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125th General Assembly

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Am. Sub. H. B. No. 117

**Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz,
White, Gilb, Allen, Schmidt, Schneider, Brown, Perry, Cirelli, Reidelbach,
Price, Hagan, Flowers, Otterman, Aslanides, Barrett, Beatty, Boccieri,
Carano, Carmichael, Clancy, Collier, Daniels, DeBose, Distel, C. Evans,
Hartnett, Harwood, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Niehaus,
T. Patton, Raussen, Reinhard, Schlichter, Setzer, Sferra, G. Smith, S. Smith,
D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener,
Williams, Wilson, Wolpert, Woodard, Yates
Senators Wachtmann, Brady, DiDonato, Fedor, Robert Gardner, Prentiss,
Roberts**

A B I L L

To amend sections 109.572, 2151.86, 5103.02, 5103.03, 1
5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 2
5103.038, 5103.039, 5103.0311, 5103.0316, 3
5103.0317, 5120.65, and 5153.60 and to repeal 4
section 5103.0310 of the Revised Code and to 5
repeal Section 160 of Am. Sub. H.B. 95 of the 6
125th General Assembly to revise foster caregiver 7
training requirements, add additional offenses to 8
those that disqualify a person as a person 9
responsible for a child's care in out-of-home care 10
or prospective adoptive parent, permit the 11
Department of Job and Family Services to seek 12
injunctive relief in certain circumstances, and 13
eliminate the duty of the Legislative Office of 14
Education Oversight to review certain types of 15

Head Start agreements.

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

Section 1. That sections 109.572, 2151.86, 5103.02, 5103.03, 17
5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 18
5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 of 19
the Revised Code be amended to read as follows: 20

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 21
section ~~2151.86~~, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 22
or 5153.111 of the Revised Code, a completed form prescribed 23
pursuant to division (C)(1) of this section, and a set of 24
fingerprint impressions obtained in the manner described in 25
division (C)(2) of this section, the superintendent of the bureau 26
of criminal identification and investigation shall conduct a 27
criminal records check in the manner described in division (B) of 28
this section to determine whether any information exists that 29
indicates that the person who is the subject of the request 30
previously has been convicted of or pleaded guilty to any of the 31
following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 34
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 37
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 38
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 39
2925.06, or 3716.11 of the Revised Code, felonious sexual 40
penetration in violation of former section 2907.12 of the Revised 41
Code, a violation of section 2905.04 of the Revised Code as it 42
existed prior to July 1, 1996, a violation of section 2919.23 of 43

the Revised Code that would have been a violation of section 44
2905.04 of the Revised Code as it existed prior to July 1, 1996, 45
had the violation been committed prior to that date, or a 46
violation of section 2925.11 of the Revised Code that is not a 47
minor drug possession offense; 48

(b) A violation of an existing or former law of this state, 49
any other state, or the United States that is substantially 50
equivalent to any of the offenses listed in division (A)(1)(a) of 51
this section. 52

(2) On receipt of a request pursuant to section 5123.081 of 53
the Revised Code with respect to an applicant for employment in 54
any position with the department of mental retardation and 55
developmental disabilities, pursuant to section 5126.28 of the 56
Revised Code with respect to an applicant for employment in any 57
position with a county board of mental retardation and 58
developmental disabilities, or pursuant to section 5126.281 of the 59
Revised Code with respect to an applicant for employment in a 60
direct services position with an entity contracting with a county 61
board for employment, a completed form prescribed pursuant to 62
division (C)(1) of this section, and a set of fingerprint 63
impressions obtained in the manner described in division (C)(2) of 64
this section, the superintendent of the bureau of criminal 65
identification and investigation shall conduct a criminal records 66
check. The superintendent shall conduct the criminal records check 67
in the manner described in division (B) of this section to 68
determine whether any information exists that indicates that the 69
person who is the subject of the request has been convicted of or 70
pleaded guilty to any of the following: 71

(a) A violation of section 2903.01, 2903.02, 2903.03, 72
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 73
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 74
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 75

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 76
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 77
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 78
3716.11 of the Revised Code; 79

(b) An existing or former municipal ordinance or law of this 80
state, any other state, or the United States that is substantially 81
equivalent to any of the offenses listed in division (A)(2)(a) of 82
this section. 83

(3) On receipt of a request pursuant to section 173.41, 84
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 85
form prescribed pursuant to division (C)(1) of this section, and a 86
set of fingerprint impressions obtained in the manner described in 87
division (C)(2) of this section, the superintendent of the bureau 88
of criminal identification and investigation shall conduct a 89
criminal records check with respect to any person who has applied 90
for employment in a position that involves providing direct care 91
to an older adult. The superintendent shall conduct the criminal 92
records check in the manner described in division (B) of this 93
section to determine whether any information exists that indicates 94
that the person who is the subject of the request previously has 95
been convicted of or pleaded guilty to any of the following: 96

(a) A violation of section 2903.01, 2903.02, 2903.03, 97
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 98
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 99
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 100
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 101
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 102
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 103
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 104
2925.22, 2925.23, or 3716.11 of the Revised Code; 105

(b) An existing or former law of this state, any other state, 106

or the United States that is substantially equivalent to any of 107
the offenses listed in division (A)(3)(a) of this section. 108

(4) On receipt of a request pursuant to section 3701.881 of 109
the Revised Code with respect to an applicant for employment with 110
a home health agency as a person responsible for the care, 111
custody, or control of a child, a completed form prescribed 112
pursuant to division (C)(1) of this section, and a set of 113
fingerprint impressions obtained in the manner described in 114
division (C)(2) of this section, the superintendent of the bureau 115
of criminal identification and investigation shall conduct a 116
criminal records check. The superintendent shall conduct the 117
criminal records check in the manner described in division (B) of 118
this section to determine whether any information exists that 119
indicates that the person who is the subject of the request 120
previously has been convicted of or pleaded guilty to any of the 121
following: 122

