

**As Reported by the Senate Health, 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, Aslanides, Barrett, Beatty, Bocchieri,
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Hartnett, Harwood, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Niehaus,
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D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener,
Williams, Wilson, Wolpert, Woodard, Yates**

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 foster 11
caregivers to make application to agencies 12
arranging adoptions, permit the Department of Job 13
and Family Services to seek injunctive relief in 14
certain circumstances, and eliminate the duty of 15
the Legislative Office of Education Oversight to 16

review certain types of Head Start agreements. 17

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

Section 1. That sections 109.572, 2151.86, 5103.02, 5103.03, 18
5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 19
5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 of 20
the Revised Code be amended to read as follows: 21

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 22
section ~~2151.86~~, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 23
or 5153.111 of the Revised Code, a completed form prescribed 24
pursuant to division (C)(1) of this section, and a set of 25
fingerprint impressions obtained in the manner described in 26
division (C)(2) of this section, the superintendent of the bureau 27
of criminal identification and investigation shall conduct a 28
criminal records check in the manner described in division (B) of 29
this section to determine whether any information exists that 30
indicates that the person who is the subject of the request 31
previously has been convicted of or pleaded guilty to any of the 32
following: 33

(a) A violation of section 2903.01, 2903.02, 2903.03, 34
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 36
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 37
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 38
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 39
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 40
2925.06, or 3716.11 of the Revised Code, felonious sexual 41
penetration in violation of former section 2907.12 of the Revised 42
Code, a violation of section 2905.04 of the Revised Code as it 43
existed prior to July 1, 1996, a violation of section 2919.23 of 44

the Revised Code that would have been a violation of section 45
2905.04 of the Revised Code as it existed prior to July 1, 1996, 46
had the violation been committed prior to that date, or a 47
violation of section 2925.11 of the Revised Code that is not a 48
minor drug possession offense; 49

(b) A violation of an existing or former law of this state, 50
any other state, or the United States that is substantially 51
equivalent to any of the offenses listed in division (A)(1)(a) of 52
this section. 53

(2) On receipt of a request pursuant to section 5123.081 of 54
the Revised Code with respect to an applicant for employment in 55
any position with the department of mental retardation and 56
developmental disabilities, pursuant to section 5126.28 of the 57
Revised Code with respect to an applicant for employment in any 58
position with a county board of mental retardation and 59
developmental disabilities, or pursuant to section 5126.281 of the 60
Revised Code with respect to an applicant for employment in a 61
direct services position with an entity contracting with a county 62
board for employment, a completed form prescribed pursuant to 63
division (C)(1) of this section, and a set of fingerprint 64
impressions obtained in the manner described in division (C)(2) of 65
this section, the superintendent of the bureau of criminal 66
identification and investigation shall conduct a criminal records 67
check. The superintendent shall conduct the criminal records check 68
in the manner described in division (B) of this section to 69
determine whether any information exists that indicates that the 70
person who is the subject of the request has been convicted of or 71
pleaded guilty to any of the following: 72

(a) A violation of section 2903.01, 2903.02, 2903.03, 73
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 74
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 75
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 76

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 77
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 78
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 79
3716.11 of the Revised Code; 80

(b) An existing or former municipal ordinance or law of this 81
state, any other state, or the United States that is substantially 82
equivalent to any of the offenses listed in division (A)(2)(a) of 83
this section. 84

(3) On receipt of a request pursuant to section 173.41, 85
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 86
form prescribed pursuant to division (C)(1) of this section, and a 87
set of fingerprint impressions obtained in the manner described in 88
division (C)(2) of this section, the superintendent of the bureau 89
of criminal identification and investigation shall conduct a 90
criminal records check with respect to any person who has applied 91
for employment in a position that involves providing direct care 92
to an older adult. The superintendent shall conduct the criminal 93
records check in the manner described in division (B) of this 94
section to determine whether any information exists that indicates 95
that the person who is the subject of the request previously has 96
been convicted of or pleaded guilty to any of the following: 97

(a) A violation of section 2903.01, 2903.02, 2903.03, 98
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 99
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 100
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 101
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 102
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 103
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 104
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 105
2925.22, 2925.23, or 3716.11 of the Revised Code; 106

(b) An existing or former law of this state, any other state, 107

or the United States that is substantially equivalent to any of 108
the offenses listed in division (A)(3)(a) of this section. 109

(4) On receipt of a request pursuant to section 3701.881 of 110
the Revised Code with respect to an applicant for employment with 111
a home health agency as a person responsible for the care, 112
custody, or control of a child, a completed form prescribed 113
pursuant to division (C)(1) of this section, and a set of 114
fingerprint impressions obtained in the manner described in 115
division (C)(2) of this section, the superintendent of the bureau 116
of criminal identification and investigation shall conduct a 117
criminal records check. The superintendent shall conduct the 118
criminal records check in the manner described in division (B) of 119
this section to determine whether any information exists that 120
indicates that the person who is the subject of the request 121
previously has been convicted of or pleaded guilty to any of the 122
following: 123

