

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 238

Senators Niehaus, Schuring, Clancy, Padgett, Carey, Spada, Armbruster

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A B I L L

To amend sections 109.57, 109.572, 109.60, 1347.08, 1
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2
2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3
3107.032, 3109.16, 3109.17, 5101.141, 5101.29, 4
5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5
5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 6
5103.0311, 5103.0312, 5103.0313, 5103.0315, 7
5103.07, 5103.12, 5104.01, 5104.11, 5104.31, 8
5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 9
5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 10
5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 11
5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 12
5153.77, and 5153.78; to amend, for the purpose of 13
adopting new section numbers as indicated in 14
parentheses, sections 5153.60 (5103.30), 5153.61 15
(5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 16
5153.64 (5103.363), 5153.65 (5103.37), 5153.66 17
(5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 18
5153.71 (5103.41), 5153.72 (5103.42), 5153.73 19
(5103.421), 5153.74 (5103.422), 5153.75 20
(5153.125), 5153.76 (5153.126), 5153.77 21
(5153.127), and 5153.78 (5103.32); to enact 22
sections 2151.423, 5101.13, 5101.131, 5101.132, 23
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 24
5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 25

5153.123, 5153.124, and 5153.166; and to repeal 26
sections 5103.037, 5103.13, 5103.131, 5153.68, and 27
5153.69 of the Revised Code to revise the law 28
governing child welfare and other laws regarding 29
the Department of Job and Family Services. 30

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

Section 1. That sections 109.57, 109.572, 109.60, 1347.08, 31
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 32
3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 3109.16, 33
3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 34
5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 35
5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 5103.12, 36
5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 37
5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 38
5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 39
5153.75, 5153.76, 5153.77, and 5153.78 be amended; sections 40
5153.60 (5103.30), 5153.61 (5103.35), 5153.62 (5103.36), 5153.63 41
(5103.362), 5153.64 (5103.363), 5153.65 (5103.37), 5153.66 42
(5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 5153.71 43
(5103.41), 5153.72 (5103.42), 5153.73 (5103.421), 5153.74 44
(5103.422), 5153.75 (5153.125), 5153.76 (5153.126), 5153.77 45
(5153.127), and 5153.78 (5103.32) be amended for the purpose of 46
adopting new section numbers as indicated in parentheses; and 47
sections 2151.423, 5101.13, 5101.131, 5101.132, 5101.133, 48
5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 5103.33, 5103.34, 49
5103.361, 5103.40, 5153.123, 5153.124, and 5153.166 of the Revised 50
Code be enacted to read as follows: 51

Sec. 109.57. (A)(1) The superintendent of the bureau of 52
criminal identification and investigation shall procure from 53
wherever procurable and file for record photographs, pictures, 54

descriptions, fingerprints, measurements, and other information 55
that may be pertinent of all persons who have been convicted of 56
committing within this state a felony, any crime constituting a 57
misdemeanor on the first offense and a felony on subsequent 58
offenses, or any misdemeanor described in division (A)(1)(a) or 59
(A)(10)(a) of section 109.572 of the Revised Code, of all children 60
under eighteen years of age who have been adjudicated delinquent 61
children for committing within this state an act that would be a 62
felony or an offense of violence if committed by an adult or who 63
have been convicted of or pleaded guilty to committing within this 64
state a felony or an offense of violence, and of all well-known 65
and habitual criminals. The person in charge of any county, 66
multicounty, municipal, municipal-county, or multicounty-municipal 67
jail or workhouse, community-based correctional facility, halfway 68
house, alternative residential facility, or state correctional 69
institution and the person in charge of any state institution 70
having custody of a person suspected of having committed a felony, 71
any crime constituting a misdemeanor on the first offense and a 72
felony on subsequent offenses, or any misdemeanor described in 73
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 74
Code or having custody of a child under eighteen years of age with 75
respect to whom there is probable cause to believe that the child 76
may have committed an act that would be a felony or an offense of 77
violence if committed by an adult shall furnish such material to 78
the superintendent of the bureau. Fingerprints, photographs, or 79
other descriptive information of a child who is under eighteen 80
years of age, has not been arrested or otherwise taken into 81
custody for committing an act that would be a felony or an offense 82
of violence if committed by an adult, has not been adjudicated a 83
delinquent child for committing an act that would be a felony or 84
an offense of violence if committed by an adult, has not been 85
convicted of or pleaded guilty to committing a felony or an 86
offense of violence, and is not a child with respect to whom there 87

is probable cause to believe that the child may have committed an 88
act that would be a felony or an offense of violence if committed 89
by an adult shall not be procured by the superintendent or 90
furnished by any person in charge of any county, multicounty, 91
municipal, municipal-county, or multicounty-municipal jail or 92
workhouse, community-based correctional facility, halfway house, 93
alternative residential facility, or state correctional 94
institution, except as authorized in section 2151.313 of the 95
Revised Code. 96

(2) Every clerk of a court of record in this state, other 97
than the supreme court or a court of appeals, shall send to the 98
superintendent of the bureau a weekly report containing a summary 99
of each case involving a felony, involving any crime constituting 100
a misdemeanor on the first offense and a felony on subsequent 101
offenses, involving a misdemeanor described in division (A)(1)(a) 102
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 103
an adjudication in a case in which a child under eighteen years of 104
age was alleged to be a delinquent child for committing an act 105
that would be a felony or an offense of violence if committed by 106
an adult. The clerk of the court of common pleas shall include in 107
the report and summary the clerk sends under this division all 108
information described in divisions (A)(2)(a) to (f) of this 109
section regarding a case before the court of appeals that is 110
served by that clerk. The summary shall be written on the standard 111
forms furnished by the superintendent pursuant to division (B) of 112
this section and shall include the following information: 113

(a) The incident tracking number contained on the standard 114
forms furnished by the superintendent pursuant to division (B) of 115
this section; 116

(b) The style and number of the case; 117

(c) The date of arrest; 118

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and

of all children under eighteen years of age arrested or otherwise 150
taken into custody for committing an act that would be a felony or 151
an offense of violence if committed by an adult. The 152
superintendent also shall file for record the fingerprint 153
impressions of all persons confined in a county, multicounty, 154
municipal, municipal-county, or multicounty-municipal jail or 155
workhouse, community-based correctional facility, halfway house, 156
alternative residential facility, or state correctional 157
institution for the violation of state laws and of all children 158
under eighteen years of age who are confined in a county, 159
multicounty, municipal, municipal-county, or multicounty-municipal 160
jail or workhouse, community-based correctional facility, halfway 161
house, alternative residential facility, or state correctional 162
institution or in any facility for delinquent children for 163
committing an act that would be a felony or an offense of violence 164
if committed by an adult, and any other information that the 165
superintendent may receive from law enforcement officials of the 166
state and its political subdivisions. 167

(4) The superintendent shall carry out Chapter 2950. of the 168
Revised Code with respect to the registration of persons who are 169
convicted of or plead guilty to either a sexually oriented offense 170
that is not a registration-exempt sexually oriented offense or a 171
child-victim oriented offense and with respect to all other duties 172
imposed on the bureau under that chapter. 173

(5) The bureau shall perform centralized recordkeeping 174
functions for criminal history records and services in this state 175
for purposes of the national crime prevention and privacy compact 176
set forth in section 109.571 of the Revised Code and is the 177
criminal history record repository as defined in that section for 178
purposes of that compact. The superintendent or the 179
superintendent's designee is the compact officer for purposes of 180
that compact and shall carry out the responsibilities of the 181

compact officer specified in that compact. 182

(B) The superintendent shall prepare and furnish to every 183
county, multicounty, municipal, municipal-county, or 184
multicounty-municipal jail or workhouse, community-based 185
correctional facility, halfway house, alternative residential 186
facility, or state correctional institution and to every clerk of 187
a court in this state specified in division (A)(2) of this section 188
standard forms for reporting the information required under 189
division (A) of this section. The standard forms that the 190
superintendent prepares pursuant to this division may be in a 191
tangible format, in an electronic format, or in both tangible 192
formats and electronic formats. 193

(C) The superintendent may operate a center for electronic, 194
automated, or other data processing for the storage and retrieval 195
of information, data, and statistics pertaining to criminals and 196
to children under eighteen years of age who are adjudicated 197
delinquent children for committing an act that would be a felony 198
or an offense of violence if committed by an adult, criminal 199
activity, crime prevention, law enforcement, and criminal justice, 200
and may establish and operate a statewide communications network 201
to gather and disseminate information, data, and statistics for 202
the use of law enforcement agencies. The superintendent may 203
gather, store, retrieve, and disseminate information, data, and 204
statistics that pertain to children who are under eighteen years 205
of age and that are gathered pursuant to sections 109.57 to 109.61 206
of the Revised Code together with information, data, and 207
statistics that pertain to adults and that are gathered pursuant 208
to those sections. In addition to any other authorized use of 209
information, data, and statistics of that nature, the 210
superintendent or the superintendent's designee may provide and 211
exchange the information, data, and statistics pursuant to the 212
national crime prevention and privacy compact as described in 213

division (A)(5) of this section. 214

(D) The information and materials furnished to the 215
superintendent pursuant to division (A) of this section and 216
information and materials furnished to any board or person under 217
division (F) or (G) of this section are not public records under 218
section 149.43 of the Revised Code. 219

