parents were informed of the problem prior to that adoption;</u>	84 85 86 87
<u>(5) Whether the problem underlying the agreement to place the child into temporary custody began after the parents' adoption of the child;</u>	88 89 90
<u>(6) Whether the parents have contributed to the child's problems;</u>	91 92
<u>(7) Whether the parents are part of the solution to the child's problems.</u>	93 94
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:	95 96 97
(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;	98 99 100
(2) It is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder;	101 102
(3) It would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that	103 104 105 106

relates to the possession or use of a firearm during the 107
commission of the act for which the child was adjudicated a 108
delinquent child; 109

(4) It would be an offense of violence that is a felony if 110
committed by an adult, and the court determined that the child, if 111
an adult, would be guilty of a specification found in section 112
2941.1411 of the Revised Code or in another section of the Revised 113
Code that relates to the wearing or carrying of body armor during 114
the commission of the act for which the child was adjudicated a 115
delinquent child. 116

(B)(1) Except as provided in division (E) of this section, a 117
public children services agency, private child placing agency, 118
private noncustodial agency, or court, the department of youth 119
services, or another private or government entity shall not place 120
a child in a certified foster home or for adoption until it 121
provides the foster caregivers or prospective adoptive parents 122
with all of the following: 123

(a) A written report describing the child's social history; 124

(b) A written report describing all the acts committed by the 125
child the entity knows of that resulted in the child being 126
adjudicated a delinquent child and the disposition made by the 127
court, unless the records pertaining to the acts have been sealed 128
pursuant to section 2151.358 of the Revised Code; 129

(c) A written report describing any other violent act 130
committed by the child of which the entity is aware; 131

(d) The substantial and material conclusions and 132
recommendations of any psychiatric or psychological examination 133
conducted on the child or, if no psychological or psychiatric 134
examination of the child is available, the substantial and 135
material conclusions and recommendations of an examination to 136
detect mental and emotional disorders conducted in compliance with 137

the requirements of Chapter 4757. of the Revised Code by an 138
independent social worker, social worker, professional clinical 139
counselor, or professional counselor licensed under that chapter. 140
The entity shall not provide any part of a psychological, 141
psychiatric, or mental and emotional disorder examination to the 142
foster caregivers or prospective adoptive parents other than the 143
substantial and material conclusions. 144

(2) Notwithstanding section 2151.358 of the Revised Code, if 145
records of an adjudication that a child is a delinquent child have 146
been sealed pursuant to that section and an entity knows the 147
records have been sealed, the entity shall provide the foster 148
caregivers or prospective adoptive parents a written statement 149
that the records of a prior adjudication have been sealed. 150

(C)(1) The entity that places the child in a certified foster 151
home or for adoption shall conduct a psychological examination of 152
the child, ~~except that the~~ unless either of the following applies: 153

(a) An entity is not required to conduct the examination if 155
~~such~~ an examination was conducted no more than one year prior to 156
the child's placement, and division (C)(1)(b) of this section does 157
not apply. No 158

(b) An entity is not required to conduct the examination if a 159
foster caregiver seeks to adopt the foster caregiver's foster 160
child, and an examination was conducted no more than two years 161
prior to the date the foster caregiver seeks to adopt the child. 162

(2) No later than sixty days after placing the child, the 163
entity shall provide the foster caregiver or prospective adoptive 164
parents a written report detailing the substantial and material 165
conclusions and recommendations of the examination conducted 166
pursuant to this division. 167

(D)(1) Except as provided in divisions (D)(2) and (3) of this 168

section, the expenses of conducting the examinations and preparing 169
the reports and assessment required by division (B) or (C) of this 170
section shall be paid by the entity that places the child in the 171
certified foster home or for adoption. 172

(2) When a juvenile court grants temporary or permanent 173
custody of a child pursuant to any section of the Revised Code, 174
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the 175
Revised Code, to a public children services agency or private 176
child placing agency, the court shall provide the agency the 177
information described in division (B) of this section, pay the 178
expenses of preparing that information, and, if a new examination 179
is required to be conducted, pay the expenses of conducting the 180
examination described in division (C) of this section. On receipt 181
of the information described in division (B) of this section, the 182
agency shall provide to the court written acknowledgment that the 183
agency received the information. The court shall keep the 184
acknowledgment and provide a copy to the agency. On the motion of 185
the agency, the court may terminate the order granting temporary 186
or permanent custody of the child to that agency, if the court 187
does not provide the information described in division (B) of this 188
section. 189