(a) A violation of section 2903.01, 2903.02, 2903.03, 123
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 124
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 125
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 126
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 127
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 128
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 129
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 130
violation of section 2925.11 of the Revised Code that is not a 131
minor drug possession offense; 132

(b) An existing or former law of this state, any other state, 133
or the United States that is substantially equivalent to any of 134
the offenses listed in division (A)(4)(a) of this section. 135

(5) On receipt of a request pursuant to section 5111.95 or 136
5111.96 of the Revised Code with respect to an applicant for 137

employment with a waiver agency participating in a department of 138
job and family services administered home and community-based 139
waiver program or an independent provider participating in a 140
department administered home and community-based waiver program in 141
a position that involves providing home and community-based waiver 142
services to consumers with disabilities, a completed form 143
prescribed pursuant to division (C)(1) of this section, and a set 144
of fingerprint impressions obtained in the manner described in 145
division (C)(2) of this section, the superintendent of the bureau 146
of criminal identification and investigation shall conduct a 147
criminal records check. The superintendent shall conduct the 148
criminal records check in the manner described in division (B) of 149
this section to determine whether any information exists that 150
indicates that the person who is the subject of the request 151
previously has been convicted of or pleaded guilty to any of the 152
following: 153

(a) A violation of section 2903.01, 2903.02, 2903.03, 154
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 155
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 156
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 157
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 158
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 159
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 160
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 161
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 162
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 163
Revised Code, felonious sexual penetration in violation of former 164
section 2907.12 of the Revised Code, a violation of section 165
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 166
violation of section 2919.23 of the Revised Code that would have 167
been a violation of section 2905.04 of the Revised Code as it 168
existed prior to July 1, 1996, had the violation been committed 169

prior to that date; 170

(b) An existing or former law of this state, any other state, 171
or the United States that is substantially equivalent to any of 172
the offenses listed in division (A)(5)(a) of this section. 173

(6) On receipt of a request pursuant to section 3701.881 of 174
the Revised Code with respect to an applicant for employment with 175
a home health agency in a position that involves providing direct 176
care to an older adult, a completed form prescribed pursuant to 177
division (C)(1) of this section, and a set of fingerprint 178
impressions obtained in the manner described in division (C)(2) of 179
this section, the superintendent of the bureau of criminal 180
identification and investigation shall conduct a criminal records 181
check. The superintendent shall conduct the criminal records check 182
in the manner described in division (B) of this section to 183
determine whether any information exists that indicates that the 184
person who is the subject of the request previously has been 185
convicted of or pleaded guilty to any of the following: 186

(a) A violation of section 2903.01, 2903.02, 2903.03, 187
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 188
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 189
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 190
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 191
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 192
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 193
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 194
2925.22, 2925.23, or 3716.11 of the Revised Code; 195

(b) An existing or former law of this state, any other state, 196
or the United States that is substantially equivalent to any of 197
the offenses listed in division (A)(6)(a) of this section. 198

(7) When conducting a criminal records check upon a request 199
pursuant to section 3319.39 of the Revised Code for an applicant 200

who is a teacher, in addition to the determination made under
division (A)(1) of this section, the superintendent shall
determine whether any information exists that indicates that the
person who is the subject of the request previously has been
convicted of or pleaded guilty to any offense specified in section
3319.31 of the Revised Code.

(8) ~~When conducting a criminal records check on~~ On a request
pursuant to section 2151.86 of the Revised Code ~~for a person who
is a prospective foster caregiver or who is eighteen years old or
older and resides in the home of a prospective foster caregiver,~~
the superintendent, in addition to the determination made under
division (A)(1) of this section, shall, a completed form
prescribed pursuant to division (C)(1) of this section, and a set
of fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to a violation
any of the following:

(a) ~~Section A~~ A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02
~~or,~~ 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a
violation of section 2905.04 of the Revised Code as it existed
prior to July 1, 1996, a violation of section 2919.23 of the
Revised Code that would have been a violation of section 2905.04

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of the Revised Code as it existed prior to July 1, 1996, had the 233
violation been committed prior to that date, a violation of 234
section 2925.11 of the Revised Code that is not a minor drug 235
possession offense, or felonious sexual penetration in violation 236
of former section 2907.12 of the Revised Code; 237

(b) ~~An~~ A violation of an existing or former law of this 238
state, any other state, or the United States that is substantially 239
equivalent to any of the offenses listed in division (A)(8)(a) of 240
this section 2909.02 or 2909.03 of the Revised Code. 241

(9) Not later than thirty days after the date the 242
superintendent receives the request, completed form, and 243
fingerprint impressions, the superintendent shall send the person, 244
board, or entity that made the request any information, other than 245
information the dissemination of which is prohibited by federal 246
law, the superintendent determines exists with respect to the 247
person who is the subject of the request that indicates that the 248
person previously has been convicted of or pleaded guilty to any 249
offense listed or described in division (A)(1), (2), (3), (4), 250
(5), (6), (7), or (8) of this section, as appropriate. The 251
superintendent shall send the person, board, or entity that made 252
the request a copy of the list of offenses specified in division 253
(A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section, as 254
appropriate. If the request was made under section 3701.881 of the 255
Revised Code with regard to an applicant who may be both 256
responsible for the care, custody, or control of a child and 257
involved in providing direct care to an older adult, the 258
superintendent shall provide a list of the offenses specified in 259
divisions (A)(4) and (6) of this section. 260

(B) The superintendent shall conduct any criminal records 261
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 262
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 263
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 264