(E) The attorney general shall adopt rules, in accordance 220
with Chapter 119. of the Revised Code, setting forth the procedure 221
by which a person may receive or release information gathered by 222
the superintendent pursuant to division (A) of this section. A 223
reasonable fee may be charged for this service. If a temporary 224
employment service submits a request for a determination of 225
whether a person the service plans to refer to an employment 226
position has been convicted of or pleaded guilty to an offense 227
listed in division (A)(1), (3), (4), (5), or (6) of section 228
109.572 of the Revised Code, the request shall be treated as a 229
single request and only one fee shall be charged. 230

(F)(1) As used in division (F)(2) of this section, "head 231
start agency" means an entity in this state that has been approved 232
to be an agency for purposes of subchapter II of the "Community 233
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 234
as amended. 235

(2)(a) In addition to or in conjunction with any request that 236
is required to be made under section 109.572, 2151.86, 3301.32, 237
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 238
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 239
education of any school district; the director of mental 240
retardation and developmental disabilities; any county board of 241
mental retardation and developmental disabilities; any entity 242
under contract with a county board of mental retardation and 243
developmental disabilities; the chief administrator of any 244

chartered nonpublic school; the chief administrator of any home 245
health agency; the chief administrator of or person operating any 246
child day-care center, type A family day-care home, or type B 247
family day-care home licensed or certified under Chapter 5104. of 248
the Revised Code; the administrator of any type C family day-care 249
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 250
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 251
general assembly; the chief administrator of any head start 252
agency; or the executive director of a public children services 253
agency may request that the superintendent of the bureau 254
investigate and determine, with respect to any individual who has 255
applied for employment in any position after October 2, 1989, or 256
any individual wishing to apply for employment with a board of 257
education may request, with regard to the individual, whether the 258
bureau has any information gathered under division (A) of this 259
section that pertains to that individual. On receipt of the 260
request, the superintendent shall determine whether that 261
information exists and, upon request of the person, board, or 262
entity requesting information, also shall request from the federal 263
bureau of investigation any criminal records it has pertaining to 264
that individual. The superintendent or the superintendent's 265
designee also may request criminal history records from other 266
states or the federal government pursuant to the national crime 267
prevention and privacy compact set forth in section 109.571 of the 268
Revised Code. Within thirty days of the date that the 269
superintendent receives a request, the superintendent shall send 270
to the board, entity, or person a report of any information that 271
the superintendent determines exists, including information 272
contained in records that have been sealed under section 2953.32 273
of the Revised Code, and, within thirty days of its receipt, shall 274
send the board, entity, or person a report of any information 275
received from the federal bureau of investigation, other than 276
information the dissemination of which is prohibited by federal 277

law. 278

(b) When a board of education is required to receive 279
information under this section as a prerequisite to employment of 280
an individual pursuant to section 3319.39 of the Revised Code, it 281
may accept a certified copy of records that were issued by the 282
bureau of criminal identification and investigation and that are 283
presented by an individual applying for employment with the 284
district in lieu of requesting that information itself. In such a 285
case, the board shall accept the certified copy issued by the 286
bureau in order to make a photocopy of it for that individual's 287
employment application documents and shall return the certified 288
copy to the individual. In a case of that nature, a district only 289
shall accept a certified copy of records of that nature within one 290
year after the date of their issuance by the bureau. 291

(3) The state board of education may request, with respect to 292
any individual who has applied for employment after October 2, 293
1989, in any position with the state board or the department of 294
education, any information that a school district board of 295
education is authorized to request under division (F)(2) of this 296
section, and the superintendent of the bureau shall proceed as if 297
the request has been received from a school district board of 298
education under division (F)(2) of this section. 299

(4) When the superintendent of the bureau receives a request 300
for information under section 3319.291 of the Revised Code, the 301
superintendent shall proceed as if the request has been received 302
from a school district board of education under division (F)(2) of 303
this section. 304

(5) When a recipient of a classroom reading improvement grant 305
paid under section 3301.86 of the Revised Code requests, with 306
respect to any individual who applies to participate in providing 307
any program or service funded in whole or in part by the grant, 308

the information that a school district board of education is 309
authorized to request under division (F)(2)(a) of this section, 310
the superintendent of the bureau shall proceed as if the request 311
has been received from a school district board of education under 312
division (F)(2)(a) of this section. 313

(G) In addition to or in conjunction with any request that is 314
required to be made under section 173.41, 3701.881, 3712.09, 315
3721.121, or 3722.151 of the Revised Code with respect to an 316
individual who has applied for employment in a position that 317
involves providing direct care to an older adult, the chief 318
administrator of a PASSPORT agency that provides services through 319
the PASSPORT program created under section 173.40 of the Revised 320
Code, home health agency, hospice care program, home licensed 321
under Chapter 3721. of the Revised Code, adult day-care program 322
operated pursuant to rules adopted under section 3721.04 of the 323
Revised Code, or adult care facility may request that the 324
superintendent of the bureau investigate and determine, with 325
respect to any individual who has applied after January 27, 1997, 326
for employment in a position that does not involve providing 327
direct care to an older adult, whether the bureau has any 328
information gathered under division (A) of this section that 329
pertains to that individual. On receipt of the request, the 330
superintendent shall determine whether that information exists 331
and, on request of the administrator requesting information, shall 332
also request from the federal bureau of investigation any criminal 333
records it has pertaining to that individual. The superintendent 334
or the superintendent's designee also may request criminal history 335
records from other states or the federal government pursuant to 336
the national crime prevention and privacy compact set forth in 337
section 109.571 of the Revised Code. Within thirty days of the 338
date a request is received, the superintendent shall send to the 339
administrator a report of any information determined to exist, 340

including information contained in records that have been sealed 341
under section 2953.32 of the Revised Code, and, within thirty days 342
of its receipt, shall send the administrator a report of any 343
information received from the federal bureau of investigation, 344
other than information the dissemination of which is prohibited by 345
federal law. 346

(H) Information obtained by a board, administrator, or other 347
person under this section is confidential and shall not be 348
released or disseminated. 349

(I) The superintendent may charge a reasonable fee for 350
providing information or criminal records under division (F)(2) or 351
(G) of this section. 352

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 353
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013~~r~~ 354
~~or 5153.111~~ of the Revised Code, a completed form prescribed 355
pursuant to division (C)(1) of this section, and a set of 356
fingerprint impressions obtained in the manner described in 357
division (C)(2) of this section, the superintendent of the bureau 358
of criminal identification and investigation shall conduct a 359
criminal records check in the manner described in division (B) of 360
this section to determine whether any information exists that 361
indicates that the person who is the subject of the request 362
previously has been convicted of or pleaded guilty to any of the 363
following: 364

(a) A violation of section 2903.01, 2903.02, 2903.03, 365
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 366
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 367
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 368
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 369
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 370
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 371

2925.06, or 3716.11 of the Revised Code, felonious sexual 372
penetration in violation of former section 2907.12 of the Revised 373
Code, a violation of section 2905.04 of the Revised Code as it 374
existed prior to July 1, 1996, a violation of section 2919.23 of 375
the Revised Code that would have been a violation of section 376
2905.04 of the Revised Code as it existed prior to July 1, 1996, 377
had the violation been committed prior to that date, or a 378
violation of section 2925.11 of the Revised Code that is not a 379
minor drug possession offense; 380

(b) A violation of an existing or former law of this state, 381
any other state, or the United States that is substantially 382
equivalent to any of the offenses listed in division (A)(1)(a) of 383
this section. 384

(2) On receipt of a request pursuant to section 5123.081 of 385
the Revised Code with respect to an applicant for employment in 386
any position with the department of mental retardation and 387
developmental disabilities, pursuant to section 5126.28 of the 388
Revised Code with respect to an applicant for employment in any 389
position with a county board of mental retardation and 390
developmental disabilities, or pursuant to section 5126.281 of the 391
Revised Code with respect to an applicant for employment in a 392
direct services position with an entity contracting with a county 393
board for employment, a completed form prescribed pursuant to 394
division (C)(1) of this section, and a set of fingerprint 395
impressions obtained in the manner described in division (C)(2) of 396
this section, the superintendent of the bureau of criminal 397
identification and investigation shall conduct a criminal records 398
check. The superintendent shall conduct the criminal records check 399
in the manner described in division (B) of this section to 400
determine whether any information exists that indicates that the 401
person who is the subject of the request has been convicted of or 402
pleaded guilty to any of the following: 403

(a) A violation of section 2903.01, 2903.02, 2903.03, 404
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 405
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 406
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 407
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 408
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 409
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 410
2925.03, or 3716.11 of the Revised Code; 411

(b) An existing or former municipal ordinance or law of this 412
state, any other state, or the United States that is substantially 413
equivalent to any of the offenses listed in division (A)(2)(a) of 414
this section. 415

(3) On receipt of a request pursuant to section 173.41, 416
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 417
form prescribed pursuant to division (C)(1) of this section, and a 418
set of fingerprint impressions obtained in the manner described in 419
division (C)(2) of this section, the superintendent of the bureau 420
of criminal identification and investigation shall conduct a 421
criminal records check with respect to any person who has applied 422
for employment in a position that involves providing direct care 423
to an older adult. The superintendent shall conduct the criminal 424
records check in the manner described in division (B) of this 425
section to determine whether any information exists that indicates 426
that the person who is the subject of the request previously has 427
been convicted of or pleaded guilty to any of the following: 428