(a) A violation of section 2903.01, 2903.02, 2903.03, 124
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 125
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 126
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 127
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 128
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 129
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 130
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 131
violation of section 2925.11 of the Revised Code that is not a 132
minor drug possession offense; 133

(b) An existing or former law of this state, any other state, 134
or the United States that is substantially equivalent to any of 135
the offenses listed in division (A)(4)(a) of this section. 136

(5) On receipt of a request pursuant to section 5111.95 or 137
5111.96 of the Revised Code with respect to an applicant for 138

employment with a waiver agency participating in a department of 139
job and family services administered home and community-based 140
waiver program or an independent provider participating in a 141
department administered home and community-based waiver program in 142
a position that involves providing home and community-based waiver 143
services to consumers with disabilities, a completed form 144
prescribed pursuant to division (C)(1) of this section, and a set 145
of fingerprint impressions obtained in the manner described in 146
division (C)(2) of this section, the superintendent of the bureau 147
of criminal identification and investigation shall conduct a 148
criminal records check. The superintendent shall conduct the 149
criminal records check in the manner described in division (B) of 150
this section to determine whether any information exists that 151
indicates that the person who is the subject of the request 152
previously has been convicted of or pleaded guilty to any of the 153
following: 154

(a) A violation of section 2903.01, 2903.02, 2903.03, 155
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 156
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 157
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 158
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 159
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 160
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 161
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 162
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 163
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 164
Revised Code, felonious sexual penetration in violation of former 165
section 2907.12 of the Revised Code, a violation of section 166
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 167
violation of section 2919.23 of the Revised Code that would have 168
been a violation of section 2905.04 of the Revised Code as it 169
existed prior to July 1, 1996, had the violation been committed 170

prior to that date; 171

(b) An existing or former law of this state, any other state, 172
or the United States that is substantially equivalent to any of 173
the offenses listed in division (A)(5)(a) of this section. 174

(6) On receipt of a request pursuant to section 3701.881 of 175
the Revised Code with respect to an applicant for employment with 176
a home health agency in a position that involves providing direct 177
care to an older adult, a completed form prescribed pursuant to 178
division (C)(1) of this section, and a set of fingerprint 179
impressions obtained in the manner described in division (C)(2) of 180
this section, the superintendent of the bureau of criminal 181
identification and investigation shall conduct a criminal records 182
check. The superintendent shall conduct the criminal records check 183
in the manner described in division (B) of this section to 184
determine whether any information exists that indicates that the 185
person who is the subject of the request previously has been 186
convicted of or pleaded guilty to any of the following: 187

(a) A violation of section 2903.01, 2903.02, 2903.03, 188
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 189
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 190
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 191
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 192
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 193
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 194
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 195
2925.22, 2925.23, or 3716.11 of the Revised Code; 196

(b) An existing or former law of this state, any other state, 197
or the United States that is substantially equivalent to any of 198
the offenses listed in division (A)(6)(a) of this section. 199

(7) When conducting a criminal records check upon a request 200
pursuant to section 3319.39 of the Revised Code for an applicant 201

who is a teacher, in addition to the determination made under 202
division (A)(1) of this section, the superintendent shall 203
determine whether any information exists that indicates that the 204
person who is the subject of the request previously has been 205
convicted of or pleaded guilty to any offense specified in section 206
3319.31 of the Revised Code. 207

(8) ~~When conducting a criminal records check on~~ On a request 208
pursuant to section 2151.86 of the Revised Code ~~for a person who~~ 209
~~is a prospective foster caregiver or who is eighteen years old or~~ 210
~~elder and resides in the home of a prospective foster caregiver,~~ 211
~~the superintendent, in addition to the determination made under~~ 212
~~division (A)(1) of this section, shall, a completed form~~ 213
~~prescribed pursuant to division (C)(1) of this section, and a set~~ 214
~~of fingerprint impressions obtained in the manner described in~~ 215
~~division (C)(2) of this section, the superintendent of the bureau~~ 216
~~of criminal identification and investigation shall conduct a~~ 217
~~criminal records check in the manner described in division (B) of~~ 218
~~this section to~~ determine whether any information exists that 219
indicates that the person who is the subject of the request 220
previously has been convicted of or pleaded guilty to ~~a violation~~ 221
any of the following: 222

(a) ~~Section A~~ A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02 227
~~or,~~ 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 228
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 229
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 230
violation of section 2905.04 of the Revised Code as it existed 231
prior to July 1, 1996, a violation of section 2919.23 of the 232
Revised Code that would have been a violation of section 2905.04 233

of the Revised Code as it existed prior to July 1, 1996, had the 234
violation been committed prior to that date, a violation of 235
section 2925.11 of the Revised Code that is not a minor drug 236
possession offense, or felonious sexual penetration in violation 237
of former section 2907.12 of the Revised Code; 238

(b) ~~An~~ A violation of an existing or former law of this 239
state, any other state, or the United States that is substantially 240
equivalent to any of the offenses listed in division (A)(8)(a) of 241
this section 2909.02 or 2909.03 of the Revised Code. 242