5153.111 of the Revised Code as follows: 265

(1) The superintendent shall review or cause to be reviewed 266
any relevant information gathered and compiled by the bureau under 267
division (A) of section 109.57 of the Revised Code that relates to 268
the person who is the subject of the request, including any 269
relevant information contained in records that have been sealed 270
under section 2953.32 of the Revised Code; 271

(2) If the request received by the superintendent asks for 272
information from the federal bureau of investigation, the 273
superintendent shall request from the federal bureau of 274
investigation any information it has with respect to the person 275
who is the subject of the request and shall review or cause to be 276
reviewed any information the superintendent receives from that 277
bureau; 278

(3) The superintendent or the superintendent's designee may 279
request criminal history records from other states or the federal 280
government pursuant to the national crime prevention and privacy 281
compact set forth in section 109.571 of the Revised Code. 282

(C)(1) The superintendent shall prescribe a form to obtain 283
the information necessary to conduct a criminal records check from 284
any person for whom a criminal records check is required by 285
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 286
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 287
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 288
form that the superintendent prescribes pursuant to this division 289
may be in a tangible format, in an electronic format, or in both 290
tangible and electronic formats. 291

(2) The superintendent shall prescribe standard impression 292
sheets to obtain the fingerprint impressions of any person for 293
whom a criminal records check is required by section 173.41, 294
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 295

3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 296
5126.281, or 5153.111 of the Revised Code. Any person for whom a 297
records check is required by any of those sections shall obtain 298
the fingerprint impressions at a county sheriff's office, 299
municipal police department, or any other entity with the ability 300
to make fingerprint impressions on the standard impression sheets 301
prescribed by the superintendent. The office, department, or 302
entity may charge the person a reasonable fee for making the 303
impressions. The standard impression sheets the superintendent 304
prescribes pursuant to this division may be in a tangible format, 305
in an electronic format, or in both tangible and electronic 306
formats. 307

(3) Subject to division (D) of this section, the 308
superintendent shall prescribe and charge a reasonable fee for 309
providing a criminal records check requested under section 173.41, 310
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 311
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 312
5126.281, or 5153.111 of the Revised Code. The person making a 313
criminal records request under section 173.41, 2151.86, 3301.32, 314
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 315
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 316
or 5153.111 of the Revised Code shall pay the fee prescribed 317
pursuant to this division. A person making a request under section 318
3701.881 of the Revised Code for a criminal records check for an 319
applicant who may be both responsible for the care, custody, or 320
control of a child and involved in providing direct care to an 321
older adult shall pay one fee for the request. 322

(4) The superintendent of the bureau of criminal 323
identification and investigation may prescribe methods of 324
forwarding fingerprint impressions and information necessary to 325
conduct a criminal records check, which methods shall include, but 326
not be limited to, an electronic method. 327

(D) A determination whether any information exists that 328
indicates that a person previously has been convicted of or 329
pleaded guilty to any offense listed or described in division 330
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 331
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or 332
(b) of this section that is made by the superintendent with 333
respect to information considered in a criminal records check in 334
accordance with this section is valid for the person who is the 335
subject of the criminal records check for a period of one year 336
from the date upon which the superintendent makes the 337
determination. During the period in which the determination in 338
regard to a person is valid, if another request under this section 339
is made for a criminal records check for that person, the 340
superintendent shall provide the information that is the basis for 341
the superintendent's initial determination at a lower fee than the 342
fee prescribed for the initial criminal records check. 343

(E) As used in this section: 344

(1) "Criminal records check" means any criminal records check 345
conducted by the superintendent of the bureau of criminal 346
identification and investigation in accordance with division (B) 347
of this section. 348

(2) "Home and community-based waiver services" and "waiver 349
agency" have the same meanings as in section 5111.95 of the 350
Revised Code. 351

(3) "Independent provider" has the same meaning as in section 352
5111.96 of the Revised Code. 353

(4) "Minor drug possession offense" has the same meaning as 354
in section 2925.01 of the Revised Code. 355

(5) "Older adult" means a person age sixty or older. 356

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 357

entity that appoints or employs any person responsible for a 358
child's care in out-of-home care shall request the superintendent 359
of BCII to conduct a criminal records check with respect to any 360
person who is under final consideration for appointment or 361
employment as a person responsible for a child's care in 362
out-of-home care. 363

(2) The administrative director of an agency, or attorney, 364
who arranges an adoption for a prospective adoptive parent shall 365
request the superintendent of BCII to conduct a criminal records 366
check with respect to that prospective adoptive parent and all 367
persons eighteen years of age or older who reside with the 368
prospective adoptive parent. 369

(3) Before a recommending agency submits a recommendation to 370
the department of job and family services on whether the 371
department should issue a certificate to a foster home under 372
section 5103.03 of the Revised Code, the administrative director 373
of the agency shall request that the superintendent of BCII 374
conduct a criminal records check with respect to the prospective 375
foster caregiver and all other persons eighteen years of age or 376
older who reside with the foster caregiver. 377

(B) If a person subject to a criminal records check does not 378
present proof that the person has been a resident of this state 379
for the five-year period immediately prior to the date upon which 380
the criminal records check is requested or does not provide 381
evidence that within that five-year period the superintendent of 382
BCII has requested information about the person from the federal 383
bureau of investigation in a criminal records check, the 384
appointing or hiring officer, administrative director, or attorney 385
shall request that the superintendent of BCII obtain information 386
from the federal bureau of investigation as a part of the criminal 387
records check. If the person subject to the criminal records check 388

presents proof that the person has been a resident of this state 389
for that five-year period, the officer, director, or attorney may 390
request that the superintendent of BCII include information from 391
the federal bureau of investigation in the criminal records check. 392

