

As Reported by the House Human Services and Aging Committee

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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

A B I L L

To amend sections 2151.86, 5103.03, 5103.031, 1
5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 2
5103.039, 5103.0311, 5103.0316, 5103.0317, 3
5120.65, and 5153.60 and to repeal section 4
5103.0310 of the Revised Code to revise foster 5
caregiver training requirements, add additional 6
offenses to those that disqualify a person as a 7
person responsible for a child's care in 8
out-of-home care or prospective adoptive parent, 9
and permit the Department of Job and Family 10
Services to seek injunctive relief in certain 11
circumstances. 12

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

Section 1. That sections 2151.86, 5103.03, 5103.031, 13
5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 14
5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 of the 15
Revised Code be amended to read as follows: 16

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 17
entity that appoints or employs any person responsible for a 18

child's care in out-of-home care shall request the superintendent 19
of BCII to conduct a criminal records check with respect to any 20
person who is under final consideration for appointment or 21
employment as a person responsible for a child's care in 22
out-of-home care. 23

(2) The administrative director of an agency, or attorney, 24
who arranges an adoption for a prospective adoptive parent shall 25
request the superintendent of BCII to conduct a criminal records 26
check with respect to that prospective adoptive parent. 27

(3) Before a recommending agency submits a recommendation to 28
the department of job and family services on whether the 29
department should issue a certificate to a foster home under 30
section 5103.03 of the Revised Code, the administrative director 31
of the agency shall request that the superintendent of BCII 32
conduct a criminal records check with respect to the prospective 33
foster caregiver and all other persons eighteen years of age or 34
older who reside with the foster caregiver. 35

(B) If a person subject to a criminal records check does not 36
present proof that the person has been a resident of this state 37
for the five-year period immediately prior to the date upon which 38
the criminal records check is requested or does not provide 39
evidence that within that five-year period the superintendent of 40
BCII has requested information about the person from the federal 41
bureau of investigation in a criminal records check, the 42
appointing or hiring officer, administrative director, or attorney 43
shall request that the superintendent of BCII obtain information 44
from the federal bureau of investigation as a part of the criminal 45
records check. If the person subject to the criminal records check 46
presents proof that the person has been a resident of this state 47
for that five-year period, the officer, director, or attorney may 48
request that the superintendent of BCII include information from 49
the federal bureau of investigation in the criminal records check. 50

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

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

(C)(1) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of job and family services shall

not issue a certificate under section 5103.03 of the Revised Code 83
authorizing a prospective foster caregiver to operate a foster 84
home, and no probate court shall issue a final decree of adoption 85
or an interlocutory order of adoption making a person an adoptive 86
parent if the person or, in the case of a prospective foster 87
caregiver, any person eighteen years of age or older who resides 88
with the prospective foster caregiver previously has been 89
convicted of or pleaded guilty to any of the following, unless the 90
person meets rehabilitation standards established in rules adopted 91
under division (F) of this section: 92

(a) A violation of section 2903.01, 2903.02, 2903.03, 93
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 94
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 95
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 96
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 97
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 98
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 99
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 100
violation of section 2905.04 of the Revised Code as it existed 101
prior to July 1, 1996, a violation of section 2919.23 of the 102
Revised Code that would have been a violation of section 2905.04 103
of the Revised Code as it existed prior to July 1, 1996, had the 104
violation been committed prior to that date, a violation of 105
section 2925.11 of the Revised Code that is not a minor drug 106
possession offense, or felonious sexual penetration in violation 107
of former section 2907.12 of the Revised Code; 108

(b) A violation of an existing or former law of this state, 109
any other state, or the United States that is substantially 110
equivalent to any of the offenses described in division (C)(1)(a) 111
of this section. 112

(2) ~~The department of job and family services shall not issue~~ 113
~~a certificate under section 5103.03 of the Revised Code~~ 114

~~authorizing a prospective foster caregiver to operate a foster 115~~
~~home if the department has been notified that the foster caregiver 116~~
~~or any person eighteen years of age or older who resides with the 117~~
~~foster caregiver has been convicted of or pleaded guilty to a 118~~
~~violation of one of the following offenses, unless the foster 119~~
~~caregiver or other person meets rehabilitation standards 120~~
~~established in rules adopted under division (F) of this section: 121~~