(9) Not later than thirty days after the date the 243
superintendent receives the request, completed form, and 244
fingerprint impressions, the superintendent shall send the person, 245
board, or entity that made the request any information, other than 246
information the dissemination of which is prohibited by federal 247
law, the superintendent determines exists with respect to the 248
person who is the subject of the request that indicates that the 249
person previously has been convicted of or pleaded guilty to any 250
offense listed or described in division (A)(1), (2), (3), (4), 251
(5), (6), (7), or (8) of this section, as appropriate. The 252
superintendent shall send the person, board, or entity that made 253
the request a copy of the list of offenses specified in division 254
(A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section, as 255
appropriate. If the request was made under section 3701.881 of the 256
Revised Code with regard to an applicant who may be both 257
responsible for the care, custody, or control of a child and 258
involved in providing direct care to an older adult, the 259
superintendent shall provide a list of the offenses specified in 260
divisions (A)(4) and (6) of this section. 261

(B) The superintendent shall conduct any criminal records 262
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 263
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 264
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 265

5153.111 of the Revised Code as follows:	266
(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the request, including any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;	267 268 269 270 271 272
(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request and shall review or cause to be reviewed any information the superintendent receives from that bureau;	273 274 275 276 277 278 279
(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.	280 281 282 283
(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.	284 285 286 287 288 289 290 291 292
(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,	293 294 295 296

3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 297
5126.281, or 5153.111 of the Revised Code. Any person for whom a 298
records check is required by any of those sections shall obtain 299
the fingerprint impressions at a county sheriff's office, 300
municipal police department, or any other entity with the ability 301
to make fingerprint impressions on the standard impression sheets 302
prescribed by the superintendent. The office, department, or 303
entity may charge the person a reasonable fee for making the 304
impressions. The standard impression sheets the superintendent 305
prescribes pursuant to this division may be in a tangible format, 306
in an electronic format, or in both tangible and electronic 307
formats. 308

(3) Subject to division (D) of this section, the 309
superintendent shall prescribe and charge a reasonable fee for 310
providing a criminal records check requested under section 173.41, 311
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 312
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 313
5126.281, or 5153.111 of the Revised Code. The person making a 314
criminal records request under section 173.41, 2151.86, 3301.32, 315
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 316
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 317
or 5153.111 of the Revised Code shall pay the fee prescribed 318
pursuant to this division. A person making a request under section 319
3701.881 of the Revised Code for a criminal records check for an 320
applicant who may be both responsible for the care, custody, or 321
control of a child and involved in providing direct care to an 322
older adult shall pay one fee for the request. 323

(4) The superintendent of the bureau of criminal 324
identification and investigation may prescribe methods of 325
forwarding fingerprint impressions and information necessary to 326
conduct a criminal records check, which methods shall include, but 327
not be limited to, an electronic method. 328

(D) A determination whether any information exists that 329
indicates that a person previously has been convicted of or 330
pleaded guilty to any offense listed or described in division 331
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 332
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or 333
(b) of this section that is made by the superintendent with 334
respect to information considered in a criminal records check in 335
accordance with this section is valid for the person who is the 336
subject of the criminal records check for a period of one year 337
from the date upon which the superintendent makes the 338
determination. During the period in which the determination in 339
regard to a person is valid, if another request under this section 340
is made for a criminal records check for that person, the 341
superintendent shall provide the information that is the basis for 342
the superintendent's initial determination at a lower fee than the 343
fee prescribed for the initial criminal records check. 344

(E) As used in this section: 345

(1) "Criminal records check" means any criminal records check 346
conducted by the superintendent of the bureau of criminal 347
identification and investigation in accordance with division (B) 348
of this section. 349

(2) "Home and community-based waiver services" and "waiver 350
agency" have the same meanings as in section 5111.95 of the 351
Revised Code. 352

(3) "Independent provider" has the same meaning as in section 353
5111.96 of the Revised Code. 354

(4) "Minor drug possession offense" has the same meaning as 355
in section 2925.01 of the Revised Code. 356

(5) "Older adult" means a person age sixty or older. 357

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 358

entity that appoints or employs any person responsible for a 359
child's care in out-of-home care shall request the superintendent 360
of BCII to conduct a criminal records check with respect to any 361
person who is under final consideration for appointment or 362
employment as a person responsible for a child's care in 363
out-of-home care. 364

(2) The administrative director of an agency, or attorney, 365
who arranges an adoption for a prospective adoptive parent shall 366
request the superintendent of BCII to conduct a criminal records 367
check with respect to that prospective adoptive parent and all 368
persons eighteen years of age or older who reside with the 369
prospective adoptive parent. 370

(3) Before a recommending agency submits a recommendation to 371
the department of job and family services on whether the 372
department should issue a certificate to a foster home under 373
section 5103.03 of the Revised Code, the administrative director 374
of the agency shall request that the superintendent of BCII 375
conduct a criminal records check with respect to the prospective 376
foster caregiver and all other persons eighteen years of age or 377
older who reside with the foster caregiver. 378