An appointing or hiring officer, administrative director, or 393
attorney required by division (A) of this section to request a 394
criminal records check shall provide to each person subject to a 395
criminal records check a copy of the form prescribed pursuant to 396
division (C)(1) of section 109.572 of the Revised Code and a 397
standard impression sheet to obtain fingerprint impressions 398
prescribed pursuant to division (C)(2) of section 109.572 of the 399
Revised Code, obtain the completed form and impression sheet from 400
the person, and forward the completed form and impression sheet to 401
the superintendent of BCII at the time the criminal records check 402
is requested. 403

Any person subject to a criminal records check who receives 404
pursuant to this division a copy of the form prescribed pursuant 405
to division (C)(1) of section 109.572 of the Revised Code and a 406
copy of an impression sheet prescribed pursuant to division (C)(2) 407
of that section and who is requested to complete the form and 408
provide a set of fingerprint impressions shall complete the form 409
or provide all the information necessary to complete the form and 410
shall provide the impression sheet with the impressions of the 411
person's fingerprints. If a person subject to a criminal records 412
check, upon request, fails to provide the information necessary to 413
complete the form or fails to provide impressions of the person's 414
fingerprints, the appointing or hiring officer shall not appoint 415
or employ the person as a person responsible for a child's care in 416
out-of-home care, a probate court may not issue a final decree of 417
adoption or an interlocutory order of adoption making the person 418
an adoptive parent, and the department of job and family services 419
shall not issue a certificate authorizing the prospective foster 420

caregiver to operate a foster home. 421

(C)(1) No appointing or hiring officer shall appoint or 422
employ a person as a person responsible for a child's care in 423
out-of-home care, the department of job and family services shall 424
not issue a certificate under section 5103.03 of the Revised Code 425
authorizing a prospective foster caregiver to operate a foster 426
home, and no probate court shall issue a final decree of adoption 427
or an interlocutory order of adoption making a person an adoptive 428
parent if the person or, in the case of a prospective foster 429
caregiver or prospective adoptive parent, any person eighteen 430
years of age or older who resides with the prospective foster 431
caregiver or prospective adoptive parent previously has been 432
convicted of or pleaded guilty to any of the following, unless the 433
person meets rehabilitation standards established in rules adopted 434
under division (F) of this section: 435

(a) A violation of section 2903.01, 2903.02, 2903.03, 436
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 437
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 438
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 439
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 440
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 441
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 442
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 443
violation of section 2905.04 of the Revised Code as it existed 444
prior to July 1, 1996, a violation of section 2919.23 of the 445
Revised Code that would have been a violation of section 2905.04 446
of the Revised Code as it existed prior to July 1, 1996, had the 447
violation been committed prior to that date, a violation of 448
section 2925.11 of the Revised Code that is not a minor drug 449
possession offense, or felonious sexual penetration in violation 450
of former section 2907.12 of the Revised Code; 451

(b) A violation of an existing or former law of this state, 452

any other state, or the United States that is substantially
equivalent to any of the offenses described in division (C)(1)(a)
of this section.

~~(2) The department of job and family services shall not issue
a certificate under section 5103.03 of the Revised Code
authorizing a prospective foster caregiver to operate a foster
home if the department has been notified that the foster caregiver
or any person eighteen years of age or older who resides with the
foster caregiver has been convicted of or pleaded guilty to a
violation of one of the following offenses, unless the foster
caregiver or other person meets rehabilitation standards
established in rules adopted under division (F) of this section:~~

~~(a) Any offense listed in division (C)(1)(a) of this section
or section 2909.02 or 2909.03 of the Revised Code;~~

~~(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any
offense listed in division (C)(1)(a) of this section or section
2909.02 or 2909.03 of the Revised Code.~~

~~(3) The appointing or hiring officer may appoint or employ a
person as a person responsible for a child's care in out-of-home
care conditionally until the criminal records check required by
this section is completed and the officer receives the results of
the criminal records check. If the results of the criminal records
check indicate that, pursuant to division (C)(1) of this section,
the person subject to the criminal records check does not qualify
for appointment or employment, the officer shall release the
person from appointment or employment.~~

(D) The appointing or hiring officer, administrative
director, or attorney shall pay to the bureau of criminal
identification and investigation the fee prescribed pursuant to
division (C)(3) of section 109.572 of the Revised Code for each

criminal records check conducted in accordance with that section 484
upon a request pursuant to division (A) of this section. The 485
officer, director, or attorney may charge the person subject to 486
the criminal records check a fee for the costs the officer, 487
director, or attorney incurs in obtaining the criminal records 488
check. A fee charged under this division shall not exceed the 489
amount of fees the officer, director, or attorney pays for the 490
criminal records check. If a fee is charged under this division, 491
the officer, director, or attorney shall notify the person who is 492
the applicant at the time of the person's initial application for 493
appointment or employment, an adoption to be arranged, or a 494
certificate to operate a foster home of the amount of the fee and 495
that, unless the fee is paid, the person who is the applicant will 496
not be considered for appointment or employment or as an adoptive 497
parent or foster caregiver. 498

(E) The report of any criminal records check conducted by the 499
bureau of criminal identification and investigation in accordance 500
with section 109.572 of the Revised Code and pursuant to a request 501
made under division (A) of this section is not a public record for 502
the purposes of section 149.43 of the Revised Code and shall not 503
be made available to any person other than the person who is the 504
subject of the criminal records check or the person's 505
representative; the appointing or hiring officer, administrative 506
director, or attorney requesting the criminal records check or the 507
officer's, director's, or attorney's representative; the 508
department of job and family services or a county department of 509
job and family services; and any court, hearing officer, or other 510
necessary individual involved in a case dealing with the denial of 511
employment, a final decree of adoption or interlocutory order of 512
adoption, or a foster home certificate. 513