(3) If one of the following entities is placing a child in a 190
certified foster home or for adoption with the assistance of or by 191
contracting with a public children services agency, private child 192
placing agency, or a private noncustodial agency, the entity shall 193
provide the agency with the information described in division (B) 194
of this section, pay the expenses of preparing that information, 195
and, if a new examination is required to be conducted, pay the 196
expenses of conducting the examination described in division (C) 197
of this section: 198

(a) The department of youth services if the placement is 199
pursuant to any section of the Revised Code including section 200

2151.38, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code;	201 202
(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2151.355 of the Revised Code;	203 204 205
(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.	206 207
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 <u>or prospective adoptive parents</u> . The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home <u>or for adoption</u> 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 <u>or prospective adoptive parents</u> unless the entity receives written acknowledgment that the agency provided the information.	208 209 210 211 212 213 214 215 216 217 218 219 220
(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.	221 222 223 224 225 226 227 228 229 230
(F) On receipt of the information described in divisions (B)	231

and (C) of this section, the foster caregiver or prospective 232
adoptive parents shall provide to the entity that places the child 233
in the foster caregiver's or prospective adoptive parents' home a 234
written acknowledgment that the foster caregiver or prospective 235
adoptive parents received the information. The entity shall keep 236
the acknowledgment and provide a copy to the foster caregiver or 237
prospective adoptive parents. 238

(G) No person employed by an entity subject to this section 239
and made responsible by that entity for the child's placement in a 240
certified foster home or for adoption shall fail to provide the 241
foster caregivers or prospective adoptive parents with the 242
information required by divisions (B) and (C) of this section. 243

(H) It is not a violation of any duty of confidentiality 244
provided for in the Revised Code or a code of professional 245
responsibility for a person or government entity to provide the 246
substantial and material conclusions and recommendations of a 247
psychiatric or psychological examination, or an examination to 248
detect mental and emotional disorders, in accordance with division 249
(B)(1)(d) or (C) of this section. 250

(I) As used in this section: 251

(1) "Body armor" has the same meaning as in section 2941.1411 252
of the Revised Code. 253

(2) "Firearm" has the same meaning as in section 2923.11 of 254
the Revised Code. 255

Sec. 2152.72. (A) This section applies only to a child who is 256
or previously has been adjudicated a delinquent child for an act 257
to which any of the following applies: 258

(1) The act is a violation of section 2903.01, 2903.02, 259
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 260
2907.05 of the Revised Code. 261

(2) The act is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder~~+~~. 262
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(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child~~+~~. 265
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(4) ~~It~~ The act would be an offense of violence that is a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.1411 of the Revised Code or in another section of the Revised Code that relates to the wearing or carrying of body armor during the commission of the act for which the child was adjudicated a delinquent child. 272
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(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following: 279
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(a) A written report describing the child's social history; 286

(b) A written report describing all the acts committed by the child the entity knows of that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records pertaining to the acts have been sealed pursuant to section 2151.358 of the Revised Code; 287
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(c) A written report describing any other violent act 292

committed by the child of which the entity is aware; 293

(d) The substantial and material conclusions and 294
recommendations of any psychiatric or psychological examination 295
conducted on the child or, if no psychological or psychiatric 296
examination of the child is available, the substantial and 297
material conclusions and recommendations of an examination to 298
detect mental and emotional disorders conducted in compliance with 299
the requirements of Chapter 4757. of the Revised Code by an 300
independent social worker, social worker, professional clinical 301
counselor, or professional counselor licensed under that chapter. 302
The entity shall not provide any part of a psychological, 303
psychiatric, or mental and emotional disorder examination to the 304
foster caregivers or prospective adoptive parents other than the 305
substantial and material conclusions. 306

(2) Notwithstanding section 2151.358 of the Revised Code, if 307
records of an adjudication that a child is a delinquent child have 308
been sealed pursuant to that section and an entity knows the 309
records have been sealed, the entity shall provide the foster 310
caregivers or prospective adoptive parents a written statement 311
that the records of a prior adjudication have been sealed. 312