(B) If a person subject to a criminal records check does not 379
present proof that the person has been a resident of this state 380
for the five-year period immediately prior to the date upon which 381
the criminal records check is requested or does not provide 382
evidence that within that five-year period the superintendent of 383
BCII has requested information about the person from the federal 384
bureau of investigation in a criminal records check, the 385
appointing or hiring officer, administrative director, or attorney 386
shall request that the superintendent of BCII obtain information 387
from the federal bureau of investigation as a part of the criminal 388
records check. If the person subject to the criminal records check 389

presents proof that the person has been a resident of this state 390
for that five-year period, the officer, director, or attorney may 391
request that the superintendent of BCII include information from 392
the federal bureau of investigation in the criminal records check. 393

An appointing or hiring officer, administrative director, or 394
attorney required by division (A) of this section to request a 395
criminal records check shall provide to each person subject to a 396
criminal records check a copy of the form prescribed pursuant to 397
division (C)(1) of section 109.572 of the Revised Code and a 398
standard impression sheet to obtain fingerprint impressions 399
prescribed pursuant to division (C)(2) of section 109.572 of the 400
Revised Code, obtain the completed form and impression sheet from 401
the person, and forward the completed form and impression sheet to 402
the superintendent of BCII at the time the criminal records check 403
is requested. 404

Any person subject to a criminal records check who receives 405
pursuant to this division a copy of the form prescribed pursuant 406
to division (C)(1) of section 109.572 of the Revised Code and a 407
copy of an impression sheet prescribed pursuant to division (C)(2) 408
of that section and who is requested to complete the form and 409
provide a set of fingerprint impressions shall complete the form 410
or provide all the information necessary to complete the form and 411
shall provide the impression sheet with the impressions of the 412
person's fingerprints. If a person subject to a criminal records 413
check, upon request, fails to provide the information necessary to 414
complete the form or fails to provide impressions of the person's 415
fingerprints, the appointing or hiring officer shall not appoint 416
or employ the person as a person responsible for a child's care in 417
out-of-home care, a probate court may not issue a final decree of 418
adoption or an interlocutory order of adoption making the person 419
an adoptive parent, and the department of job and family services 420
shall not issue a certificate authorizing the prospective foster 421

caregiver to operate a foster home. 422

(C)(1) No appointing or hiring officer shall appoint or 423
employ a person as a person responsible for a child's care in 424
out-of-home care, the department of job and family services shall 425
not issue a certificate under section 5103.03 of the Revised Code 426
authorizing a prospective foster caregiver to operate a foster 427
home, and no probate court shall issue a final decree of adoption 428
or an interlocutory order of adoption making a person an adoptive 429
parent if the person or, in the case of a prospective foster 430
caregiver or prospective adoptive parent, any person eighteen 431
years of age or older who resides with the prospective foster 432
caregiver or prospective adoptive parent previously has been 433
convicted of or pleaded guilty to any of the following, unless the 434
person meets rehabilitation standards established in rules adopted 435
under division (F) of this section: 436

(a) A violation of section 2903.01, 2903.02, 2903.03, 437
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 438
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 439
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 440
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 441
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 442
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 443
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 444
violation of section 2905.04 of the Revised Code as it existed 445
prior to July 1, 1996, a violation of section 2919.23 of the 446
Revised Code that would have been a violation of section 2905.04 447
of the Revised Code as it existed prior to July 1, 1996, had the 448
violation been committed prior to that date, a violation of 449
section 2925.11 of the Revised Code that is not a minor drug 450
possession offense, or felonious sexual penetration in violation 451
of former section 2907.12 of the Revised Code; 452

(b) A violation of an existing or former law of this state, 453

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 485
upon a request pursuant to division (A) of this section. The 486
officer, director, or attorney may charge the person subject to 487
the criminal records check a fee for the costs the officer, 488
director, or attorney incurs in obtaining the criminal records 489
check. A fee charged under this division shall not exceed the 490
amount of fees the officer, director, or attorney pays for the 491
criminal records check. If a fee is charged under this division, 492
the officer, director, or attorney shall notify the person who is 493
the applicant at the time of the person's initial application for 494
appointment or employment, an adoption to be arranged, or a 495
certificate to operate a foster home of the amount of the fee and 496
that, unless the fee is paid, the person who is the applicant will 497
not be considered for appointment or employment or as an adoptive 498
parent or foster caregiver. 499

(E) The report of any criminal records check conducted by the 500
bureau of criminal identification and investigation in accordance 501
with section 109.572 of the Revised Code and pursuant to a request 502
made under division (A) of this section is not a public record for 503
the purposes of section 149.43 of the Revised Code and shall not 504
be made available to any person other than the person who is the 505
subject of the criminal records check or the person's 506
representative; the appointing or hiring officer, administrative 507
director, or attorney requesting the criminal records check or the 508
officer's, director's, or attorney's representative; the 509
department of job and family services or a county department of 510
job and family services; and any court, hearing officer, or other 511
necessary individual involved in a case dealing with the denial of 512
employment, a final decree of adoption or interlocutory order of 513
adoption, or a foster home certificate. 514

(F) The director of job and family services shall adopt rules 515
in accordance with Chapter 119. of the Revised Code to implement 516

this section. The rules shall include rehabilitation standards a 517
person who has been convicted of or pleaded guilty to an offense 518
listed in division (C)(1) ~~or (2)~~ of this section must meet for an 519
appointing or hiring officer to appoint or employ the person as a 520
person responsible for a child's care in out-of-home care, a 521
probate court to issue a final decree of adoption or interlocutory 522
order of adoption making the person an adoptive parent, or the 523
department to issue a certificate authorizing the prospective 524
foster caregiver to operate a foster home. 525