(F) The director of job and family services shall adopt rules 514
in accordance with Chapter 119. of the Revised Code to implement 515

this section. The rules shall include rehabilitation standards a 516
person who has been convicted of or pleaded guilty to an offense 517
listed in division (C)(1) ~~or (2)~~ of this section must meet for an 518
appointing or hiring officer to appoint or employ the person as a 519
person responsible for a child's care in out-of-home care, a 520
probate court to issue a final decree of adoption or interlocutory 521
order of adoption making the person an adoptive parent, or the 522
department to issue a certificate authorizing the prospective 523
foster caregiver to operate a foster home. 524

(G) An appointing or hiring officer, administrative director, 525
or attorney required by division (A) of this section to request a 526
criminal records check shall inform each person who is the 527
applicant, at the time of the person's initial application for 528
appointment or employment, an adoption to be arranged, or a foster 529
home certificate, that the person subject to the criminal records 530
check is required to provide a set of impressions of the person's 531
fingerprints and that a criminal records check is required to be 532
conducted and satisfactorily completed in accordance with section 533
109.572 of the Revised Code. 534

(H) The department of job and family services may waive the 535
requirement that a criminal records check based on fingerprints be 536
conducted for an adult resident of a prospective adoptive or 537
foster home or the home of a foster caregiver if the recommending 538
agency documents to the department's satisfaction that the adult 539
resident is physically unable to comply with the fingerprinting 540
requirement and poses no danger to foster children or adoptive 541
children who may be placed in the home. In such cases, the 542
recommending or approving agency shall request that the bureau of 543
criminal identification and investigation conduct a criminal 544
records check using the person's name and social security number. 545

(I) As used in this section: 546

(1) "Children's hospital" means any of the following: 547

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division ~~(H)~~(I)(3)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(4) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(5) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in

out-of-home care;	578
(b) A prospective adoptive parent;	579
(c) A prospective foster caregiver;	580
(d) A person eighteen years old or older who resides with a prospective foster caregiver <u>or a prospective adoptive parent.</u>	581 582
(6) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	583 584 585 586
(7) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	587 588
Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:	589 590
(A) "Association" or "institution" includes any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; any individual, <u>including the operator of a foster home,</u> who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; and any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; provided, that any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board	591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607

of education, the department of youth services, the department of 608
mental health, or the department of mental retardation and 609
developmental disabilities, or any individual who provides care 610
for only a single-family group, placed there by their parents or 611
other relative having custody, shall not be considered as being 612
within the purview of these sections. 613

(B) "Family foster home" means a foster home that is not a 614
specialized ~~treatment~~ foster home. 615

(C) "Foster caregiver" means a person holding a valid foster 616
home certificate issued under section 5103.03 of the Revised Code. 617

(D) "Foster home" means a private residence in which children 618
are received apart from their parents, guardian, or legal 619
custodian, by an individual reimbursed for providing the children 620
nonsecure care, supervision, or training twenty-four hours a day. 621
"Foster home" does not include care provided for a child in the 622
home of a person other than the child's parent, guardian, or legal 623
custodian while the parent, guardian, or legal custodian is 624
temporarily away. Family foster homes and specialized foster homes 625
are types of foster homes. 626

~~(D)~~(E) "Medically fragile foster home" means a foster home 627
that provides specialized medical services designed to meet the 628
needs of children with intensive health care needs who meet all of 629
the following criteria: 630

(1) Under rules adopted by the department of job and family 631
services governing payment under Chapter 5111. of the Revised Code 632
for long-term care services, the children require a skilled level 633
of care. 634

(2) The children require the services of a doctor of medicine 635
or osteopathic medicine at least once a week due to the 636
instability of their medical conditions. 637

(3) The children require the services of a registered nurse 638

on a daily basis.

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(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

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~~(E)~~(F) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

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(1) Issue a certificate;

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(2) Deny a certificate;

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(3) Renew a certificate;

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(4) Deny renewal of a certificate;

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(5) Revoke a certificate.

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~~(F)~~(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

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~~(G)~~ "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

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~~(D)~~ "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and treatment foster homes are types of foster homes.

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~~(E)~~(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the

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specific needs of the children received in the foster home and 668
that receives and cares for children who are emotionally or 669
behaviorally disturbed, chemically dependent, mentally retarded, 670
developmentally disabled, or who otherwise have exceptional needs. 671

Sec. 5103.03. (A) The director of job and family services 672
shall adopt rules as necessary for the adequate and competent 673
management of institutions or associations. 674

(B)(1) Except for facilities under the control of the 675
department of youth services, places of detention for children 676
established and maintained pursuant to sections 2151.34 to 677
2151.3415 of the Revised Code, and child day-care centers subject 678
to Chapter 5104. of the Revised Code, the department of job and 679
family services every two years shall pass upon the fitness of 680
every institution and association that receives, or desires to 681
receive and care for children, or places children in private 682
homes. 683

(2) When the department of job and family services is 684
satisfied as to the care given such children, and that the 685
requirements of the statutes and rules covering the management of 686
such institutions and associations are being complied with, it 687
shall issue to the institution or association a certificate to 688
that effect. A certificate is valid for two years, unless sooner 689
revoked by the department. When determining whether an institution 690
or association meets a particular requirement for certification, 691
the department may consider the institution or association to have 692
met the requirement if the institution or association shows to the 693
department's satisfaction that it has met a comparable requirement 694
to be accredited by a nationally recognized accreditation 695
organization. 696