~~(a) Any offense listed in division (C)(1)(a) of this section 122~~
~~or section 2909.02 or 2909.03 of the Revised Code; 123~~

~~(b) An existing or former law of this state, any other state, 124~~
~~or the United States that is substantially equivalent to any 125~~
~~offense listed in division (C)(1)(a) of this section or section 126~~
~~2909.02 or 2909.03 of the Revised Code. 127~~

~~(3) The appointing or hiring officer may appoint or employ a 128~~
~~person as a person responsible for a child's care in out-of-home 129~~
~~care conditionally until the criminal records check required by 130~~
~~this section is completed and the officer receives the results of 131~~
~~the criminal records check. If the results of the criminal records 132~~
~~check indicate that, pursuant to division (C)(1) of this section, 133~~
~~the person subject to the criminal records check does not qualify 134~~
~~for appointment or employment, the officer shall release the 135~~
~~person from appointment or employment. 136~~

~~(D) The appointing or hiring officer, administrative 137~~
~~director, or attorney shall pay to the bureau of criminal 138~~
~~identification and investigation the fee prescribed pursuant to 139~~
~~division (C)(3) of section 109.572 of the Revised Code for each 140~~
~~criminal records check conducted in accordance with that section 141~~
~~upon a request pursuant to division (A) of this section. The 142~~
~~officer, director, or attorney may charge the person subject to 143~~
~~the criminal records check a fee for the costs the officer, 144~~
~~director, or attorney incurs in obtaining the criminal records 145~~
~~check. A fee charged under this division shall not exceed the 146~~

amount of fees the officer, director, or attorney pays for the 147
criminal records check. If a fee is charged under this division, 148
the officer, director, or attorney shall notify the person who is 149
the applicant at the time of the person's initial application for 150
appointment or employment, an adoption to be arranged, or a 151
certificate to operate a foster home of the amount of the fee and 152
that, unless the fee is paid, the person who is the applicant will 153
not be considered for appointment or employment or as an adoptive 154
parent or foster caregiver. 155

(E) The report of any criminal records check conducted by the 156
bureau of criminal identification and investigation in accordance 157
with section 109.572 of the Revised Code and pursuant to a request 158
made under division (A) of this section is not a public record for 159
the purposes of section 149.43 of the Revised Code and shall not 160
be made available to any person other than the person who is the 161
subject of the criminal records check or the person's 162
representative; the appointing or hiring officer, administrative 163
director, or attorney requesting the criminal records check or the 164
officer's, director's, or attorney's representative; the 165
department of job and family services or a county department of 166
job and family services; and any court, hearing officer, or other 167
necessary individual involved in a case dealing with the denial of 168
employment, a final decree of adoption or interlocutory order of 169
adoption, or a foster home certificate. 170

(F) The director of job and family services shall adopt rules 171
in accordance with Chapter 119. of the Revised Code to implement 172
this section. The rules shall include rehabilitation standards a 173
person who has been convicted of or pleaded guilty to an offense 174
listed in division (C)(1) ~~or (2)~~ of this section must meet for an 175
appointing or hiring officer to appoint or employ the person as a 176
person responsible for a child's care in out-of-home care, a 177
probate court to issue a final decree of adoption or interlocutory 178

order of adoption making the person an adoptive parent, or the 179
department to issue a certificate authorizing the prospective 180
foster caregiver to operate a foster home. 181

(G) An appointing or hiring officer, administrative director, 182
or attorney required by division (A) of this section to request a 183
criminal records check shall inform each person who is the 184
applicant, at the time of the person's initial application for 185
appointment or employment, an adoption to be arranged, or a foster 186
home certificate, that the person subject to the criminal records 187
check is required to provide a set of impressions of the person's 188
fingerprints and that a criminal records check is required to be 189
conducted and satisfactorily completed in accordance with section 190
109.572 of the Revised Code. 191

(H) As used in this section: 192

(1) "Children's hospital" means any of the following: 193

(a) A hospital registered under section 3701.07 of the 194
Revised Code that provides general pediatric medical and surgical 195
care, and in which at least seventy-five per cent of annual 196
inpatient discharges for the preceding two calendar years were 197
individuals less than eighteen years of age; 198