(a) A violation of section 2903.01, 2903.02, 2903.03, 429
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 430
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 431
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 432
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 433
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 434
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 435

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code; 436
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(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of
the offenses listed in division (A)(3)(a) of this section. 438
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(4) On receipt of a request pursuant to section 3701.881 of
the Revised Code with respect to an applicant for employment with
a home health agency as a person responsible for the care,
custody, or control of a child, a completed form prescribed
pursuant to division (C)(1) of this section, and a set of
fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following: 441
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(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a
violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense; 455
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(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of 465
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the offenses listed in division (A)(4)(a) of this section. 467

(5) On receipt of a request pursuant to section 5111.95 or 468
5111.96 of the Revised Code with respect to an applicant for 469
employment with a waiver agency participating in a department of 470
job and family services administered home and community-based 471
waiver program or an independent provider participating in a 472
department administered home and community-based waiver program in 473
a position that involves providing home and community-based waiver 474
services to consumers with disabilities, a completed form 475
prescribed pursuant to division (C)(1) of this section, and a set 476
of fingerprint impressions obtained in the manner described in 477
division (C)(2) of this section, the superintendent of the bureau 478
of criminal identification and investigation shall conduct a 479
criminal records check. The superintendent shall conduct the 480
criminal records check in the manner described in division (B) of 481
this section to determine whether any information exists that 482
indicates that the person who is the subject of the request 483
previously has been convicted of or pleaded guilty to any of the 484
following: 485

(a) A violation of section 2903.01, 2903.02, 2903.03, 486
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 487
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 488
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 489
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 490
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 491
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 492
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 493
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 494
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 495
Revised Code, felonious sexual penetration in violation of former 496
section 2907.12 of the Revised Code, a violation of section 497
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 498

violation of section 2919.23 of the Revised Code that would have 499
been a violation of section 2905.04 of the Revised Code as it 500
existed prior to July 1, 1996, had the violation been committed 501
prior to that date; 502

(b) An existing or former law of this state, any other state, 503
or the United States that is substantially equivalent to any of 504
the offenses listed in division (A)(5)(a) of this section. 505

(6) On receipt of a request pursuant to section 3701.881 of 506
the Revised Code with respect to an applicant for employment with 507
a home health agency in a position that involves providing direct 508
care to an older adult, a completed form prescribed pursuant to 509
division (C)(1) of this section, and a set of fingerprint 510
impressions obtained in the manner described in division (C)(2) of 511
this section, the superintendent of the bureau of criminal 512
identification and investigation shall conduct a criminal records 513
check. The superintendent shall conduct the criminal records check 514
in the manner described in division (B) of this section to 515
determine whether any information exists that indicates that the 516
person who is the subject of the request previously has been 517
convicted of or pleaded guilty to any of the following: 518

(a) A violation of section 2903.01, 2903.02, 2903.03, 519
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 520
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 521
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 522
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 523
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 524
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 525
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 526
2925.22, 2925.23, or 3716.11 of the Revised Code; 527

(b) An existing or former law of this state, any other state, 528
or the United States that is substantially equivalent to any of 529

the offenses listed in division (A)(6)(a) of this section.

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(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

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(8) On a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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section 2925.11 of the Revised Code that is not a minor drug 562
possession offense, or felonious sexual penetration in violation 563
of former section 2907.12 of the Revised Code; 564

(b) A violation of an existing or former law of this state, 565
any other state, or the United States that is substantially 566
equivalent to any of the offenses listed in division (A)(8)(a) of 567
this section. 568

(9) When conducting a criminal records check on a request 569
pursuant to section 5104.013 of the Revised Code for a person who 570
is an owner, licensee, or administrator of a child day-care center 571
or type A family day-care home ~~or~~, an authorized provider of a 572
certified type B family day-care home, or an adult residing in a 573
type A or certified type B home, or when conducting a criminal 574
records check or a request pursuant to section 5104.012 of the 575
Revised Code for a person who is an applicant for employment in a 576
center, type A home, or certified type B home, the superintendent, 577
in addition to the determination made under division (A)(1) of 578
this section, shall determine whether any information exists that 579
indicates that the person has been convicted of or pleaded guilty 580
to any of the following: 581

(a) A violation of section 2913.02, 2913.03, 2913.04, 582
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 583
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 584
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 585
2921.13, or 2923.01 of the Revised Code, a violation of section 586
2923.02 or 2923.03 of the Revised Code that relates to a crime 587
specified in this division or division (A)(1)(a) of this section, 588
or a second violation of section 4511.19 of the Revised Code 589
within five years of the date of application for licensure or 590
certification. 591

(b) A violation of an existing or former law of this state, 592

any other state, or the United States that is substantially
equivalent to any of the offenses or violations described in
division (A)(9)(a) of this section.

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(10) Upon receipt of a request pursuant to section 5153.111
of the Revised Code, a completed form prescribed pursuant to
division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request previously has been
convicted of or pleaded guilty to any of the following:

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

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(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(10)(a) of

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this section.

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(11) On receipt of a request for a criminal records check 626
from an individual pursuant to section 4749.03 or 4749.06 of the 627
Revised Code, accompanied by a completed copy of the form 628
prescribed in division (C)(1) of this section and a set of 629
fingerprint impressions obtained in a manner described in division 630
(C)(2) of this section, the superintendent of the bureau of 631
criminal identification and investigation shall conduct a criminal 632
records check in the manner described in division (B) of this 633
section to determine whether any information exists indicating 634
that the person who is the subject of the request has been 635
convicted of or pleaded guilty to a felony in this state or in any 636
other state. If the individual indicates that a firearm will be 637
carried in the course of business, the superintendent shall 638
require information from the federal bureau of investigation as 639
described in division (B)(2) of this section. The superintendent 640
shall report the findings of the criminal records check and any 641
information the federal bureau of investigation provides to the 642
director of public safety. 643

~~(11)~~(12) Not later than thirty days after the date the 644
superintendent receives the request, completed form, and 645
fingerprint impressions, the superintendent shall send the person, 646
board, or entity that made the request any information, other than 647
information the dissemination of which is prohibited by federal 648
law, the superintendent determines exists with respect to the 649
person who is the subject of the request that indicates that the 650
person previously has been convicted of or pleaded guilty to any 651
offense listed or described in division (A)(1), (2), (3), (4), 652
(5), (6), (7), (8), (9), ~~or~~ (10), or (11) of this section, as 653
appropriate. The superintendent shall send the person, board, or 654
entity that made the request a copy of the list of offenses 655
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 656

(9), ~~or~~ (10), or (11) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

(B) The superintendent shall conduct any criminal records check requested under section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as follows:

(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;

(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.

(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.

(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 688
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 689
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 690
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 691
5153.111 of the Revised Code. The form that the superintendent 692
prescribes pursuant to this division may be in a tangible format, 693
in an electronic format, or in both tangible and electronic 694
formats. 695

(2) The superintendent shall prescribe standard impression 696
sheets to obtain the fingerprint impressions of any person for 697
whom a criminal records check is required by section 121.08, 698
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 699
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 700
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 701
Code. Any person for whom a records check is required by any of 702
those sections shall obtain the fingerprint impressions at a 703
county sheriff's office, municipal police department, or any other 704
entity with the ability to make fingerprint impressions on the 705
standard impression sheets prescribed by the superintendent. The 706
office, department, or entity may charge the person a reasonable 707
fee for making the impressions. The standard impression sheets the 708
superintendent prescribes pursuant to this division may be in a 709
tangible format, in an electronic format, or in both tangible and 710
electronic formats. 711

(3) Subject to division (D) of this section, the 712
superintendent shall prescribe and charge a reasonable fee for 713
providing a criminal records check requested under section 121.08, 714
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 715
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 716
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 717
Code. The person making a criminal records request under section 718
121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 719

3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 720
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 721
Revised Code shall pay the fee prescribed pursuant to this 722
division. A person making a request under section 3701.881 of the 723
Revised Code for a criminal records check for an applicant who may 724
be both responsible for the care, custody, or control of a child 725
and involved in providing direct care to an older adult shall pay 726
one fee for the request. 727

(4) The superintendent of the bureau of criminal 728
identification and investigation may prescribe methods of 729
forwarding fingerprint impressions and information necessary to 730
conduct a criminal records check, which methods shall include, but 731
not be limited to, an electronic method. 732

(D) A determination whether any information exists that 733
indicates that a person previously has been convicted of or 734
pleaded guilty to any offense listed or described in division 735
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 736
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 737
~~or (A)(9)(a) or (b),~~ or (A)(10)(a) or (b) of this section that is 738
made by the superintendent with respect to information considered 739
in a criminal records check in accordance with this section is 740
valid for the person who is the subject of the criminal records 741
check for a period of one year from the date upon which the 742
superintendent makes the determination. During the period in which 743
the determination in regard to a person is valid, if another 744
request under this section is made for a criminal records check 745
for that person, the superintendent shall provide the information 746
that is the basis for the superintendent's initial determination 747
at a lower fee than the fee prescribed for the initial criminal 748
records check. 749

(E) As used in this section: 750

(1) "Criminal records check" means any criminal records check 751
conducted by the superintendent of the bureau of criminal 752
identification and investigation in accordance with division (B) 753
of this section. 754

(2) "Home and community-based waiver services" and "waiver 755
agency" have the same meanings as in section 5111.95 of the 756
Revised Code. 757