(C)(1) The entity that places the child in a certified foster 313
home or for adoption shall conduct a psychological examination of 314
the child, ~~except that the~~ unless either of the following applies: 315
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(a) An entity is not required to conduct the examination if 317
~~such~~ an examination was conducted no more than one year prior to 318
the child's placement, and division (C)(1)(b) of this section does 319
not apply. No 320

(b) An entity is not required to conduct the examination if a 321
foster caregiver seeks to adopt the foster caregiver's foster 322
child, and an examination was conducted no more than two years 323

prior to the date the foster caregiver seeks to adopt the child. 324

(2) No later than sixty days after placing the child, the 325
entity shall provide the foster caregiver or prospective adoptive 326
parents a written report detailing the substantial and material 327
conclusions and recommendations of the examination conducted 328
pursuant to this division. 329

(D)(1) Except as provided in divisions (D)(2) and (3) of this 330
section, the expenses of conducting the examinations and preparing 331
the reports and assessment required by division (B) or (C) of this 332
section shall be paid by the entity that places the child in the 333
certified foster home or for adoption. 334

(2) When a juvenile court grants temporary or permanent 335
custody of a child pursuant to any section of the Revised Code, 336
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 337
Revised Code, to a public children services agency or private 338
child placing agency, the court shall provide the agency the 339
information described in division (B) of this section, pay the 340
expenses of preparing that information, and, if a new examination 341
is required to be conducted, pay the expenses of conducting the 342
examination described in division (C) of this section. On receipt 343
of the information described in division (B) of this section, the 344
agency shall provide to the court written acknowledgment that the 345
agency received the information. The court shall keep the 346
acknowledgment and provide a copy to the agency. On the motion of 347
the agency, the court may terminate the order granting temporary 348
or permanent custody of the child to that agency, if the court 349
does not provide the information described in division (B) of this 350
section. 351

(3) If one of the following entities is placing a child in a 352
certified foster home or for adoption with the assistance of or by 353
contracting with a public children services agency, private child 354
placing agency, or a private noncustodial agency, the entity shall 355

provide the agency with the information described in division (B) 356
of this section, pay the expenses of preparing that information, 357
and, if a new examination is required to be conducted, pay the 358
expenses of conducting the examination described in division (C) 359
of this section: 360

(a) The department of youth services if the placement is 361
pursuant to any section of the Revised Code including section 362
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 363
Code; 364

(b) A juvenile court with temporary or permanent custody of a 365
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 366
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(c) A public children services agency or private child 368
placing agency with temporary or permanent custody of the child. 369

The agency receiving the information described in division 370
(B) of this section shall provide the entity described in division 371
(D)(3)(a) to (c) of this section that sent the information written 372
acknowledgment that the agency received the information and 373
provided it to the foster caregivers or prospective adoptive 374
parents. The entity shall keep the acknowledgment and provide a 375
copy to the agency. An entity that places a child in a certified 376
foster home or for adoption with the assistance of or by 377
contracting with an agency remains responsible to provide the 378
information described in division (B) of this section to the 379
foster caregivers or prospective adoptive parents unless the 380
entity receives written acknowledgment that the agency provided 381
the information. 382

(E) If a child is placed in a certified foster home as a 383
result of an emergency removal of the child from home pursuant to 384
division (D) of section 2151.31 of the Revised Code, an emergency 385
change in the child's case plan pursuant to division (E)(3) of 386
section 2151.412 of the Revised Code, or an emergency placement by 387

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.

(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
adoptive parents received the information. The entity shall keep
the acknowledgment and provide a copy to the foster caregiver or
prospective adoptive parents.

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

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

(I) As used in this section:

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

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

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Sec. 2919.231. (A) No person, by using physical harassment or threats of violence against another person, shall interfere with the other person's initiation or continuance of, or attempt to prevent the other person from initiating or continuing, an action to issue or modify a support order under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, or 3113.31 of the Revised Code.

(B) Whoever violates this section is guilty of interfering with an action to issue or modify a support order, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or of section 3111.19 of the Revised Code, interfering with an action to issue or modify a support order is a felony of the fifth degree.