(3) The department may issue a temporary certificate valid 697
for less than one year authorizing an institution or association 698

to operate until minimum requirements have been met. 699

(C) The department may revoke a certificate if it finds that 700
the institution or association is in violation of law or rule. No 701
juvenile court shall commit a child to an association or 702
institution that is required to be certified under this section if 703
its certificate has been revoked or, if after revocation, the date 704
of reissue is less than fifteen months prior to the proposed 705
commitment. 706

(D) Every two years, on a date specified by the department, 707
each institution or association desiring certification or 708
recertification shall submit to the department a report showing 709
its condition, management, competency to care adequately for the 710
children who have been or may be committed to it or to whom it 711
provides care or services, the system of visitation it employs for 712
children placed in private homes, and other information the 713
department requires. 714

(E) The department shall, not less than once each year, send 715
a list of certified institutions and associations to each juvenile 716
court and certified association or institution. 717

(F) No person shall receive children or receive or solicit 718
money on behalf of such an institution or association not so 719
certified or whose certificate has been revoked. 720

(G) The director may delegate by rule any duties imposed on 721
it by this section to inspect and approve family foster homes and 722
specialized foster homes to public children services agencies, 723
private child placing agencies, or private noncustodial agencies. 724

(H) If the director of job and family services determines 725
that an institution or association ~~is operating a facility~~ that 726
cares for children is operating without a certificate, the 727
director may petition the court of common pleas in the county in 728
which the ~~facility~~ institution or association is located for an 729

order enjoining ~~the~~ its operation ~~of that facility~~. The court 730
shall grant injunctive relief upon a showing that the institution 731
or association is operating ~~a facility~~ without a certificate. 732

(I) If both of the following are the case, the director of 733
job and family services may petition the court of common pleas of 734
any county in which an institution or association that holds a 735
certificate under this section operates for an order, and the 736
court may issue an order, preventing the institution or 737
association from receiving additional children into its care or an 738
order removing children from its care: 739

(1) The department has evidence that the life, health, or 740
safety of one or more children in the care of the institution or 741
association is at imminent risk. 742

(2) The department has issued a proposed adjudication order 743
pursuant to Chapter 119. of the Revised Code to deny renewal of or 744
revoke the certificate of the institution or association. 745

Sec. 5103.031. ~~(A)~~ Except as provided in section 5103.033 of 746
the Revised Code, the department of job and family services may 747
not issue a certificate under section 5103.03 of the Revised Code 748
to a foster home unless the foster caregiver successfully 749
completes the following amount of preplacement training through a 750
preplacement training program operated under section 5103.034 or 751
5153.60 of the Revised Code: 752

~~(1)~~(A) If the foster home is a family foster home, at least 753
~~twelve~~ twenty-four hours; 754

~~(2)~~(B) If the foster home is a specialized foster home, at 755
least thirty-six hours. 756

~~(B) No child may be placed in a family foster home unless the 757
foster caregiver completes at least twelve additional hours of 758
preplacement training through a preplacement training program 759~~

~~operated under section 5103.034 or 5153.60 of the Revised Code.~~

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Sec. 5103.032. (A) Except as provided in divisions (B) ~~and~~,
(C), and (D) of this section and in section 5103.033 of the
Revised Code, the department of job and family services may not
renew a foster home certificate under section 5103.03 of the
Revised Code unless the foster caregiver successfully completes
the following amount of continuing training in accordance with the
foster caregiver's needs assessment and continuing training plan
developed and implemented under section 5103.035 of the Revised
Code:

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(1) If the foster home is a family foster home, at least
~~twenty~~ forty hours each year in the preceding two-year period;

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(2) If the foster home is a specialized foster home, at least
~~thirty~~ sixty hours each year in the preceding two-year period.

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The continuing training required by this section shall comply
with rules the department adopts pursuant to section 5103.0316 of
the Revised Code.

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(B) ~~A~~ At the beginning of a foster caregiver's two-year
certification period, a public children services agency, private
child placing agency, or private noncustodial agency acting as a
recommending agency for a foster caregiver holding a certificate
issued under section 5103.03 of the Revised Code for a family
foster home or specialized foster home may waive up to ~~four~~ eight
hours of continuing training the foster caregiver is otherwise
required by division (A) of this section to complete ~~in a year~~ in
that two-year certification period if all of the following apply:

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(1) The foster caregiver has ~~provided foster care~~ held a
certificate issued under section 5103.03 of the Revised Code for a
family foster home or specialized foster home for at least two
years;

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(2) The foster caregiver has provided foster care for at least ninety days of the twelve months preceding the date the agency issues the waiver;

(3) The foster caregiver has not violated any requirements governing certification of foster homes during the twelve months preceding the date the agency issues the waiver;

(4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under section 5103.035 of the Revised Code for the preceding certification period.

(C) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with division (A) of this section. If the foster caregiver complies with the policy, as determined by the agency, the department may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal. The policy shall include the following:

(1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;

(2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;

(3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.

(D) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the

continuing training required under division (A) of this section in 820
accordance with rules adopted by the department of job and family 821
services if either of the following applies: 822

(1) The foster caregiver has served in active duty outside 823
this state with a branch of the armed forces of the United States 824
for more than thirty days in the preceding two-year period. 825

(2) The foster caregiver has served in active duty as a 826
member of the Ohio organized militia, as defined in section 827
5923.01 of the Revised Code, for more than thirty days in the 828
preceding two-year period and that active duty relates to either 829
an emergency in or outside of this state or to military duty in or 830
outside of this state. 831

Sec. 5103.033. (A) The department of job and family services 832
may issue or renew a certificate under section 5103.03 of the 833
Revised Code to a foster home for the care of a child who is in 834
the custody of a public children services agency or private child 835
placing agency pursuant to an agreement entered into under section 836
5103.15 of the Revised Code regarding a child who was less than 837
six months of age on the date the agreement was executed if the 838
foster caregiver successfully completes the following amount of 839
training: 840