(b) A distinct portion of a hospital registered under section 199
3701.07 of the Revised Code that provides general pediatric 200
medical and surgical care, has a total of at least one hundred 201
fifty registered pediatric special care and pediatric acute care 202
beds, and in which at least seventy-five per cent of annual 203
inpatient discharges for the preceding two calendar years were 204
individuals less than eighteen years of age; 205

(c) A distinct portion of a hospital, if the hospital is 206
registered under section 3701.07 of the Revised Code as a 207
children's hospital and the children's hospital meets all the 208
requirements of division (H)(3)(a) of this section. 209

(2) "Criminal records check" has the same meaning as in	210
section 109.572 of the Revised Code.	211
(3) "Minor drug possession offense" has the same meaning as	212
in section 2925.01 of the Revised Code.	213
(4) "Person responsible for a child's care in out-of-home	214
care" has the same meaning as in section 2151.011 of the Revised	215
Code, except that it does not include a prospective employee of	216
the department of youth services or a person responsible for a	217
child's care in a hospital or medical clinic other than a	218
children's hospital.	219
(5) "Person subject to a criminal records check" means the	220
following:	221
(a) A person who is under final consideration for appointment	222
or employment as a person responsible for a child's care in	223
out-of-home care;	224
(b) A prospective adoptive parent;	225
(c) A prospective foster caregiver;	226
(d) A person eighteen years old or older who resides with a	227
prospective foster caregiver.	228
(6) "Recommending agency" means a public children services	229
agency, private child placing agency, or private noncustodial	230
agency to which the department of job and family services has	231
delegated a duty to inspect and approve foster homes.	232
(7) "Superintendent of BCII" means the superintendent of the	233
bureau of criminal identification and investigation.	234
Sec. 5103.03. (A) The director of job and family services	235
shall adopt rules as necessary for the adequate and competent	236
management of institutions or associations.	237
(B)(1) Except for facilities under the control of the	238

department of youth services, places of detention for children 239
established and maintained pursuant to sections 2151.34 to 240
2151.3415 of the Revised Code, and child day-care centers subject 241
to Chapter 5104. of the Revised Code, the department of job and 242
family services every two years shall pass upon the fitness of 243
every institution and association that receives, or desires to 244
receive and care for children, or places children in private 245
homes. 246

(2) When the department of job and family services is 247
satisfied as to the care given such children, and that the 248
requirements of the statutes and rules covering the management of 249
such institutions and associations are being complied with, it 250
shall issue to the institution or association a certificate to 251
that effect. A certificate is valid for two years, unless sooner 252
revoked by the department. When determining whether an institution 253
or association meets a particular requirement for certification, 254
the department may consider the institution or association to have 255
met the requirement if the institution or association shows to the 256
department's satisfaction that it has met a comparable requirement 257
to be accredited by a nationally recognized accreditation 258
organization. 259

(3) The department may issue a temporary certificate valid 260
for less than one year authorizing an institution or association 261
to operate until minimum requirements have been met. 262

(C) The department may revoke a certificate if it finds that 263
the institution or association is in violation of law or rule. No 264
juvenile court shall commit a child to an association or 265
institution that is required to be certified under this section if 266
its certificate has been revoked or, if after revocation, the date 267
of reissue is less than fifteen months prior to the proposed 268
commitment. 269

(D) Every two years, on a date specified by the department, 270

each institution or association desiring certification or 271
recertification shall submit to the department a report showing 272
its condition, management, competency to care adequately for the 273
children who have been or may be committed to it or to whom it 274
provides care or services, the system of visitation it employs for 275
children placed in private homes, and other information the 276
department requires. 277

(E) The department shall, not less than once each year, send 278
a list of certified institutions and associations to each juvenile 279
court and certified association or institution. 280

(F) No person shall receive children or receive or solicit 281
money on behalf of such an institution or association not so 282
certified or whose certificate has been revoked. 283

(G) The director may delegate by rule any duties imposed on 284
it by this section to inspect and approve family foster homes and 285
specialized foster homes to public children services agencies, 286
private child placing agencies, or private noncustodial agencies. 287

(H) If the director of job and family services determines 288
that an institution or association ~~is operating a facility~~ that 289
cares for children is operating without a certificate, the 290
director may petition the court of common pleas in the county in 291
which the ~~facility~~ institution or association is located for an 292
order enjoining ~~the~~ its operation ~~of that facility~~. The court 293
shall grant injunctive relief upon a showing that the institution 294
or association is operating ~~a facility~~ without a certificate. 295