(G) An appointing or hiring officer, administrative director, 526
or attorney required by division (A) of this section to request a 527
criminal records check shall inform each person who is the 528
applicant, at the time of the person's initial application for 529
appointment or employment, an adoption to be arranged, or a foster 530
home certificate, that the person subject to the criminal records 531
check is required to provide a set of impressions of the person's 532
fingerprints and that a criminal records check is required to be 533
conducted and satisfactorily completed in accordance with section 534
109.572 of the Revised Code. 535

(H) The department of job and family services may waive the 536
requirement that a criminal records check based on fingerprints be 537
conducted for an adult resident of a prospective adoptive or 538
foster home or the home of a foster caregiver if the recommending 539
agency documents to the department's satisfaction that the adult 540
resident is physically unable to comply with the fingerprinting 541
requirement and poses no danger to foster children or adoptive 542
children who may be placed in the home. In such cases, the 543
recommending or approving agency shall request that the bureau of 544
criminal identification and investigation conduct a criminal 545
records check using the person's name and social security number. 546

(I) As used in this section: 547

(1) "Children's hospital" means any of the following: 548

(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;	579
(b) A prospective adoptive parent;	580
(c) A prospective foster caregiver;	581
(d) A person eighteen years old or older who resides with a prospective foster caregiver <u>or a prospective adoptive parent.</u>	582 583
(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.	584 585 586 587
(7) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	588 589
Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:	590 591
(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	592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608

of education, the department of youth services, the department of 609
mental health, or the department of mental retardation and 610
developmental disabilities, or any individual who provides care 611
for only a single-family group, placed there by their parents or 612
other relative having custody, shall not be considered as being 613
within the purview of these sections. 614

(B) "Family foster home" means a foster home that is not a 615
specialized ~~treatment~~ foster home. 616

(C) "Foster caregiver" means a person holding a valid foster 617
home certificate issued under section 5103.03 of the Revised Code. 618

(D) "Foster home" means a private residence in which children 619
are received apart from their parents, guardian, or legal 620
custodian, by an individual reimbursed for providing the children 621
nonsecure care, supervision, or training twenty-four hours a day. 622
"Foster home" does not include care provided for a child in the 623
home of a person other than the child's parent, guardian, or legal 624
custodian while the parent, guardian, or legal custodian is 625
temporarily away. Family foster homes and specialized foster homes 626
are types of foster homes. 627

~~(D)~~(E) "Medically fragile foster home" means a foster home 628
that provides specialized medical services designed to meet the 629
needs of children with intensive health care needs who meet all of 630
the following criteria: 631

(1) Under rules adopted by the department of job and family 632
services governing payment under Chapter 5111. of the Revised Code 633
for long-term care services, the children require a skilled level 634
of care. 635

(2) The children require the services of a doctor of medicine 636
or osteopathic medicine at least once a week due to the 637
instability of their medical conditions. 638

(3) The children require the services of a registered nurse 639

on a daily basis. 640

(4) The children are at risk of institutionalization in a 641
hospital, skilled nursing facility, or intermediate care facility 642
for the mentally retarded. 643

~~(E)~~(F) "Recommending agency" means a public children services 644
agency, private child placing agency, or private noncustodial 645
agency that recommends that the department of job and family 646
services take any of the following actions under section 5103.03 647
of the Revised Code regarding a foster home: 648

(1) Issue a certificate; 649

(2) Deny a certificate; 650

(3) Renew a certificate; 651

(4) Deny renewal of a certificate; 652

(5) Revoke a certificate. 653

~~(F)~~(G) "Specialized foster home" means a medically fragile 654
foster home or a treatment foster home. 655

~~(G)~~ "Foster caregiver" means a person holding a valid foster 656
home certificate issued under section 5103.03 of the Revised Code. 657

~~(D)~~ "Foster home" means a private residence in which children 658
are received apart from their parents, guardian, or legal 659
custodian, by an individual reimbursed for providing the children 660
nonsecure care, supervision, or training twenty four hours a day. 661
"Foster home" does not include care provided for a child in the 662
home of a person other than the child's parent, guardian, or legal 663
custodian while the parent, guardian, or legal custodian is 664
temporarily away. Family foster homes and treatment foster homes 665
are types of foster homes. 666

~~(E)~~(H) "Treatment foster home" means a foster home that 667
incorporates special rehabilitative services designed to treat the 668

specific needs of the children received in the foster home and 669
that receives and cares for children who are emotionally or 670
behaviorally disturbed, chemically dependent, mentally retarded, 671
developmentally disabled, or who otherwise have exceptional needs. 672

Sec. 5103.03. (A) The director of job and family services 673
shall adopt rules as necessary for the adequate and competent 674
management of institutions or associations. 675