~~(A)~~(1) For an initial certificate, at least twelve hours of 841
preplacement training through a preplacement training program 842
operated under section 5103.034 or 5153.60 of the Revised Code; 843

~~(B)~~(2) For renewal of a certificate, at least ~~twelve~~ 844
twenty-four hours ~~each year~~ of continuing training in the 845
preceding two-year period in accordance with the foster 846
caregiver's needs assessment and continuing training plan 847
developed and implemented under section 5103.035 of the Revised 848
Code. 849

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job and family services: 850
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(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period. 855
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(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state. 858
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Sec. 5103.035. A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver holding a certificate issued under section 5103.03 of the Revised Code shall develop and implement a written needs assessment and continuing training plan for the foster caregiver. Each needs assessment and continuing training plan shall satisfy all of the following requirements: 864
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(A) Be effective for the two-year period the foster caregiver's certificate is in effect; 871
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(B) Be appropriate for the type of foster home the foster caregiver operates; 873
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(C) Require the foster caregiver to successfully complete the ~~courses each continuing training program must provide as specified~~ training required by the department in rules adopted pursuant to 875
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section 5103.0310 or 5103.0311 5103.0316 of the Revised Code, ~~as~~ 878
~~appropriate,~~ and any other courses the agency considers 879

appropriate; 880

(D) Include criteria the agency is to use to determine 881
whether the foster caregiver has successfully completed the 882
courses; 883

(E) Guarantee that the courses the foster caregiver is 884
required to complete are available to the foster caregiver at 885
reasonable times and places; 886

(F) Specify whether the agency will waive any of the hours of 887
continuing training the foster caregiver is required by section 888
5103.032 of the Revised Code to complete ~~annually~~ if the foster 889
caregiver satisfies the conditions for the agency to issue a 890
waiver. If the agency will issue a waiver, the agency shall state 891
in the needs assessment and continuing training plan the number of 892
hours of continuing training, not to exceed ~~four~~ eight, that the 893
agency will waive. 894

Sec. 5103.037. The department of job and family services, in 895
consultation with the departments of youth services, mental 896
health, education, mental retardation and developmental 897
disabilities, and alcohol and drug addiction services, shall 898
develop a model design of a preplacement training program for 899
foster caregivers seeking an initial certificate under section 900
5103.03 of the Revised Code and a model design of a continuing 901
training program for foster caregivers seeking renewal of a 902
certificate under that section. The model design of a preplacement 903
training program shall comply with section 5103.039 of the Revised 904
Code. The model design of a continuing training program shall 905
comply with rules adopted pursuant to division (C) of section 906
~~5103.0310~~ 5103.0316 of the Revised Code. The department of job and 907
family services shall make the model designs available to the Ohio 908
child welfare training program, private child placing agencies, 909
and private noncustodial agencies. 910

Sec. 5103.038. (A) Every other year by a date specified in 911
rules adopted under section 5103.0316 of the Revised Code, each 912
private child placing agency and private noncustodial agency that 913
seeks to operate a preplacement training program or continuing 914
training program under section 5103.034 of the Revised Code shall 915
submit to the department of job and family services a proposal 916
outlining the program. The proposal may be the same as, a 917
modification of, or different from, a model design developed under 918
section 5103.037 of the Revised Code. 919

(B) Not later than thirty days after receiving a proposal 920
under division (A) of this section, the department shall either 921
approve or disapprove the proposed program. The department shall 922
approve a proposed preplacement training program if it complies 923
with section 5103.039 or ~~5103.0310~~ 5103.0311 of the Revised Code, 924
as appropriate, and, in the case of a proposal submitted by an 925
agency operating a preplacement training program at the time the 926
proposal is submitted, the department is satisfied with the 927
agency's operation of the program. The department shall approve a 928
proposed continuing training program if it complies with rules 929
adopted pursuant to division (C) of section 5103.0310 or 5103.0311 930
5103.0316 of the Revised Code, ~~as appropriate,~~ and, in the case of 931
a proposal submitted by an agency operating a continuing training 932
program at the time the proposal is submitted, the department is 933
satisfied with the agency's operation of the program. If the 934
department disapproves a proposal, it shall provide the reason for 935
disapproval to the agency that submitted the proposal and advise 936
the agency of how to revise the proposal so that the department 937
can approve it. 938

(C) The department's approval under division (B) of this 939
section of a proposed preplacement training program or continuing 940
training program is valid only for two years following the year 941

the proposal for the program is submitted to the department under 942
division (A) of this section. 943

Sec. 5103.039. Except for preplacement training programs 944
described in section 5103.0311 of the Revised Code, a preplacement 945
training program shall consist of courses in the role of foster 946
caregivers as a part of the care and treatment of foster children. 947
A foster caregiver shall complete all of the courses, which shall 948
address all of the following: 949

(A) The legal rights and responsibilities of foster 950
caregivers; 951

(B) Public children services agencies, private child placing 952
agencies, and private noncustodial agencies' policies and 953
procedures regarding foster caregivers; 954

(C) The department of job and family services' requirements 955
for certifying foster homes; 956

(D) The effects placement, separation, and attachment issues 957
have on children, their families, and foster caregivers; 958

(E) Foster caregivers' involvement in permanency planning for 959
children and their families; 960

(F) The effects of physical abuse, sexual abuse, emotional 961
abuse, neglect, and substance abuse on normal human growth and 962
development; 963

(G) Behavior management techniques; 964

(H) Effects of caregiving on children's families; 965

(I) Cultural issues in placement; 966

(J) Prevention, recognition, and management of communicable 967
diseases; 968

(K) Community health and social services available to 969
children and their families; 970