(3) "Independent provider" has the same meaning as in section 758
5111.96 of the Revised Code. 759

(4) "Minor drug possession offense" has the same meaning as 760
in section 2925.01 of the Revised Code. 761

(5) "Older adult" means a person age sixty or older. 762

Sec. 109.60. (A)(1) The sheriffs of the several counties and 763
the chiefs of police of cities, immediately upon the arrest of any 764
person for any felony, on suspicion of any felony, for a crime 765
constituting a misdemeanor on the first offense and a felony on 766
subsequent offenses, or for any misdemeanor described in division 767
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, 768
and immediately upon the arrest or taking into custody of any 769
child under eighteen years of age for committing an act that would 770
be a felony or an offense of violence if committed by an adult or 771
upon probable cause to believe that a child of that age may have 772
committed an act that would be a felony or an offense of violence 773
if committed by an adult, shall take the person's or child's 774
fingerprints, or cause the same to be taken, according to the 775
fingerprint system of identification on the forms furnished by the 776
superintendent of the bureau of criminal identification and 777
investigation, and immediately shall forward copies of the 778
completed forms, any other description that may be required, and 779
the history of the offense committed to the bureau to be 780

classified and filed and to the clerk of the court having 781
jurisdiction over the prosecution of the offense or over the 782
adjudication relative to the act. 783

(2) If a sheriff or chief of police has not taken, or caused 784
to be taken, a person's or child's fingerprints in accordance with 785
division (A)(1) of this section by the time of the arraignment or 786
first appearance of the person or child, the court shall order the 787
person or child to appear before the sheriff or chief of police 788
within twenty-four hours to have the person's or child's 789
fingerprints taken. The sheriff or chief of police shall take the 790
person's or child's fingerprints, or cause the fingerprints to be 791
taken, according to the fingerprint system of identification on 792
the forms furnished by the superintendent of the bureau of 793
criminal identification and investigation and, immediately after 794
the person's or child's arraignment or first appearance, forward 795
copies of the completed forms, any other description that may be 796
required, and the history of the offense committed to the bureau 797
to be classified and filed and to the clerk of the court. 798

(3) Every court with jurisdiction over a case involving a 799
person or child with respect to whom division (A)(1) of this 800
section requires a sheriff or chief of police to take the person's 801
or child's fingerprints shall inquire at the time of the person's 802
or child's sentencing or adjudication whether or not the person or 803
child has been fingerprinted pursuant to division (A)(1) or (2) of 804
this section for the original arrest upon which the sentence or 805
adjudication is based. If the person or child was not 806
fingerprinted for the original arrest upon which the sentence or 807
adjudication is based, the court shall order the person or child 808
to appear before the sheriff or chief of police within twenty-four 809
hours to have the person's or child's fingerprints taken. The 810
sheriff or chief of police shall take the person's or child's 811
fingerprints, or cause the fingerprints to be taken, according to 812

the fingerprint system of identification on the forms furnished by 813
the superintendent of the bureau of criminal identification and 814
investigation and immediately forward copies of the completed 815
forms, any other description that may be required, and the history 816
of the offense committed to the bureau to be classified and filed 817
and to the clerk of the court. 818

(4) If a person or child is in the custody of a law 819
enforcement agency or a detention facility, as defined in section 820
2921.01 of the Revised Code, and the chief law enforcement officer 821
or chief administrative officer of the detention facility 822
discovers that a warrant has been issued or a bill of information 823
has been filed alleging the person or child to have committed an 824
offense or act other than the offense or act for which the person 825
or child is in custody, and the other alleged offense or act is 826
one for which fingerprints are to be taken pursuant to division 827
(A)(1) of this section, the law enforcement agency or detention 828
facility shall take the fingerprints of the person or child, or 829
cause the fingerprints to be taken, according to the fingerprint 830
system of identification on the forms furnished by the 831
superintendent of the bureau of criminal identification and 832
investigation and immediately forward copies of the completed 833
forms, any other description that may be required, and the history 834
of the offense committed to the bureau to be classified and filed 835
and to the clerk of the court that issued the warrant or with 836
which the bill of information was filed. 837

(5) If an accused is found not guilty of the offense charged 838
or a nolle prosequi is entered in any case, or if any accused 839
child under eighteen years of age is found not to be a delinquent 840
child for committing an act that would be a felony or an offense 841
of violence if committed by an adult or not guilty of the felony 842
or offense of violence charged or a nolle prosequi is entered in 843
that case, the fingerprints and description shall be given to the 844

accused upon the accused's request.

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(6) The superintendent shall compare the description received with those already on file in the bureau, and, if the superintendent finds that the person arrested or taken into custody has a criminal record or a record as a delinquent child for having committed an act that would be a felony or an offense of violence if committed by an adult or is a fugitive from justice or wanted by any jurisdiction in this or another state, the United States, or a foreign country for any offense, the superintendent at once shall inform the arresting officer, the officer taking the person into custody, or the chief administrative officer of the county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution in which the person or child is in custody of that fact and give appropriate notice to the proper authorities in the jurisdiction in which the person is wanted, or, if that jurisdiction is a foreign country, give appropriate notice to federal authorities for transmission to the foreign country. The names, under which each person whose identification is filed is known, shall be alphabetically indexed by the superintendent.

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(B) This section does not apply to a violator of a city ordinance unless the officers have reason to believe that the violator is a past offender or the crime is one constituting a misdemeanor on the first offense and a felony on subsequent offenses, or unless it is advisable for the purpose of subsequent identification. This section does not apply to any child under eighteen years of age who was not arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that

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would be a felony or an offense of violence if committed by an 877
adult, except as provided in section 2151.313 of the Revised Code. 878

Sec. 1347.08. (A) Every state or local agency that maintains 879
a personal information system, upon the request and the proper 880
identification of any person who is the subject of personal 881
information in the system, shall: 882

(1) Inform the person of the existence of any personal 883
information in the system of which the person is the subject; 884

(2) Except as provided in divisions (C) and (E)(2) of this 885
section, permit the person, the person's legal guardian, or an 886
attorney who presents a signed written authorization made by the 887
person, to inspect all personal information in the system of which 888
the person is the subject; 889

(3) Inform the person about the types of uses made of the 890
personal information, including the identity of any users usually 891
granted access to the system. 892

(B) Any person who wishes to exercise a right provided by 893
this section may be accompanied by another individual of the 894
person's choice. 895

(C)(1) A state or local agency, upon request, shall disclose 896
medical, psychiatric, or psychological information to a person who 897
is the subject of the information or to the person's legal 898
guardian, unless a physician, psychiatrist, or psychologist 899
determines for the agency that the disclosure of the information 900
is likely to have an adverse effect on the person, in which case 901
the information shall be released to a physician, psychiatrist, or 902
psychologist who is designated by the person or by the person's 903
legal guardian. 904

(2) Upon the signed written request of either a licensed 905
attorney at law or a licensed physician designated by the inmate, 906

together with the signed written request of an inmate of a
correctional institution under the administration of the
department of rehabilitation and correction, the department shall
disclose medical information to the designated attorney or
physician as provided in division (C) of section 5120.21 of the
Revised Code.

(D) If an individual who is authorized to inspect personal
information that is maintained in a personal information system
requests the state or local agency that maintains the system to
provide a copy of any personal information that the individual is
authorized to inspect, the agency shall provide a copy of the
personal information to the individual. Each state and local
agency may establish reasonable fees for the service of copying,
upon request, personal information that is maintained by the
agency.

(E)(1) This section regulates access to personal information
that is maintained in a personal information system by persons who
are the subject of the information, but does not limit the
authority of any person, including a person who is the subject of
personal information maintained in a personal information system,
to inspect or have copied, pursuant to section 149.43 of the
Revised Code, a public record as defined in that section.

(2) This section does not provide a person who is the subject
of personal information maintained in a personal information
system, the person's legal guardian, or an attorney authorized by
the person, with a right to inspect or have copied, or require an
agency that maintains a personal information system to permit the
inspection of or to copy, a confidential law enforcement
investigatory record or trial preparation record, as defined in
divisions (A)(2) and (4) of section 149.43 of the Revised Code.