(I) If both of the following are the case, the director of 296
job and family services may petition the court of common pleas of 297
any county in which an institution or association that holds a 298
certificate under this section operates for an order, and the 299
court may issue an order, preventing the institution or 300
association from receiving additional children into its care or an 301
order removing children from its care: 302

(1) The department has evidence that the life, health, or 303
safety of one or more children in the care of the institution or 304
association is at imminent risk. 305

(2) The department has issued a proposed adjudication order 306
pursuant to Chapter 119. of the Revised Code to deny renewal of or 307
revoke the certificate of the institution or association. 308

Sec. 5103.031. ~~(A)~~ Except as provided in section 5103.033 of 309
the Revised Code, the department of job and family services may 310
not issue a certificate under section 5103.03 of the Revised Code 311
to a foster home unless the foster caregiver successfully 312
completes the following amount of preplacement training through 313
the Ohio child welfare training program or a preplacement training 314
program operated under section 5103.034 of the Revised Code: 315

~~(1)~~(A) If the foster home is a family foster home, at least 316
~~twelve~~ twenty-four hours; 317

~~(2)~~(B) If the foster home is a specialized foster home, at 318
least thirty-six hours. 319

~~(B) No child may be placed in a family foster home unless the~~ 320
~~foster caregiver completes at least twelve additional hours of~~ 321
~~preplacement training through the Ohio child welfare training~~ 322
~~program or a preplacement training program operated under section~~ 323
~~5103.034 of the Revised Code.~~ 324

Sec. 5103.032. (A) Except as provided in divisions (B) ~~and~~, 325
(C), ~~and~~ (D) of this section and in section 5103.033 of the 326
Revised Code, the department of job and family services may not 327
renew a foster home certificate under section 5103.03 of the 328
Revised Code unless the foster caregiver successfully completes 329
the following amount of continuing training in accordance with the 330
foster caregiver's needs assessment and continuing training plan 331
developed and implemented under section 5103.035 of the Revised 332
Code: 333

(1) If the foster home is a family foster home, at least 334
~~twenty~~ forty hours ~~each year in the preceding two-year period;~~ 335

(2) If the foster home is a specialized foster home, at least 336
~~thirty~~ sixty hours ~~each year in the preceding two-year period.~~ 337

The continuing training required by this section shall comply 338
with rules the department adopts pursuant to section 5103.0316 of 339
the Revised Code. 340

(B) ~~A~~ At the beginning of a foster caregiver's two-year 341
certification period, a public children services agency, private 342
child placing agency, or private noncustodial agency acting as a 343
recommending agency for a foster caregiver holding a certificate 344
issued under section 5103.03 of the Revised Code for a family 345
foster home or specialized foster home may waive up to ~~four~~ eight 346
hours of continuing training the foster caregiver is otherwise 347
required by division (A) of this section to complete ~~in a year in~~ 348
that two-year certification period if all of the following apply: 349

(1) The foster caregiver has ~~provided foster care~~ held a 350
certificate issued under section 5103.03 of the Revised Code for a 351
family foster home or specialized foster home for at least two 352
years; 353

(2) The foster caregiver has provided foster care for at 354

least ninety days of the twelve months preceding the date the 355
agency issues the waiver; 356

(3) The foster caregiver has not violated any requirements 357
governing certification of foster homes during the twelve months 358
preceding the date the agency issues the waiver; 359

(4) The foster caregiver has complied in full with the needs 360
assessment and continuing training plan developed for the foster 361
caregiver under section 5103.035 of the Revised Code for the 362
preceding certification period. 363

(C) Each recommending agency shall establish and implement a 364
policy regarding good cause for a foster caregiver's failure to 365
complete the continuing training in accordance with division (A) 366
of this section. If the foster caregiver complies with the policy, 367
as determined by the agency, the department may renew the foster 368
caregiver's foster home certificate. The agency shall submit the 369
policy to the department and provide a copy to each foster home 370
the agency recommends for certification or renewal. The policy 371
shall include the following: 372

(1) What constitutes good cause, including documented 373
illness, critical emergencies, and lack of accessible training 374
programs; 375

(2) Procedures for developing a scheduled corrective action 376
plan that provides for prompt completion of the continuing 377
training; 378