(B)(1) Except for facilities under the control of the 676
department of youth services, places of detention for children 677
established and maintained pursuant to sections 2151.34 to 678
2151.3415 of the Revised Code, and child day-care centers subject 679
to Chapter 5104. of the Revised Code, the department of job and 680
family services every two years shall pass upon the fitness of 681
every institution and association that receives, or desires to 682
receive and care for children, or places children in private 683
homes. 684

(2) When the department of job and family services is 685
satisfied as to the care given such children, and that the 686
requirements of the statutes and rules covering the management of 687
such institutions and associations are being complied with, it 688
shall issue to the institution or association a certificate to 689
that effect. A certificate is valid for two years, unless sooner 690
revoked by the department. When determining whether an institution 691
or association meets a particular requirement for certification, 692
the department may consider the institution or association to have 693
met the requirement if the institution or association shows to the 694
department's satisfaction that it has met a comparable requirement 695
to be accredited by a nationally recognized accreditation 696
organization. 697

(3) The department may issue a temporary certificate valid 698
for less than one year authorizing an institution or association 699

to operate until minimum requirements have been met. 700

(C) The department may revoke a certificate if it finds that 701
the institution or association is in violation of law or rule. No 702
juvenile court shall commit a child to an association or 703
institution that is required to be certified under this section if 704
its certificate has been revoked or, if after revocation, the date 705
of reissue is less than fifteen months prior to the proposed 706
commitment. 707

(D) Every two years, on a date specified by the department, 708
each institution or association desiring certification or 709
recertification shall submit to the department a report showing 710
its condition, management, competency to care adequately for the 711
children who have been or may be committed to it or to whom it 712
provides care or services, the system of visitation it employs for 713
children placed in private homes, and other information the 714
department requires. 715

(E) The department shall, not less than once each year, send 716
a list of certified institutions and associations to each juvenile 717
court and certified association or institution. 718

(F) No person shall receive children or receive or solicit 719
money on behalf of such an institution or association not so 720
certified or whose certificate has been revoked. 721

(G) The director may delegate by rule any duties imposed on 722
it by this section to inspect and approve family foster homes and 723
specialized foster homes to public children services agencies, 724
private child placing agencies, or private noncustodial agencies. 725

(H) If the director of job and family services determines 726
that an institution or association ~~is operating a facility~~ that 727
cares for children is operating without a certificate, the 728
director may petition the court of common pleas in the county in 729
which the ~~facility~~ institution or association is located for an 730

order enjoining ~~the~~ its operation ~~of that facility~~. The court 731
shall grant injunctive relief upon a showing that the institution 732
or association is operating ~~a facility~~ without a certificate. 733

(I) If both of the following are the case, the director of 734
job and family services may petition the court of common pleas of 735
any county in which an institution or association that holds a 736
certificate under this section operates for an order, and the 737
court may issue an order, preventing the institution or 738
association from receiving additional children into its care or an 739
order removing children from its care: 740

(1) The department has evidence that the life, health, or 741
safety of one or more children in the care of the institution or 742
association is at imminent risk. 743

(2) The department has issued a proposed adjudication order 744
pursuant to Chapter 119. of the Revised Code to deny renewal of or 745
revoke the certificate of the institution or association. 746

Sec. 5103.031. ~~(A)~~ Except as provided in section 5103.033 of 747
the Revised Code, the department of job and family services may 748
not issue a certificate under section 5103.03 of the Revised Code 749
to a foster home unless the foster caregiver successfully 750
completes the following amount of preplacement training through a 751
preplacement training program operated under section 5103.034 or 752
5153.60 of the Revised Code: 753

~~(1)~~(A) If the foster home is a family foster home, at least 754
~~twelve~~ twenty-four hours; 755

~~(2)~~(B) If the foster home is a specialized foster home, at 756
least thirty-six hours. 757

~~(B) No child may be placed in a family foster home unless the 758~~
~~foster caregiver completes at least twelve additional hours of 759~~
~~preplacement training through a preplacement training program 760~~

~~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 821
accordance with rules adopted by the department of job and family 822
services if either of the following applies: 823

(1) The foster caregiver has served in active duty outside 824
this state with a branch of the armed forces of the United States 825
for more than thirty days in the preceding two-year period. 826

(2) The foster caregiver has served in active duty as a 827
member of the Ohio organized militia, as defined in section 828
5923.01 of the Revised Code, for more than thirty days in the 829
preceding two-year period and that active duty relates to either 830
an emergency in or outside of this state or to military duty in or 831
outside of this state. 832

Sec. 5103.033. (A) The department of job and family services 833
may issue or renew a certificate under section 5103.03 of the 834
Revised Code to a foster home for the care of a child who is in 835
the custody of a public children services agency or private child 836
placing agency pursuant to an agreement entered into under section 837
5103.15 of the Revised Code regarding a child who was less than 838
six months of age on the date the agreement was executed if the 839
foster caregiver successfully completes the following amount of 840
training: 841

~~(A)~~(1) For an initial certificate, at least twelve hours of 842
preplacement training through a preplacement training program 843
operated under section 5103.034 or 5153.60 of the Revised Code; 844