Sec. 3107.013. An agency arranging an adoption pursuant to an application submitted to the agency under section 3107.012 of the Revised Code for a foster caregiver seeking to adopt the foster caregiver's foster child shall ~~offer to~~ provide the foster caregiver information about adoption, including information about state adoption law, adoption assistance available pursuant to section 5153.163 of the Revised Code and Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, the types of behavior that the prospective adoptive parents may anticipate from children who have experienced abuse and neglect, suggested interventions and the assistance available if the child exhibits those types of behavior after adoption, and other adoption issues the department of job and family services identifies. ~~If the foster caregiver informs the agency that the foster caregiver wants the information, the~~ The agency shall provide the information to the foster caregiver in accordance with

rules the department of job and family services shall adopt in 449
accordance with Chapter 119. of the Revised Code. 450

Sec. 3107.017. The department of job and family services 451
shall develop a standardized form for the disclosure of 452
information about a prospective adoptive child to prospective 453
adoptive parents. The information disclosed shall include all 454
background information available on the child. The department 455
shall distribute the form to all agencies. 456

Sec. 3107.12. (A) Except as provided in division (B) of this 457
section, an assessor shall conduct a prefinalization assessment of 458
a minor and petitioner before a court issues a final decree of 459
adoption or finalizes an interlocutory order of adoption for the 460
minor. On completion of the assessment, the assessor shall prepare 461
a written report of the assessment and provide a copy of the 462
report to the court before which the adoption petition is pending. 463

The report of a prefinalization assessment shall include all 465
of the following: 466

(1) The adjustment of the minor and the petitioner to the 467
adoptive placement; 468

(2) The present and anticipated needs of the minor and the 469
petitioner, as determined by a review of the minor's medical and 470
social history, for adoption-related services, including 471
assistance under Title IV-E of the "Social Security Act," 94 Stat. 472
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 473
the Revised Code and counseling, case management services, crisis 474
services, diagnostic services, and therapeutic counseling. 475

(3) The physical, mental, and developmental condition of the 476
minor; 477

(4) If known, the minor's biological family background, 478

including identifying information about the biological or other legal parents; 479
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(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner; 481
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(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible; 485
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(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended; 487
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(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child. 491
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The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date. 493
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The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents redacted. 497
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(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment. ~~This section also does not apply if the petitioner is the minor's foster caregiver and the minor has resided in the petitioner's home as the foster caregiver's foster child for at least twelve months prior to the date the petitioner submits an application prescribed under division (B) of section 3107.012 of the Revised Code to the agency arranging the adoption.~~ 500
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(C) The director of job and family services shall adopt rules 510
in accordance with Chapter 119. of the Revised Code defining 511
"counseling," "case management services," "crisis services," 512
"diagnostic services," and "therapeutic counseling" for the 513
purpose of this section. 514

Sec. 3119.01. (A) As used in the Revised Code, "child support 515
enforcement agency" means a child support enforcement agency 516
designated under former section 2301.35 of the Revised Code prior 517
to October 1, 1997, or a private or government entity designated 518
as a child support enforcement agency under section 307.981 of the 519
Revised Code. 520

(B) As used in this chapter and Chapters 3121., 3123., and 521
3125. of the Revised Code: 522

(1) "Administrative child support order" means any order 523
issued by a child support enforcement agency for the support of a 524
child pursuant to section 3109.19 or 3111.81 of the Revised Code 525
or former section 3111.211 of the Revised Code, section 3111.21 of 526
the Revised Code as that section existed prior to January 1, 1998, 527
or section 3111.20 or 3111.22 of the Revised Code as those 528
sections existed prior to the effective date of this section. 529

(2) "Child support order" means either a court child support 530
order or an administrative child support order. 531

(3) "Obligee" means the person who is entitled to receive the 532
support payments under a support order. 533

(4) "Obligor" means the person who is required to pay support 534
under a support order. 535

(5) "Support order" means either an administrative child 536
support order or a court support order. 537