(3) Procedures for recommending revocation of the foster home 379
certificate if the foster caregiver fails to comply with the 380
corrective action plan. 381

(D) A foster caregiver who has served in active duty outside 382
Ohio with a branch of the armed forces of the United States for 383
more than thirty days in the preceding two-year period or has 384
served in active duty as a member of the Ohio national guard 385
during an emergency in Ohio that lasted longer than thirty days of 386
the preceding two-year period shall be required to complete a 387
reduced amount of continuing training required under division (A) 388
of this section in accordance with rules adopted by the department 389
of job and family services. 390

Sec. 5103.033. The department of job and family services may 391
issue or renew a certificate under section 5103.03 of the Revised 392
Code to a foster home for the care of a child who is in the 393
custody of a public children services agency or private child 394
placing agency pursuant to an agreement entered into under section 395
5103.15 of the Revised Code regarding a child who was less than 396
six months of age on the date the agreement was executed if the 397
foster caregiver successfully completes the following amount of 398
training: 399

(A) For an initial certificate, at least twelve hours of 400
preplacement training through the Ohio child welfare training 401
program or a preplacement training program operated under section 402
5103.034 of the Revised Code; 403

(B) For renewal of a certificate, at least ~~twelve~~ twenty-four 404
hours ~~each year~~ in the preceding two-year period of continuing 405
training in accordance with the foster caregiver's needs 406
assessment and continuing training plan developed and implemented 407
under section 5103.035 of the Revised Code; 408

(C) For a foster caregiver who has served in active duty 409
outside Ohio with a branch of the armed forces of the United 410
States for more than thirty days of the preceding two-year period 411
or has served in active duty as a member of the Ohio national 412
guard during an emergency in Ohio that lasted longer than thirty 413
days of the preceding two-year period, a reduced amount of 414
continuing training required under division (B) of this section in 415
accordance with rules adopted by the department of job and family 416
services. 417

Sec. 5103.035. A public children services agency, private 418
child placing agency, or private noncustodial agency acting as a 419
recommending agency for a foster caregiver holding a certificate 420
issued under section 5103.03 of the Revised Code shall develop and 421
implement a written needs assessment and continuing training plan 422
for the foster caregiver. Each needs assessment and continuing 423
training plan shall satisfy all of the following requirements: 424

(A) Be effective for the two-year period the foster 425
caregiver's certificate is in effect; 426

(B) Be appropriate for the type of foster home the foster 427
caregiver operates; 428

(C) Require the foster caregiver to successfully complete the 429
~~courses each continuing training program must provide as specified~~ 430
training required by the department in rules adopted pursuant to 431
section 5103.0310 or 5103.0311 5103.0316 of the Revised Code, ~~as~~ 432
~~appropriate,~~ and any other courses the agency considers 433
appropriate; 434

(D) Include criteria the agency is to use to determine 435
whether the foster caregiver has successfully completed the 436
courses; 437

(E) Guarantee that the courses the foster caregiver is 438

required to complete are available to the foster caregiver at 439
reasonable times and places; 440

(F) Specify whether the agency will waive any of the hours of 441
continuing training the foster caregiver is required by section 442
5103.032 of the Revised Code to complete ~~annually~~ if the foster 443
caregiver satisfies the conditions for the agency to issue a 444
waiver. If the agency will issue a waiver, the agency shall state 445
in the needs assessment and continuing training plan the number of 446
hours of continuing training, not to exceed ~~four~~ eight, that the 447
agency will waive. 448

Sec. 5103.037. The department of job and family services, in 449
consultation with the departments of youth services, mental 450
health, education, mental retardation and developmental 451
disabilities, and alcohol and drug addiction services, shall 452
develop a model design of a preplacement training program for 453
foster caregivers seeking an initial certificate under section 454
5103.03 of the Revised Code and a model design of a continuing 455
training program for foster caregivers seeking renewal of a 456
certificate under that section. The model design of a preplacement 457
training program shall comply with section 5103.039 of the Revised 458
Code. The model design of a continuing training program shall 459
comply with rules adopted pursuant to division (C) of section 460
~~5103.0310~~ 5103.0316 of the Revised Code. The department of job and 461
family services shall make the model designs available to public 462
children services agencies, private child placing agencies, and 463
private noncustodial agencies. 464