~~(B)~~(2) For renewal of a certificate, at least ~~twelve~~ 845
twenty-four hours ~~each year~~ of continuing training in the 846
preceding two-year period in accordance with the foster 847
caregiver's needs assessment and continuing training plan 848
developed and implemented under section 5103.035 of the Revised 849
Code. 850

(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: 851
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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. 856
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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. 859
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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: 865
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(A) Be effective for the two-year period the foster caregiver's certificate is in effect; 872
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(B) Be appropriate for the type of foster home the foster caregiver operates; 874
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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 876
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~~section 5103.0310 or 5103.0311~~ 5103.0316 of the Revised Code, ~~as appropriate,~~ and any other courses the agency considers

appropriate; 881

(D) Include criteria the agency is to use to determine 882
whether the foster caregiver has successfully completed the 883
courses; 884

(E) Guarantee that the courses the foster caregiver is 885
required to complete are available to the foster caregiver at 886
reasonable times and places; 887

(F) Specify whether the agency will waive any of the hours of 888
continuing training the foster caregiver is required by section 889
5103.032 of the Revised Code to complete ~~annually~~ if the foster 890
caregiver satisfies the conditions for the agency to issue a 891
waiver. If the agency will issue a waiver, the agency shall state 892
in the needs assessment and continuing training plan the number of 893
hours of continuing training, not to exceed ~~four~~ eight, that the 894
agency will waive. 895

Sec. 5103.037. The department of job and family services, in 896
consultation with the departments of youth services, mental 897
health, education, mental retardation and developmental 898
disabilities, and alcohol and drug addiction services, shall 899
develop a model design of a preplacement training program for 900
foster caregivers seeking an initial certificate under section 901
5103.03 of the Revised Code and a model design of a continuing 902
training program for foster caregivers seeking renewal of a 903
certificate under that section. The model design of a preplacement 904
training program shall comply with section 5103.039 of the Revised 905
Code. The model design of a continuing training program shall 906
comply with rules adopted pursuant to division (C) of section 907
~~5103.0310~~ 5103.0316 of the Revised Code. The department of job and 908
family services shall make the model designs available to the Ohio 909
child welfare training program, private child placing agencies, 910
and private noncustodial agencies. 911

Sec. 5103.038. (A) Every other year by a date specified in 912
rules adopted under section 5103.0316 of the Revised Code, each 913
private child placing agency and private noncustodial agency that 914
seeks to operate a preplacement training program or continuing 915
training program under section 5103.034 of the Revised Code shall 916
submit to the department of job and family services a proposal 917
outlining the program. The proposal may be the same as, a 918
modification of, or different from, a model design developed under 919
section 5103.037 of the Revised Code. 920

(B) Not later than thirty days after receiving a proposal 921
under division (A) of this section, the department shall either 922
approve or disapprove the proposed program. The department shall 923
approve a proposed preplacement training program if it complies 924
with section 5103.039 or ~~5103.0310~~ 5103.0311 of the Revised Code, 925
as appropriate, and, in the case of a proposal submitted by an 926
agency operating a preplacement training program at the time the 927
proposal is submitted, the department is satisfied with the 928
agency's operation of the program. The department shall approve a 929
proposed continuing training program if it complies with rules 930
adopted pursuant to division (C) of section ~~5103.0310~~ or ~~5103.0311~~ 931
5103.0316 of the Revised Code, ~~as appropriate~~, and, in the case of 932
a proposal submitted by an agency operating a continuing training 933
program at the time the proposal is submitted, the department is 934
satisfied with the agency's operation of the program. If the 935
department disapproves a proposal, it shall provide the reason for 936
disapproval to the agency that submitted the proposal and advise 937
the agency of how to revise the proposal so that the department 938
can approve it. 939

(C) The department's approval under division (B) of this 940
section of a proposed preplacement training program or continuing 941
training program is valid only for two years following the year 942

the proposal for the program is submitted to the department under 943
division (A) of this section. 944

Sec. 5103.039. Except for preplacement training programs 945
described in section 5103.0311 of the Revised Code, a preplacement 946
training program shall consist of courses in the role of foster 947
caregivers as a part of the care and treatment of foster children. 948
A foster caregiver shall complete all of the courses, which shall 949
address all of the following: 950

(A) The legal rights and responsibilities of foster 951
caregivers; 952

(B) Public children services agencies, private child placing 953
agencies, and private noncustodial agencies' policies and 954
procedures regarding foster caregivers; 955

(C) The department of job and family services' requirements 956
for certifying foster homes; 957

(D) The effects placement, separation, and attachment issues 958
have on children, their families, and foster caregivers; 959

(E) Foster caregivers' involvement in permanency planning for 960
children and their families; 961

(F) The effects of physical abuse, sexual abuse, emotional 962
abuse, neglect, and substance abuse on normal human growth and 963
development; 964

(G) Behavior management techniques; 965

(H) Effects of caregiving on children's families; 966

(I) Cultural issues in placement; 967

(J) Prevention, recognition, and management of communicable 968
diseases; 969

(K) Community health and social services available to 970
children and their families; 971

(L) ~~Cardiopulmonary resuscitation and first aid;~~ 972

~~(M)~~ The substance of section ~~2151.62~~ 2152.72 of the Revised 973
Code. A course addressing section ~~2151.62~~ 2152.72 of the Revised 974
Code shall be not less than one hour long. 975