(C) As used in this chapter: 538

(1) "Combined gross income" means the combined gross income of both parents.	539 540
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, <u>2151.361</u> , 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, 3119.70, or 3123.07 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	541 542 543 544 545 546 547
(3) "Court support order" means either a court child support order or an order for the support of a spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3113.31, or 3123.07 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	548 549 550 551 552
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	553 554 555
(5) "Income" means either of the following:	556
(a) For a parent who is employed to full capacity, the gross income of the parent;	557 558
(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.	559 560 561
(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.	562 563 564 565
(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the	566 567 568

income is taxable, and includes income from salaries, wages, 569
overtime pay, and bonuses to the extent described in division (D) 570
of section 3119.05 of the Revised Code; commissions; royalties; 571
tips; rents; dividends; severance pay; pensions; interest; trust 572
income; annuities; social security benefits, including retirement, 573
disability, and survivor benefits that are not means-tested; 574
workers' compensation benefits; unemployment insurance benefits; 575
disability insurance benefits; benefits that are not means-tested 576
and that are received by and in the possession of the veteran who 577
is the beneficiary for any service-connected disability under a 578
program or law administered by the United States department of 579
veterans' affairs or veterans' administration; spousal support 580
actually received; and all other sources of income. "Gross income" 581
includes income of members of any branch of the United States 582
armed services or national guard, including, amounts representing 583
base pay, basic allowance for quarters, basic allowance for 584
subsistence, supplemental subsistence allowance, cost of living 585
adjustment, specialty pay, variable housing allowance, and pay for 586
training or other types of required drills; self-generated income; 587
and potential cash flow from any source. 588

"Gross income" does not include any of the following: 589

(a) Benefits received from means-tested government 590
administered programs, including Ohio works first; prevention, 591
retention, and contingency; means-tested veterans' benefits; 592
supplemental security income; food stamps; disability assistance; 593
or other assistance for which eligibility is determined on the 594
basis of income or assets; 595

(b) Benefits for any service-connected disability under a 596
program or law administered by the United States department of 597
veterans' affairs or veterans' administration that are not 598
means-tested, that have not been distributed to the veteran who is 599
the beneficiary of the benefits, and that are in the possession of 600

the United States department of veterans' affairs or veterans' administration; 601
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(c) Child support received for children who were not born or adopted during the marriage at issue; 603
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(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security; 605
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(e) Nonrecurring or unsustainable income or cash flow items; 608

(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended. 609
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(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years 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 uses to produce income or cash flow for a period of more than three years. 612
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(9)(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 business equipment as shown on the books of a business entity. 622
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(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(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 626
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business.

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(10) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

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(11) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

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(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

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(i) The parent's prior employment experience;

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(ii) The parent's education;

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(iii) The parent's physical and mental disabilities, if any;

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(iv) The availability of employment in the geographic area in which the parent resides;

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(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

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(vi) The parent's special skills and training;

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(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

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(viii) The age and special needs of the child for whom child support is being calculated under this section;

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(ix) The parent's increased earning capacity because of experience;

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(x) Any other relevant factor.

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(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.

(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.

(13) "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 company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(14) "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.

(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in sections 3119.022 and 3119.023 of the Revised Code.

Section 2. That existing sections 2151.36, 2151.62, 2152.72, 2919.231, 3107.013, 3107.12, and 3119.01 of the Revised Code are hereby repealed.

Section 3. That the version of section 2151.36 of the Revised Code scheduled to take effect January 1, 2002, be amended to read

as follows: 690

Sec. 2151.36. ~~When~~ Except as provided in section 2151.361 of 691
the Revised Code, when a child has been committed as provided by 692
this chapter or Chapter 2152. of the Revised Code, the juvenile 693
court shall issue an order pursuant to ~~sections~~ Chapters 3119., 694
3121., 3123., and 3125. of the Revised Code requiring that the 695
parent, guardian, or person charged with the child's support pay 696
for the care, support, maintenance, and education of the child. 697
The juvenile court shall order that the parents, guardian, or 698
person pay for the expenses involved in providing orthopedic, 699
medical, or surgical treatment for, or for special care of, the 700
child, enter a judgment for the amount due, and enforce the 701
judgment by execution as in the court of common pleas. 702

Any expenses incurred for the care, support, maintenance, 703
education, orthopedic, medical, or surgical treatment, and special 704
care of a child who has a legal settlement in another county shall 705
be at the expense of the county of legal settlement if the consent 706
of the juvenile judge of the county of legal settlement is first 707
obtained. When the consent is obtained, the board of county 708
commissioners of the county in which the child has a legal 709
settlement shall reimburse the committing court for the expenses 710
out of its general fund. If the department of job and family 711
services considers it to be in the best interest of any 712
delinquent, dependent, unruly, abused, or neglected child who has 713
a legal settlement in a foreign state or country that the child be 714
returned to the state or country of legal settlement, the juvenile 715
court may commit the child to the department for the child's 716
return to that state or country. 717