Sec. 5103.038. (A) Every other year by a date specified in 465
rules adopted under section 5103.0316 of the Revised Code, each 466
public children services agency, private child placing agency, and 467
private noncustodial agency that seeks to operate a preplacement 468
training program or continuing training program under section 469

03.034 of the Revised Code shall submit to the department of job 470
and family services a proposal outlining the program. The proposal 471
may be the same as, a modification of, or different from, a model 472
design developed under section 5103.037 of the Revised Code. The 473
proposal shall include a budget for the program regarding the cost 474
associated with trainers, obtaining sites at which the training is 475
provided, and the administration of the training. The budget shall 476
be consistent with rules adopted under section 5103.0316 of the 477
Revised Code governing the department of job and family services' 478
reimbursement of public children services agencies, private child 479
placing agencies, and private noncustodial agencies under section 480
5103.0313 of the Revised Code. 481

(B) Not later than thirty days after receiving a proposal 482
under division (A) of this section, the department shall either 483
approve or disapprove the proposed program. The department shall 484
approve a proposed preplacement training program if it complies 485
with section 5103.039 or ~~5103.0310~~ 5103.0311 of the Revised Code, 486
as appropriate, and, in the case of a proposal submitted by an 487
agency operating a preplacement training program at the time the 488
proposal is submitted, the department is satisfied with the 489
agency's operation of the program. The department shall approve a 490
proposed continuing training program if it complies with rules 491
adopted pursuant to division (C) of section 5103.0310 or 5103.0311 492
5103.0316 of the Revised Code, ~~as appropriate,~~ and, in the case of 493
a proposal submitted by an agency operating a continuing training 494
program at the time the proposal is submitted, the department is 495
satisfied with the agency's operation of the program. The 496
department shall disapprove a proposed program if the program's 497
budget is not consistent with rules adopted under section 498
5103.0316 of the Revised Code governing the department's 499
reimbursement of public children services agencies, private child 500
placing agencies, and private noncustodial agencies under section 501
5103.0313 of the Revised Code. If the department disapproves a 502

proposal, it shall provide the reason for disapproval to the 503
agency that submitted the proposal and advise the agency of how to 504
revise the proposal so that the department can approve it. 505

(C) The department's approval under division (B) of this 506
section of a proposed preplacement training program or continuing 507
training program is valid only for two years following the year 508
the proposal for the program is submitted to the department under 509
division (A) of this section. 510

Sec. 5103.039. Except for preplacement training programs 511
described in section 5103.0311 of the Revised Code, a preplacement 512
training program shall consist of courses in the role of foster 513
caregivers as a part of the care and treatment of foster children. 514
A foster caregiver shall complete all of the courses, which shall 515
address all of the following: 516

(A) The legal rights and responsibilities of foster 517
caregivers; 518

(B) Public children services agencies, private child placing 519
agencies, and private noncustodial agencies' policies and 520
procedures regarding foster caregivers; 521

(C) The department of job and family services' requirements 522
for certifying foster homes; 523

(D) The effects placement, separation, and attachment issues 524
have on children, their families, and foster caregivers; 525

(E) Foster caregivers' involvement in permanency planning for 526
children and their families; 527

(F) The effects of physical abuse, sexual abuse, emotional 528
abuse, neglect, and substance abuse on normal human growth and 529
development; 530

(G) Behavior management techniques; 531

(H) Effects of caregiving on children's families;	532
(I) Cultural issues in placement;	533
(J) Prevention, recognition, and management of communicable diseases;	534 535
(K) Community health and social services available to children and their families;	536 537
(L) Cardiopulmonary resuscitation and first aid;	538
(M) The substance of section 2151.62 <u>2152.72</u> of the Revised Code. A course addressing section 2151.62 <u>2152.72</u> of the Revised Code shall be not less than one hour long.	539 540 541
(N) In the case of a preplacement training program for a foster caregiver seeking certification for a specialized treatment foster home, additional issues specific to the types of children placed in specialized treatment foster homes, including <u>appropriate behavioral intervention techniques, such as de-escalation, self-defense, and physical restraint techniques</u> and the appropriate use of physical restraints and up to eight hours of special education surrogate parent training <u>such techniques</u> .	542 543 544 545 546 547 548 549
Sec. 5103.0311. (A) A preplacement training program for foster caregivers described in section 5103.033 of the Revised Code shall consist of courses that address all of the following:	550 551 552
(1) The legal rights and responsibilities of foster caregivers;	553 554
(2) The policies and procedures of public children services agencies, private child placing agencies, and private noncustodial agencies regarding foster caregivers;	555 556 557
(3) The department of job and family services' requirements for certifying foster homes;	558 559
(4) Infant care;	560