(F) This section does not apply to any of the following:

(1) The contents of an adoption file maintained by the	938
department of health under section 3705.12 of the Revised Code;	939
(2) Information contained in the putative father registry	940
established by section 3107.062 of the Revised Code, regardless of	941
whether the information is held by the department of job and	942
family services or, pursuant to section 3111.69 of the Revised	943
Code, the office of child support in the department or a child	944
support enforcement agency;	945
(3) Papers, records, and books that pertain to an adoption	946
and that are subject to inspection in accordance with section	947
3107.17 of the Revised Code;	948
(4) Records listed in division (A) of section 3107.42 of the	949
Revised Code or specified in division (A) of section 3107.52 of	950
the Revised Code;	951
(5) Records that identify an individual described in division	952
(A)(1) of section 3721.031 of the Revised Code, or that would tend	953
to identify such an individual;	954
(6) Files and records that have been expunged under division	955
(D)(1) of section 3721.23 of the Revised Code;	956
(7) Records that identify an individual described in division	957
(A)(1) of section 3721.25 of the Revised Code, or that would tend	958
to identify such an individual;	959
(8) Records that identify an individual described in division	960
(A)(1) of section 5111.61 of the Revised Code, or that would tend	961
to identify such an individual;	962
(9) Test materials, examinations, or evaluation tools used in	963
an examination for licensure as a nursing home administrator that	964
the board of examiners of nursing home administrators administers	965
under section 4751.04 of the Revised Code or contracts under that	966
section with a private or government entity to administer;	967

(10) Information contained in a database established and 968
maintained pursuant to section 5101.13 of the Revised Code. 969

Sec. 1717.14. When an officer or agent of the Ohio humane 970
society or of a county humane society deems it for the best 971
interest of a child, because of cruelty inflicted upon ~~it~~ the 972
child or because of ~~its~~ the child's surroundings, that ~~it~~ the 973
child be removed from the possession and control of the parents or 974
persons having charge of ~~it~~ the child, ~~such~~ the officer or agent 975
may ~~take possession of the child summarily, and upon doing so~~ 976
~~shall immediately file a complaint in the juvenile court~~ 977
~~concerning such child. Such court shall have full jurisdiction to~~ 978
~~deal with such child as provided in sections 2151.01 to 2151.54 of~~ 979
~~the Revised Code, subject to the prior jurisdiction, if any, which~~ 980
~~another court may have over such child~~ comply with section 981
2151.421 of the Revised Code. 982

As used in this section "child" means any person under 983
eighteen years of age. 984

Sec. 2151.011. (A) As used in the Revised Code: 985

(1) "Juvenile court" means whichever of the following is 986
applicable that has jurisdiction under this chapter and Chapter 987
2152. of the Revised Code: 988

(a) The division of the court of common pleas specified in 989
section 2101.022 or 2301.03 of the Revised Code as having 990
jurisdiction under this chapter and Chapter 2152. of the Revised 991
Code or as being the juvenile division or the juvenile division 992
combined with one or more other divisions; 993

(b) The juvenile court of Cuyahoga county or Hamilton county 994
that is separately and independently created by section 2151.08 or 995
Chapter 2153. of the Revised Code and that has jurisdiction under 996
this chapter and Chapter 2152. of the Revised Code; 997

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	998 999
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	1000 1001
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	1002 1003 1004 1005 1006
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	1007 1008 1009 1010 1011
(a) Receives and cares for children for two or more consecutive weeks;	1012 1013
(b) Participates in the placement of children in certified foster homes;	1014 1015
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	1016 1017
(B) As used in this chapter:	1018
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	1019 1020 1021 1022 1023 1024
(2) "Adult" means an individual who is eighteen years of age or older.	1025 1026
(3) "Agreement for temporary custody" means a voluntary	1027

agreement authorized by section 5103.15 of the Revised Code that 1028
transfers the temporary custody of a child to a public children 1029
services agency or a private child placing agency. 1030

(4) "Certified foster home" means a foster home, as defined 1031
in section 5103.02 of the Revised Code, certified under section 1032
5103.03 of the Revised Code. 1033

(5) "Child" means a person who is under eighteen years of 1034
age, except that the juvenile court has jurisdiction over any 1035
person who is adjudicated an unruly child prior to attaining 1036
eighteen years of age until the person attains twenty-one years of 1037
age, and, for purposes of that jurisdiction related to that 1038
adjudication, a person who is so adjudicated an unruly child shall 1039
be deemed a "child" until the person attains twenty-one years of 1040
age. 1041

(6) "Child day camp," "child care," "child day-care center," 1042
"part-time child day-care center," "type A family day-care home," 1043
"certified type B family day-care home," "type B home," 1044
"administrator of a child day-care center," "administrator of a 1045
type A family day-care home," "in-home aide," and "authorized 1046
provider" have the same meanings as in section 5104.01 of the 1047
Revised Code. 1048

(7) "Child care provider" means an individual who is a 1049
child-care staff member or administrator of a child day-care 1050
center, a type A family day-care home, or a type B family day-care 1051
home, or an in-home aide or an individual who is licensed, is 1052
regulated, is approved, operates under the direction of, or 1053
otherwise is certified by the department of job and family 1054
services, department of mental retardation and developmental 1055
disabilities, or the early childhood programs of the department of 1056
education. 1057

(8) "Chronic truant" has the same meaning as in section 1058

2152.02 of the Revised Code.	1059
(9) "Commit" means to vest custody as ordered by the court.	1060
(10) "Counseling" includes both of the following:	1061
(a) General counseling services performed by a public	1062
children services agency or shelter for victims of domestic	1063
violence to assist a child, a child's parents, and a child's	1064
siblings in alleviating identified problems that may cause or have	1065
caused the child to be an abused, neglected, or dependent child.	1066
(b) Psychiatric or psychological therapeutic counseling	1067
services provided to correct or alleviate any mental or emotional	1068
illness or disorder and performed by a licensed psychiatrist,	1069
licensed psychologist, or a person licensed under Chapter 4757. of	1070
the Revised Code to engage in social work or professional	1071
counseling.	1072
(11) "Custodian" means a person who has legal custody of a	1073
child or a public children services agency or private child	1074
placing agency that has permanent, temporary, or legal custody of	1075
a child.	1076
(12) "Delinquent child" has the same meaning as in section	1077
2152.02 of the Revised Code.	1078
(13) "Detention" means the temporary care of children pending	1079
court adjudication or disposition, or execution of a court order,	1080
in a public or private facility designed to physically restrict	1081
the movement and activities of children.	1082
(14) "Developmental disability" has the same meaning as in	1083
section 5123.01 of the Revised Code.	1084
(15) "Foster caregiver" has the same meaning as in section	1085
5103.02 of the Revised Code.	1086
(16) "Guardian" means a person, association, or corporation	1087
that is granted authority by a probate court pursuant to Chapter	1088

2111. of the Revised Code to exercise parental rights over a child 1089
to the extent provided in the court's order and subject to the 1090
residual parental rights of the child's parents. 1091

(17) "Habitual truant" means any child of compulsory school 1092
age who is absent without legitimate excuse for absence from the 1093
public school the child is supposed to attend for five or more 1094
consecutive school days, seven or more school days in one school 1095
month, or twelve or more school days in a school year. 1096

(18) "Juvenile traffic offender" has the same meaning as in 1097
section 2152.02 of the Revised Code. 1098

(19) "Legal custody" means a legal status that vests in the 1099
custodian the right to have physical care and control of the child 1100
and to determine where and with whom the child shall live, and the 1101
right and duty to protect, train, and discipline the child and to 1102
provide the child with food, shelter, education, and medical care, 1103
all subject to any residual parental rights, privileges, and 1104
responsibilities. An individual granted legal custody shall 1105
exercise the rights and responsibilities personally unless 1106
otherwise authorized by any section of the Revised Code or by the 1107
court. 1108

(20) A "legitimate excuse for absence from the public school 1109
the child is supposed to attend" includes, but is not limited to, 1110
any of the following: 1111

(a) The fact that the child in question has enrolled in and 1112
is attending another public or nonpublic school in this or another 1113
state; 1114

(b) The fact that the child in question is excused from 1115
attendance at school for any of the reasons specified in section 1116
3321.04 of the Revised Code; 1117

(c) The fact that the child in question has received an age 1118

and schooling certificate in accordance with section 3331.01 of 1119
the Revised Code. 1120

(21) "Mental illness" and "mentally ill person subject to 1121
hospitalization by court order" have the same meanings as in 1122
section 5122.01 of the Revised Code. 1123

(22) "Mental injury" means any behavioral, cognitive, 1124
emotional, or mental disorder in a child caused by an act or 1125
omission that is described in section 2919.22 of the Revised Code 1126
and is committed by the parent or other person responsible for the 1127
child's care. 1128

(23) "Mentally retarded person" has the same meaning as in 1129
section 5123.01 of the Revised Code. 1130

(24) "Nonsecure care, supervision, or training" means care, 1131
supervision, or training of a child in a facility that does not 1132
confine or prevent movement of the child within the facility or 1133
from the facility. 1134

(25) "Of compulsory school age" has the same meaning as in 1135
section 3321.01 of the Revised Code. 1136

(26) "Organization" means any institution, public, 1137
semipublic, or private, and any private association, society, or 1138
agency located or operating in the state, incorporated or 1139
unincorporated, having among its functions the furnishing of 1140
protective services or care for children, or the placement of 1141
children in certified foster homes or elsewhere. 1142

(27) "Out-of-home care" means detention facilities, shelter 1143
facilities, certified foster homes, placement in a prospective 1144
adoptive home prior to the issuance of a final decree of adoption, 1145
organizations, certified organizations, child day-care centers, 1146
type A family day-care homes, child care provided by type B family 1147
day-care home providers and by in-home aides, group home 1148

providers, group homes, institutions, state institutions, 1149
residential facilities, residential care facilities, residential 1150
camps, day camps, public schools, chartered nonpublic schools, 1151
educational service centers, hospitals, and medical clinics that 1152
are responsible for the care, physical custody, or control of 1153
children. 1154

(28) "Out-of-home care child abuse" means any of the 1155
following when committed by a person responsible for the care of a 1156
child in out-of-home care: 1157

(a) Engaging in sexual activity with a child in the person's 1158
care; 1159

(b) Denial to a child, as a means of punishment, of proper or 1160
necessary subsistence, education, medical care, or other care 1161
necessary for a child's health; 1162

(c) Use of restraint procedures on a child that cause injury 1163
or pain; 1164

(d) Administration of prescription drugs or psychotropic 1165
medication to the child without the written approval and ongoing 1166
supervision of a licensed physician; 1167