Any expenses ordered by the court for the care, support, 718
maintenance, education, orthopedic, medical, or surgical 719
treatment, or special care of a dependent, neglected, abused, 720
unruly, or delinquent child or of a juvenile traffic offender 721

under this chapter or Chapter 2152. of the Revised Code, except 722
the part of the expense that may be paid by the state or federal 723
government or paid by the parents, guardians, or person charged 724
with the child's support pursuant to this section, shall be paid 725
from the county treasury upon specifically itemized vouchers, 726
certified to by the judge. The court shall not be responsible for 727
any expenses resulting from the commitment of children to any 728
home, public children services agency, private child placing 729
agency, or other institution, association, or agency, unless the 730
court authorized the expenses at the time of commitment. 731

Section 4. That the existing version of section 2151.36 of 732
the Revised Code scheduled to take effect January 1, 2002, is 733
hereby repealed. 734

Section 5. (A) Sections 3 and 4 of this act shall take effect 735
January 1, 2002. 736

(B) Section 2152.72 of the Revised Code, as amended by this 737
act, shall take effect January 1, 2002. 738

Section 6. The Director of Job and Family Services, in 739
conjunction with the Director of Mental Health, shall create a 740
task force to advise the General Assembly on the development and 741
evaluation of caseworker assessment education and training 742
programs, assessment standards and criteria, and other programs or 743
initiatives that may better assist foster and adoptive parents in 744
dealing with children with behavioral problems. The members of the 745
task force shall include professionals from the mental health 746
field with expertise in the evaluation of at risk or special needs 747
children and representatives of other organizations the Directors 748
consider appropriate. 749

The task force, by July 1, 2002, shall submit to the Speaker 750

and minority leader of the House of Representatives and to the 751
President and the minority leader of the Senate a report of its 752
findings and recommendations. 753

Section 7. The amendment of section 2151.62 of the Revised 754
Code is not intended to supersede its amendment and renumbering by 755
Am. Sub. S.B. 179 of the 123rd General Assembly. Paragraphs of 756
section 2151.62 of the Revised Code that are amended by this act 757
were moved to section 2152.72 of the Revised Code by Am. Sub. S.B. 758
179, effective January 1, 2002, as part of its revision of the 759
juvenile sentencing laws. Therefore, section 2152.72 of the 760
Revised Code is amended by this act to continue, on and after 761
January 1, 2002, the amendments this act is making to section 762
2151.62 of the Revised Code; section 2151.62 of the Revised Code 763
as amended by this act is superseded on January 1, 2002, by the 764
section as it results from its amendment and renumbering by Am. 765
Sub. S.B. 179; and section 2152.72 of the Revised Code as amended 766
by this act takes effect on January 1, 2002. 767

Section 8. (A) Section 2151.62 of the Revised Code is 768
presented in this act as a composite of the section as amended by 769
both Sub. H.B. 448 and Am. Sub. S.B. 222 of the 123rd General 770
Assembly. The General Assembly, applying the principle stated in 771
division (B) of section 1.52 of the Revised Code that amendments 772
are to be harmonized if reasonably capable of simultaneous 773
operation, finds that the composite is the resulting version of 774
the section in effect prior to the effective date of the section 775
as presented in this act. 776

(B) Section 2152.72 of the Revised Code is presented in this 777
act as a composite of the section as amended by Sub. H.B. 448, Am. 778
Sub. S.B. 222, and Am. Sub. S.B. 179 of the 123rd General 779
Assembly. The General Assembly, applying the principle stated in 780
division (B) of section 1.52 of the Revised Code that amendments 781

are to be harmonized if reasonably capable of simultaneous 782
operation, finds that the composite is the resulting version of 783
the section in effect prior to the effective date of the section 784
as presented in this act. 785

(C) Section 2151.36 of the Revised Code is presented in 786
Section 3 of this act as a composite of the section as amended by 787
both Am. Sub. S.B. 179 and Am. Sub. S.B. 180 of the 123rd General 788
Assembly. The General Assembly, applying the principle stated in 789
division (B) of section 1.52 of the Revised Code that amendments 790
are to be harmonized if reasonably capable of simultaneous 791
operation, finds that the composite is the resulting version of 792
the section in effect prior to the effective date of the section 793
as presented in Section 3 of this act. 794