(5) Cardiopulmonary resuscitation and first aid; 561

(6) Early childhood development. 562

(B) A continuing training program for foster caregivers 563
described in section 5103.033 of the Revised Code shall ~~consist of~~ 564
~~courses that address both of the following:~~ 565

~~(1) Infant care;~~ 566

~~(2) Early childhood development, including developmentally~~ 567
~~appropriate activities~~ meet the requirements of rules adopted 568
pursuant to section 5103.0316 of the Revised Code. 569

Sec. 5103.0316. ~~Not later than ninety days after January 1,~~ 570
~~2001, the~~ The department of job and family services shall adopt 571
rules in accordance with Chapter 119. of the Revised Code as 572
necessary for the efficient administration of sections 5103.031 to 573
5103.0316 of the Revised Code. The rules shall provide for all of 574
the following: 575

(A) For the purpose of section 5103.038 of the Revised Code, 576
the date by which a public children services agency, private child 577
placing agency, or private noncustodial agency that seeks to 578
operate a preplacement training program or continuing training 579
program under section 5103.034 of the Revised Code must submit to 580
the department a proposal outlining the program; 581

(B) Requirements governing the department's reimbursement of 582
the Ohio child welfare training program and public children 583
services agencies, private child placing agencies, and private 584
noncustodial agencies under sections 5103.0312 and 5103.0313 of 585
the Revised Code; 586

(C) Requirements governing the continuing training required 587
by sections 5103.032 and 5103.033 of the Revised Code. 588

(D) Any other matter the department considers appropriate. 589

Sec. 5103.0317. A foster home may not receive more than five 590
children apart from their parents, guardian, or custodian, except 591
in ~~order to~~ any of the following circumstances: 592

(A) To accommodate a sibling group or the remaining members 593
of a sibling group; 594

(B) When the additional child or children are related to the 595
foster caregiver by blood or marriage; 596

(C) When the additional child or children are foster children 597
who previously resided in the foster home; 598

(D) When the additional child or children are the children of 599
a foster child who resides in the foster home. 600

Sec. 5120.65. (A) The department of rehabilitation and 601
correction may establish in one or more of the institutions for 602
women operated by the department a prison nursery program under 603
which eligible inmates and children born to them while in the 604
custody of the department may reside together in the institution. 605
If the department establishes a prison nursery program in one or 606
more institutions under this section, sections 5120.651 to 607
5120.657 of the Revised Code apply regarding the program. If the 608
department establishes a prison nursery program and an inmate 609
participates in the program, neither the inmate's participation in 610
the program nor any provision of sections 5120.65 to ~~5120.658~~ 611
5120.657 of the Revised Code affects, modifies, or interferes with 612
the inmate's custodial rights of the child or establishes legal 613
custody of the child with the department. 614

(B) As used in sections 5120.651 to 5120.657 of the Revised 615
Code: 616

(1) "Prison nursery program" means the prison nursery program 617
established by the department of rehabilitation and correction 618

under this section, if one is so established. 619

(2) "Public assistance" has the same meaning as in section 620
5101.58 of the Revised Code. 621

(3) "Support" means amounts to be paid under a support order. 622

(4) "Support order" has the same meaning as in section 623
~~3113.21~~ 3119.01 of the Revised Code. 624

Sec. 5153.60. The department of job and family services shall 625
establish a statewide program that provides the training section 626
5153.122 of the Revised Code requires public children services 627
agency caseworkers and supervisors to complete. The program may 628
also provide the preplacement and continuing training described in 629
sections 5103.039, ~~5103.0310~~, and 5103.0311 of the Revised Code 630
that foster caregivers are required by sections 5103.031, 631
5103.032, and 5103.033 of the Revised Code to obtain. The program 632
shall be called the "Ohio child welfare training program." 633
634

Section 2. That existing sections 2151.86, 5103.03, 5103.031, 635
5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 636
5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 and section 637
5103.0310 of the Revised Code are hereby repealed. 638