(e) Commission of any act, other than by accidental means, 1168
that results in any injury to or death of the child in out-of-home 1169
care or commission of any act by accidental means that results in 1170
an injury to or death of a child in out-of-home care and that is 1171
at variance with the history given of the injury or death. 1172

(29) "Out-of-home care child neglect" means any of the 1173
following when committed by a person responsible for the care of a 1174
child in out-of-home care: 1175

(a) Failure to provide reasonable supervision according to 1176
the standards of care appropriate to the age, mental and physical 1177
condition, or other special needs of the child; 1178

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	1179 1180 1181 1182
(c) Failure to develop a process for all of the following:	1183
(i) Administration of prescription drugs or psychotropic drugs for the child;	1184 1185
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	1186 1187
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	1188 1189 1190
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	1191 1192 1193
(e) Confinement of the child to a locked room without monitoring by staff;	1194 1195
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	1196 1197
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	1198 1199 1200
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	1201 1202 1203 1204 1205 1206
(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a	1207 1208

voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 1209
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(32) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 1212
1213
1214

(33) "Person responsible for a child's care in out-of-home care" means any of the following: 1215
1216

(a) Any foster caregiver, in-home aide, or provider; 1217

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 1218
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school; 1226
1227
1228

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children. 1229
1230

~~(33)~~(34) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction: 1231
1232
1233
1234
1235

(a) A substantial impairment of vision, speech, or hearing; 1236

(b) A congenital orthopedic impairment; 1237

(c) An orthopedic impairment caused by disease, rheumatic 1238

fever or any other similar chronic or acute health problem, or 1239
amputation or another similar cause. 1240

~~(34)~~(35) "Placement for adoption" means the arrangement by a 1241
public children services agency or a private child placing agency 1242
with a person for the care and adoption by that person of a child 1243
of whom the agency has permanent custody. 1244

~~(35)~~(36) "Placement in foster care" means the arrangement by 1245
a public children services agency or a private child placing 1246
agency for the out-of-home care of a child of whom the agency has 1247
temporary custody or permanent custody. 1248

~~(36)~~(37) "Planned permanent living arrangement" means an 1249
order of a juvenile court pursuant to which both of the following 1250
apply: 1251

(a) The court gives legal custody of a child to a public 1252
children services agency or a private child placing agency without 1253
the termination of parental rights. 1254

(b) The order permits the agency to make an appropriate 1255
placement of the child and to enter into a written agreement with 1256
a foster care provider or with another person or agency with whom 1257
the child is placed. 1258

~~(37)~~(38) "Practice of social work" and "practice of 1259
professional counseling" have the same meanings as in section 1260
4757.01 of the Revised Code. 1261

~~(38)~~(39) "Sanction, service, or condition" means a sanction, 1262
service, or condition created by court order following an 1263
adjudication that a child is an unruly child that is described in 1264
division (A)(4) of section 2152.19 of the Revised Code. 1265

~~(39)~~(40) "Protective supervision" means an order of 1266
disposition pursuant to which the court permits an abused, 1267
neglected, dependent, or unruly child to remain in the custody of 1268

the child's parents, guardian, or custodian and stay in the 1269
child's home, subject to any conditions and limitations upon the 1270
child, the child's parents, guardian, or custodian, or any other 1271
person that the court prescribes, including supervision as 1272
directed by the court for the protection of the child. 1273

~~(40)~~(41) "Psychiatrist" has the same meaning as in section 1274
5122.01 of the Revised Code. 1275

~~(41)~~(42) "Psychologist" has the same meaning as in section 1276
4732.01 of the Revised Code. 1277

~~(42)~~(43) "Residential camp" means a program in which the 1278
care, physical custody, or control of children is accepted 1279
overnight for recreational or recreational and educational 1280
purposes. 1281

~~(43)~~(44) "Residential care facility" means an institution, 1282
residence, or facility that is licensed by the department of 1283
mental health under section 5119.22 of the Revised Code and that 1284
provides care for a child. 1285

~~(44)~~(45) "Residential facility" means a home or facility that 1286
is licensed by the department of mental retardation and 1287
developmental disabilities under section 5123.19 of the Revised 1288
Code and in which a child with a developmental disability resides. 1289

~~(45)~~(46) "Residual parental rights, privileges, and 1290
responsibilities" means those rights, privileges, and 1291
responsibilities remaining with the natural parent after the 1292
transfer of legal custody of the child, including, but not 1293
necessarily limited to, the privilege of reasonable visitation, 1294
consent to adoption, the privilege to determine the child's 1295
religious affiliation, and the responsibility for support. 1296

~~(46)~~(47) "School day" means the school day established by the 1297
state board of education pursuant to section 3313.48 of the 1298
Revised Code. 1299

~~(47)~~(48) "School month" and "school year" have the same 1300
meanings as in section 3313.62 of the Revised Code. 1301

~~(48)~~(49) "Secure correctional facility" means a facility 1302
under the direction of the department of youth services that is 1303
designed to physically restrict the movement and activities of 1304
children and used for the placement of children after adjudication 1305
and disposition. 1306

~~(49)~~(50) "Sexual activity" has the same meaning as in section 1307
2907.01 of the Revised Code. 1308

~~(50)~~(51) "Shelter" means the temporary care of children in 1309
physically unrestricted facilities pending court adjudication or 1310
disposition. 1311

~~(51)~~(52) "Shelter for victims of domestic violence" has the 1312
same meaning as in section 3113.33 of the Revised Code. 1313

~~(52)~~(53) "Temporary custody" means legal custody of a child 1314
who is removed from the child's home, which custody may be 1315
terminated at any time at the discretion of the court or, if the 1316
legal custody is granted in an agreement for temporary custody, by 1317
the person who executed the agreement. 1318

(C) For the purposes of this chapter, a child shall be 1319
presumed abandoned when the parents of the child have failed to 1320
visit or maintain contact with the child for more than ninety 1321
days, regardless of whether the parents resume contact with the 1322
child after that period of ninety days. 1323

Sec. 2151.281. (A) The court shall appoint a guardian ad 1324
litem to protect the interest of a child in any proceeding 1325
concerning an alleged or adjudicated delinquent child or unruly 1326
child when either of the following applies: 1327

(1) The child has no parent, guardian, or legal custodian. 1328

(2) The court finds that there is a conflict of interest 1329
between the child and the child's parent, guardian, or legal 1330
custodian. 1331

(B)(1) The court shall appoint a guardian ad litem who has 1332
received training appropriate to the role to protect the interest 1333
of a child in any proceeding concerning an alleged abused or 1334
neglected child and in any proceeding held pursuant to section 1335
2151.414 of the Revised Code. The guardian ad litem so appointed 1336
shall not be the attorney responsible for presenting the evidence 1337
alleging that the child is an abused or neglected child and shall 1338
not be an employee of any party in the proceeding. 1339

(2) The guardian ad litem appointed for an alleged or 1340
adjudicated abused or neglected child may bring a civil action 1341
against any person, who is required by division (A)(1) of section 1342
2151.421 of the Revised Code to file a report of known or 1343
suspected child abuse or child neglect, if that person knows or 1344
suspects that the child for whom the guardian ad litem is 1345
appointed is the subject of child abuse or child neglect and does 1346
not file the required report and if the child suffers any injury 1347
or harm as a result of the known or suspected child abuse or child 1348
neglect or suffers additional injury or harm after the failure to 1349
file the report. 1350

(C) In any proceeding concerning an alleged or adjudicated 1351
delinquent, unruly, abused, neglected, or dependent child in which 1352
the parent appears to be mentally incompetent or is under eighteen 1353
years of age, the court shall appoint a guardian ad litem to 1354
protect the interest of that parent. 1355

(D) The court shall require the guardian ad litem to 1356
faithfully discharge the guardian ad litem's duties and, upon the 1357
guardian ad litem's failure to faithfully discharge the guardian 1358
ad litem's duties, shall discharge the guardian ad litem and 1359

appoint another guardian ad litem. The court may fix the 1360
compensation for the service of the guardian ad litem, which 1361
compensation shall be paid from the treasury of the county. 1362

(E) A parent who is eighteen years of age or older and not 1363
mentally incompetent shall be deemed sui juris for the purpose of 1364
any proceeding relative to a child of the parent who is alleged or 1365
adjudicated to be an abused, neglected, or dependent child. 1366

(F) In any case in which a parent of a child alleged or 1367
adjudicated to be an abused, neglected, or dependent child is 1368
under eighteen years of age, the parents of that parent shall be 1369
summoned to appear at any hearing respecting the child, who is 1370
alleged or adjudicated to be an abused, neglected, or dependent 1371
child. 1372

(G) In any case involving an alleged or adjudicated abused or 1373
neglected child or an agreement for the voluntary surrender of 1374
temporary or permanent custody of a child that is made in 1375
accordance with section 5103.15 of the Revised Code, the court 1376
shall appoint the guardian ad litem in each case as soon as 1377
possible after the complaint is filed, the request for an 1378
extension of the temporary custody agreement is filed with the 1379
court, or the request for court approval of the permanent custody 1380
agreement is filed. In any case involving an alleged dependent 1381
child in which the parent of the child appears to be mentally 1382
incompetent or is under eighteen years of age, there is a conflict 1383
of interest between the child and the child's parents, guardian, 1384
or custodian, or the court believes that the parent of the child 1385
is not capable of representing the best interest of the child, the 1386
court shall appoint a guardian ad litem for the child. The 1387
guardian ad litem or the guardian ad litem's replacement shall 1388
continue to serve until any of the following occur: 1389