~~(N)~~(M) In the case of a preplacement training program for a 976
foster caregiver seeking certification for a specialized foster 977
home, additional issues specific to the types of children placed 978
in specialized foster homes, including cardiopulmonary 979
resuscitation and first aid, appropriate behavioral intervention 980
techniques, such as de-escalation, self-defense, and physical 981
restraint techniques and the appropriate use of ~~physical~~ 982
~~restraints and up to eight hours of special education surrogate~~ 983
~~parent training~~ such techniques. 984

Sec. 5103.0311. (A) A preplacement training program for 985
foster caregivers described in section 5103.033 of the Revised 986
Code shall consist of courses that address all of the following: 987

(1) The legal rights and responsibilities of foster 988
caregivers; 989

(2) The policies and procedures of public children services 990
agencies, private child placing agencies, and private noncustodial 991
agencies regarding foster caregivers; 992

(3) The department of job and family services' requirements 993
for certifying foster homes; 994

(4) Infant care; 995

(5) ~~Cardiopulmonary resuscitation and first aid;~~ 996

~~(6)~~ Early childhood development. 997

(B) A continuing training program for foster caregivers 998
described in section 5103.033 of the Revised Code shall ~~consist of~~ 999
~~courses that address both of the following:~~ 1000

(1) Infant care;	1001
(2) Early childhood development, including developmentally appropriate activities meet the requirements of rules adopted pursuant to section 5103.0316 of the Revised Code.	1002 1003 1004
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:	1005 1006 1007 1008 1009
(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;	1010 1011 1012 1013 1014 1015
(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;	1016 1017 1018
(C) <u>Requirements governing the continuing training required by sections 5103.032 and 5103.033 of the Revised Code;</u>	1019 1020
<u>(D) Any other matter the department considers appropriate.</u>	1021
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>	1022 1023 1024
<u>(A) To accommodate a sibling group or the remaining members of a sibling group;</u>	1025 1026
<u>(B) When the additional child or children are related to the foster caregiver by blood or marriage;</u>	1027 1028

(C) When the additional child or children are foster children 1029
who previously resided in the foster home; 1030

(D) When the additional child or children are the children of 1031
a foster child who resides in the foster home. 1032

Sec. 5120.65. (A) The department of rehabilitation and 1033
correction may establish in one or more of the institutions for 1034
women operated by the department a prison nursery program under 1035
which eligible inmates and children born to them while in the 1036
custody of the department may reside together in the institution. 1037
If the department establishes a prison nursery program in one or 1038
more institutions under this section, sections 5120.651 to 1039
5120.657 of the Revised Code apply regarding the program. If the 1040
department establishes a prison nursery program and an inmate 1041
participates in the program, neither the inmate's participation in 1042
the program nor any provision of sections 5120.65 to ~~5120.658~~ 1043
5120.657 of the Revised Code affects, modifies, or interferes with 1044
the inmate's custodial rights of the child or establishes legal 1045
custody of the child with the department. 1046

(B) As used in sections 5120.651 to 5120.657 of the Revised 1047
Code: 1048

(1) "Prison nursery program" means the prison nursery program 1049
established by the department of rehabilitation and correction 1050
under this section, if one is so established. 1051

(2) "Public assistance" has the same meaning as in section 1052
5101.58 of the Revised Code. 1053

(3) "Support" means amounts to be paid under a support order. 1054

(4) "Support order" has the same meaning as in section 1055
~~3113.21~~ 3119.01 of the Revised Code. 1056

Sec. 5153.60. (A) The department of job and family services 1057

shall establish a statewide program that provides all of the 1058
following: 1059

(1) The training section 5153.122 of the Revised Code 1060
requires public children services agency caseworkers and 1061
supervisors to complete; 1062

(2) The preplacement and continuing training described in 1063
sections 5103.034, 5103.039, ~~5103.0310~~, and 5103.0311 of the 1064
Revised Code that foster caregivers are required by sections 1065
5103.031, 5103.032, and 5103.033 of the Revised Code to obtain; 1066

(3) The education programs for adoption assessors required by 1067
section 3107.014 of the Revised Code. 1068

(B) The program established pursuant to division (A) of this 1069
section shall be called the "Ohio child welfare training program." 1070

Section 2. That existing sections 109.572, 2151.86, 5103.02, 1071
5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 1072
5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 1073
5153.60 and section 5103.0310 of the Revised Code are hereby 1074
repealed. 1075

Section 3. That Section 160 of Am. Sub. H.B. 95 of the 125th 1076
General Assembly is hereby repealed. 1077

Section 4. Section 5103.02 of the Revised Code is presented 1078
in this act as a composite of the section as amended by both Sub. 1079
H.B. 332 and Sub. H.B. 448 of the 123rd General Assembly. The 1080
General Assembly, applying the principle stated in division (B) of 1081
section 1.52 of the Revised Code that amendments are to be 1082
harmonized if reasonably capable of simultaneous operation, finds 1083
that the composite is the resulting version of the section in 1084
effect prior to the effective date of the section as presented in 1085
this act. 1086