(L) ~~Cardiopulmonary resuscitation and first aid;~~ 971

~~(M)~~ The substance of section ~~2151.62~~ 2152.72 of the Revised 972
Code. A course addressing section ~~2151.62~~ 2152.72 of the Revised 973
Code shall be not less than one hour long. 974

~~(N)~~(M) In the case of a preplacement training program for a 975
foster caregiver seeking certification for a specialized foster 976
home, additional issues specific to the types of children placed 977
in specialized foster homes, including cardiopulmonary 978
resuscitation and first aid, appropriate behavioral intervention 979
techniques, such as de-escalation, self-defense, and physical 980
restraint techniques and the appropriate use of ~~physical~~ 981
~~restraints and up to eight hours of special education surrogate~~ 982
~~parent training~~ such techniques. 983

Sec. 5103.0311. (A) A preplacement training program for 984
foster caregivers described in section 5103.033 of the Revised 985
Code shall consist of courses that address all of the following: 986

(1) The legal rights and responsibilities of foster 987
caregivers; 988

(2) The policies and procedures of public children services 989
agencies, private child placing agencies, and private noncustodial 990
agencies regarding foster caregivers; 991

(3) The department of job and family services' requirements 992
for certifying foster homes; 993

(4) Infant care; 994

(5) ~~Cardiopulmonary resuscitation and first aid;~~ 995

~~(6)~~ Early childhood development. 996

(B) A continuing training program for foster caregivers 997
described in section 5103.033 of the Revised Code shall ~~consist of~~ 998
~~courses that address both of the following:~~ 999

(1) Infant care;	1000
(2) Early childhood development, including developmentally appropriate activities meet the requirements of rules adopted pursuant to section 5103.0316 of the Revised Code.	1001 1002 1003
Sec. 5103.0316. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:	1004 1005 1006 1007 1008
(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;	1009 1010 1011 1012 1013 1014
(B) Requirements governing the department's compensation of private child placing agencies and private noncustodial agencies under sections 5103.0312 and 5103.0313 of the Revised Code;	1015 1016 1017
(C) <u>Requirements governing the continuing training required by sections 5103.032 and 5103.033 of the Revised Code;</u>	1018 1019
<u>(D) Any other matter the department considers appropriate.</u>	1020
Sec. 5103.0317. A foster home may not receive more than five children apart from their parents, guardian, or custodian, except in order to <u>any of the following circumstances:</u>	1021 1022 1023
<u>(A) To accommodate a sibling group or the remaining members of a sibling group;</u>	1024 1025
<u>(B) When the additional child or children are related to the foster caregiver by blood or marriage;</u>	1026 1027

(C) When the additional child or children are foster children 1028
who previously resided in the foster home; 1029

(D) When the additional child or children are the children of 1030
a foster child who resides in the foster home. 1031

Sec. 5120.65. (A) The department of rehabilitation and 1032
correction may establish in one or more of the institutions for 1033
women operated by the department a prison nursery program under 1034
which eligible inmates and children born to them while in the 1035
custody of the department may reside together in the institution. 1036
If the department establishes a prison nursery program in one or 1037
more institutions under this section, sections 5120.651 to 1038
5120.657 of the Revised Code apply regarding the program. If the 1039
department establishes a prison nursery program and an inmate 1040
participates in the program, neither the inmate's participation in 1041
the program nor any provision of sections 5120.65 to ~~5120.658~~ 1042
5120.657 of the Revised Code affects, modifies, or interferes with 1043
the inmate's custodial rights of the child or establishes legal 1044
custody of the child with the department. 1045

(B) As used in sections 5120.651 to 5120.657 of the Revised 1046
Code: 1047

(1) "Prison nursery program" means the prison nursery program 1048
established by the department of rehabilitation and correction 1049
under this section, if one is so established. 1050

(2) "Public assistance" has the same meaning as in section 1051
5101.58 of the Revised Code. 1052

(3) "Support" means amounts to be paid under a support order. 1053

(4) "Support order" has the same meaning as in section 1054
~~3113.21~~ 3119.01 of the Revised Code. 1055

Sec. 5153.60. (A) The department of job and family services 1056

shall establish a statewide program that provides all of the 1057
following: 1058

(1) The training section 5153.122 of the Revised Code 1059
requires public children services agency caseworkers and 1060
supervisors to complete; 1061

(2) The preplacement and continuing training described in 1062
sections 5103.034, 5103.039, ~~5103.0310~~, and 5103.0311 of the 1063
Revised Code that foster caregivers are required by sections 1064
5103.031, 5103.032, and 5103.033 of the Revised Code to obtain; 1065

(3) The education programs for adoption assessors required by 1066
section 3107.014 of the Revised Code. 1067

(B) The program established pursuant to division (A) of this 1068
section shall be called the "Ohio child welfare training program." 1069

Section 2. That existing sections 109.572, 2151.86, 5103.02, 1070
5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 1071
5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 1072
5153.60 and section 5103.0310 of the Revised Code are hereby 1073
repealed. 1074

Section 3. That Section 160 of Am. Sub. H.B. 95 of the 125th 1075
General Assembly is hereby repealed. 1076

Section 4. Section 5103.02 of the Revised Code is presented 1077
in this act as a composite of the section as amended by both Sub. 1078
H.B. 332 and Sub. H.B. 448 of the 123rd General Assembly. The 1079
General Assembly, applying the principle stated in division (B) of 1080
section 1.52 of the Revised Code that amendments are to be 1081
harmonized if reasonably capable of simultaneous operation, finds 1082
that the composite is the resulting version of the section in 1083
effect prior to the effective date of the section as presented in 1084
this act. 1085