(1) The complaint is dismissed or the request for an 1390

extension of a temporary custody agreement or for court approval	1391
of the permanent custody agreement is withdrawn or denied;	1392
(2) All dispositional orders relative to the child have	1393
terminated;	1394
(3) The legal custody of the child is granted to a relative	1395
of the child, or to another person;	1396
(4) The child is placed in an adoptive home or, at the	1397
court's discretion, a final decree of adoption is issued with	1398
respect to the child;	1399
(5) The child reaches the age of eighteen if the child is not	1400
mentally retarded, developmentally disabled, or physically	1401
impaired or the child reaches the age of twenty-one if the child	1402
is mentally retarded, developmentally disabled, or physically	1403
impaired;	1404
(6) The guardian ad litem resigns or is removed by the court	1405
and a replacement is appointed by the court.	1406
If a guardian ad litem ceases to serve a child pursuant to	1407
division (G)(4) of this section and the petition for adoption with	1408
respect to the child is denied or withdrawn prior to the issuance	1409
of a final decree of adoption or prior to the date an	1410
interlocutory order of adoption becomes final, the juvenile court	1411
shall reappoint a guardian ad litem for that child. The public	1412
children services agency or private child placing agency with	1413
permanent custody of the child shall notify the juvenile court if	1414
the petition for adoption is denied or withdrawn.	1415
(H) If the guardian ad litem for an alleged or adjudicated	1416
abused, neglected, or dependent child is an attorney admitted to	1417
the practice of law in this state, the guardian ad litem also may	1418
serve as counsel to the ward. If a person is serving as guardian	1419
ad litem and counsel for a child and either that person or the	1420

court finds that a conflict may exist between the person's roles
as guardian ad litem and as counsel, the guardian ad litem shall
immediately move for permission to withdraw as counsel. On receipt
of such a motion, the court shall relieve the person of duties as
~~guardian ad litem~~ counsel and appoint someone else as ~~guardian ad
litem~~ counsel for the child. If the court appoints a person who is
not an attorney admitted to the practice of law in this state to
be a guardian ad litem, the court also may appoint an attorney
admitted to the practice of law in this state to serve as counsel
for the guardian ad litem.

(I) The guardian ad litem for an alleged or adjudicated
abused, neglected, or dependent child shall perform whatever
functions are necessary to protect the best interest of the child,
including, but not limited to, investigation, mediation,
monitoring court proceedings, and monitoring the services provided
the child by the public children services agency or private child
placing agency that has temporary or permanent custody of the
child, and shall file any motions and other court papers that are
in the best interest of the child.

The guardian ad litem shall be given notice of all hearings,
administrative reviews, and other proceedings in the same manner
as notice is given to parties to the action.

(J)(1) When the court appoints a guardian ad litem pursuant
to this section, it shall appoint a qualified volunteer whenever
one is available and the appointment is appropriate.

(2) Upon request, the department of job and family services
shall provide for the training of volunteer guardians ad litem.

Sec. 2151.353. (A) If a child is adjudicated an abused,
neglected, or dependent child, the court may make any of the
following orders of disposition:

- (1) Place the child in protective supervision; 1451
- (2) Commit the child to the temporary custody of a public 1452
children services agency, a private child placing agency, either 1453
parent, a relative residing within or outside the state, or a 1454
probation officer for placement in a certified foster home, or in 1455
any other home approved by the court; 1456
- (3) Award legal custody of the child to either parent or to 1457
any other person who, prior to the dispositional hearing, files a 1458
motion requesting legal custody of the child or is identified as a 1459
proposed legal custodian in a complaint or motion filed by a 1460
public children services agency or private child placing agency; 1461
- (4) Commit the child to the permanent custody of a public 1462
children services agency or private child placing agency, if the 1463
court determines in accordance with division (E) of section 1464
2151.414 of the Revised Code that the child cannot be placed with 1465
one of the child's parents within a reasonable time or should not 1466
be placed with either parent and determines in accordance with 1467
division (D) of section 2151.414 of the Revised Code that the 1468
permanent commitment is in the best interest of the child. If the 1469
court grants permanent custody under this division, the court, 1470
upon the request of any party, shall file a written opinion 1471
setting forth its findings of fact and conclusions of law in 1472
relation to the proceeding. 1473
- (5) Place the child in a planned permanent living arrangement 1474
with a public children services agency or private child placing 1475
agency, if a public children services agency or private child 1476
placing agency requests the court to place the child in a planned 1477
permanent living arrangement and if the court finds, by clear and 1478
convincing evidence, that a planned permanent living arrangement 1479
is in the best interest of the child and that one of the following 1480
exists: 1481

(a) The child, because of physical, mental, or psychological 1482
problems or needs, is unable to function in a family-like setting 1483
and must remain in residential or institutional care. 1484

(b) The parents of the child have significant physical, 1485
mental, or psychological problems and are unable to care for the 1486
child because of those problems, adoption is not in the best 1487
interest of the child, as determined in accordance with division 1488
(D) of section 2151.414 of the Revised Code, and the child retains 1489
a significant and positive relationship with a parent or relative. 1490

(c) The child is sixteen years of age or older, has been 1491
counseled on the permanent placement options available to the 1492
child, is unwilling to accept or unable to adapt to a permanent 1493
placement, and is in an agency program preparing the child for 1494
independent living. 1495

(6) Order the removal from the child's home until further 1496
order of the court of the person who committed abuse as described 1497
in section 2151.031 of the Revised Code against the child, who 1498
caused or allowed the child to suffer neglect as described in 1499
section 2151.03 of the Revised Code, or who is the parent, 1500
guardian, or custodian of a child who is adjudicated a dependent 1501
child and order any person not to have contact with the child or 1502
the child's siblings. 1503

(B) No order for permanent custody or temporary custody of a 1504
child or the placement of a child in a planned permanent living 1505
arrangement shall be made pursuant to this section unless the 1506
complaint alleging the abuse, neglect, or dependency contains a 1507
prayer requesting permanent custody, temporary custody, or the 1508
placement of the child in a planned permanent living arrangement 1509
as desired, the summons served on the parents of the child 1510
contains as is appropriate a full explanation that the granting of 1511
an order for permanent custody permanently divests them of their 1512

parental rights, a full explanation that an adjudication that the
child is an abused, neglected, or dependent child may result in an
order of temporary custody that will cause the removal of the
child from their legal custody until the court terminates the
order of temporary custody or permanently divests the parents of
their parental rights, or a full explanation that the granting of
an order for a planned permanent living arrangement will result in
the removal of the child from their legal custody if any of the
conditions listed in divisions (A)(5)(a) to (c) of this section
are found to exist, and the summons served on the parents contains
a full explanation of their right to be represented by counsel and
to have counsel appointed pursuant to Chapter 120. of the Revised
Code if they are indigent.

If after making disposition as authorized by division (A)(2)
of this section, a motion is filed that requests permanent custody
of the child, the court may grant permanent custody of the child
to the movant in accordance with section 2151.414 of the Revised
Code.

(C) If the court issues an order for protective supervision
pursuant to division (A)(1) of this section, the court may place
any reasonable restrictions upon the child, the child's parents,
guardian, or custodian, or any other person, including, but not
limited to, any of the following:

(1) Order a party, within forty-eight hours after the
issuance of the order, to vacate the child's home indefinitely or
for a specified period of time;

(2) Order a party, a parent of the child, or a physical
custodian of the child to prevent any particular person from
having contact with the child;

(3) Issue an order restraining or otherwise controlling the
conduct of any person which conduct would not be in the best

interest of the child. 1544

(D) As part of its dispositional order, the court shall 1545
journalize a case plan for the child. The journalized case plan 1546
shall not be changed except as provided in section 2151.412 of the 1547
Revised Code. 1548

(E)(1) The court shall retain jurisdiction over any child for 1549
whom the court issues an order of disposition pursuant to division 1550
(A) of this section or pursuant to section 2151.414 or 2151.415 of 1551
the Revised Code until the child attains the age of eighteen years 1552
if the child is not mentally retarded, developmentally disabled, 1553
or physically impaired, the child attains the age of twenty-one 1554
years if the child is mentally retarded, developmentally disabled, 1555
or physically impaired, or the child is adopted and a final decree 1556
of adoption is issued, except that the court may retain 1557
jurisdiction over the child and continue any order of disposition 1558
under division (A) of this section or under section 2151.414 or 1559
2151.415 of the Revised Code for a specified period of time to 1560
enable the child to graduate from high school or vocational 1561
school. The court shall make an entry continuing its jurisdiction 1562
under this division in the journal. 1563

(2) Any public children services agency, any private child 1564
placing agency, the department of job and family services, or any 1565
party, other than any parent whose parental rights with respect to 1566
the child have been terminated pursuant to an order issued under 1567
division (A)(4) of this section, by filing a motion with the 1568
court, may at any time request the court to modify or terminate 1569
any order of disposition issued pursuant to division (A) of this 1570
section or section 2151.414 or 2151.415 of the Revised Code. The 1571
court shall hold a hearing upon the motion as if the hearing were 1572
the original dispositional hearing and shall give all parties to 1573
the action and the guardian ad litem notice of the hearing 1574
pursuant to the Juvenile Rules. If applicable, the court shall 1575

comply with section 2151.42 of the Revised Code.

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(F) Any temporary custody order issued pursuant to division
(A) of this section shall terminate one year after the earlier of
the date on which the complaint in the case was filed or the child
was first placed into shelter care, except that, upon the filing
of a motion pursuant to section 2151.415 of the Revised Code, the
temporary custody order shall continue and not terminate until the
court issues a dispositional order under that section.

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(G)(1) No later than one year after the earlier of the date
the complaint in the case was filed or the child was first placed
in shelter care, a party may ask the court to extend an order for
protective supervision for six months or to terminate the order. A
party requesting extension or termination of the order shall file
a written request for the extension or termination with the court
and give notice of the proposed extension or termination in
writing before the end of the day after the day of filing it to
all parties and the child's guardian ad litem. If a public
children services agency or private child placing agency requests
termination of the order, the agency shall file a written status
report setting out the facts supporting termination of the order
at the time it files the request with the court. If no party
requests extension or termination of the order, the court shall
notify the parties that the court will extend the order for six
months or terminate it and that it may do so without a hearing
unless one of the parties requests a hearing. All parties and the
guardian ad litem shall have seven days from the date a notice is
sent pursuant to this division to object to and request a hearing
on the proposed extension or termination.

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(a) If it receives a timely request for a hearing, the court
shall schedule a hearing to be held no later than thirty days
after the request is received by the court. The court shall give
notice of the date, time, and location of the hearing to all

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parties and the guardian ad litem. At the hearing, the court shall
determine whether extension or termination of the order is in the
child's best interest. If termination is in the child's best
interest, the court shall terminate the order. If extension is in
the child's best interest, the court shall extend the order for
six months.

(b) If it does not receive a timely request for a hearing,
the court may extend the order for six months or terminate it
without a hearing and shall journalize the order of extension or
termination not later than fourteen days after receiving the
request for extension or termination or after the date the court
notifies the parties that it will extend or terminate the order.
If the court does not extend or terminate the order, it shall
schedule a hearing to be held no later than thirty days after the
expiration of the applicable fourteen-day time period and give
notice of the date, time, and location of the hearing to all
parties and the child's guardian ad litem. At the hearing, the
court shall determine whether extension or termination of the
order is in the child's best interest. If termination is in the
child's best interest, the court shall terminate the order. If
extension is in the child's best interest, the court shall issue
an order extending the order for protective supervision six
months.

(2) If the court grants an extension of the order for
protective supervision pursuant to division (G)(1) of this
section, a party may, prior to termination of the extension, file
with the court a request for an additional extension of six months
or for termination of the order. The court and the parties shall
comply with division (G)(1) of this section with respect to
extending or terminating the order.

(3) If a court grants an extension pursuant to division
(G)(2) of this section, the court shall terminate the order for

protective supervision at the end of the extension. 1640

(H) The court shall not issue a dispositional order pursuant 1641
to division (A) of this section that removes a child from the 1642
child's home unless the court complies with section 2151.419 of 1643
the Revised Code and includes in the dispositional order the 1644
findings of fact required by that section. 1645

(I) If a motion or application for an order described in 1646
division (A)(6) of this section is made, the court shall not issue 1647
the order unless, prior to the issuance of the order, it provides 1648
to the person all of the following: 1649

(1) Notice and a copy of the motion or application; 1650

(2) The grounds for the motion or application; 1651

(3) An opportunity to present evidence and witnesses at a 1652
hearing regarding the motion or application; 1653

(4) An opportunity to be represented by counsel at the 1654
hearing. 1655

(J) The jurisdiction of the court shall terminate one year 1656
after the date of the award or, if the court takes any further 1657
action in the matter subsequent to the award, the date of the 1658
latest further action subsequent to the award, if the court awards 1659
legal custody of a child to either of the following: 1660

(1) A legal custodian who, at the time of the award of legal 1661
custody, resides in a county of this state other than the county 1662
in which the court is located; 1663

(2) A legal custodian who resides in the county in which the 1664
court is located at the time of the award of legal custody, but 1665
moves to a different county of this state prior to one year after 1666
the date of the award or, if the court takes any further action in 1667
the matter subsequent to the award, one year after the date of the 1668
latest further action subsequent to the award. 1669

The court in the county in which the legal custodian resides 1670
then shall have jurisdiction in the matter. 1671

Sec. 2151.416. (A) Each agency that is required by section 1672
2151.412 of the Revised Code to prepare a case plan for a child 1673
shall complete a semiannual administrative review of the case plan 1674
no later than six months after the earlier of the date on which 1675
the complaint in the case was filed or the child was first placed 1676
in shelter care. After the first administrative review, the agency 1677
shall complete semiannual administrative reviews no later than 1678
every six months. If the court issues an order pursuant to section 1679
2151.414 or 2151.415 of the Revised Code, the agency shall 1680
complete an administrative review no later than six months after 1681
the court's order and continue to complete administrative reviews 1682
no later than every six months after the first review, except that 1683
the court hearing held pursuant to section 2151.417 of the Revised 1684
Code may take the place of any administrative review that would 1685
otherwise be held at the time of the court hearing. When 1686
conducting a review, the child's health and safety shall be the 1687
paramount concern. 1688

(B) Each administrative review required by division (A) of 1689
this section shall be conducted by a review panel of at least 1690
three persons, including, but not limited to, both of the 1691
following: 1692

(1) A caseworker with day-to-day responsibility for, or 1693
familiarity with, the management of the child's case plan; 1694

(2) A person who is not responsible for the management of the 1695
child's case plan or for the delivery of services to the child or 1696
the parents, guardian, or custodian of the child. 1697

(C) Each semiannual administrative review shall include, but 1698
not be limited to, a joint meeting by the review panel with the 1699

parents, guardian, or custodian of the child, the guardian ad
litem of the child, and the child's foster care provider and shall
include an opportunity for those persons to submit any written
materials to be included in the case record of the child. If a
parent, guardian, custodian, guardian ad litem, or foster care
provider of the child cannot be located after reasonable efforts
to do so or declines to participate in the administrative review
after being contacted, the agency does not have to include them in
the joint meeting.

(D) The agency shall prepare a written summary of the
semiannual administrative review that shall include, but not be
limited to, all of the following:

(1) A conclusion regarding the safety and appropriateness of
the child's foster care placement;

(2) The extent of the compliance with the case plan of all
parties;

(3) The extent of progress that has been made toward
alleviating the circumstances that required the agency to assume
temporary custody of the child;

(4) An estimated date by which the child may be returned to
and safely maintained in the child's home or placed for adoption
or legal custody;

(5) An updated case plan that includes any changes that the
agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or
person should be given custodial rights over the child for the
six-month period after the administrative review;

(7) The names of all persons who participated in the
administrative review.

(E) The agency shall file the summary with the court no later

than seven days after the completion of the administrative review. 1730
If the agency proposes a change to the case plan as a result of 1731
the administrative review, the agency shall file the proposed 1732
change with the court at the time it files the summary. The agency 1733
shall give notice of the summary and proposed change in writing 1734
before the end of the next day after filing them to all parties 1735
and the child's guardian ad litem. All parties and the guardian ad 1736
litem shall have seven days after the date the notice is sent to 1737
object to and request a hearing on the proposed change. 1738

(1) If the court receives a timely request for a hearing, the 1739
court shall schedule a hearing pursuant to section 2151.417 of the 1740
Revised Code to be held not later than thirty days after the court 1741
receives the request. The court shall give notice of the date, 1742
time, and location of the hearing to all parties and the guardian 1743
ad litem. The agency may implement the proposed change after the 1744
hearing, if the court approves it. The agency shall not implement 1745
the proposed change unless it is approved by the court. 1746

(2) If the court does not receive a timely request for a 1747
hearing, the court may approve the proposed change without a 1748
hearing. If the court approves the proposed change without a 1749
hearing, it shall journalize the case plan with the change not 1750
later than fourteen days after the change is filed with the court. 1751
If the court does not approve the proposed change to the case 1752
plan, it shall schedule a review hearing to be held pursuant to 1753
section 2151.417 of the Revised Code no later than thirty days 1754
after the expiration of the fourteen-day time period and give 1755
notice of the date, time, and location of the hearing to all 1756
parties and the guardian ad litem of the child. If, despite the 1757
requirements of this division and division (D) of section 2151.417 1758
of the Revised Code, the court neither approves and journalizes 1759
the proposed change nor conducts a hearing, the agency may 1760
implement the proposed change not earlier than fifteen days after 1761

it is submitted to the court. 1762

(F) The director of job and family services may adopt rules 1763
pursuant to Chapter 119. of the Revised Code for procedures and 1764
standard forms for conducting administrative reviews pursuant to 1765
this section. 1766

(G) The juvenile court that receives the written summary of 1767
the administrative review, upon determining, either from the 1768
written summary, case plan, or otherwise, that the custody or care 1769
arrangement is not in the best interest of the child, may 1770
terminate the custody of an agency and place the child in the 1771
custody of another institution or association certified by the 1772
department of job and family services under section 5103.03 of the 1773
Revised Code. 1774

~~(H) The department of job and family services shall report 1775
annually to the public and to the general assembly on the results 1776
of the review of case plans of each agency. The annual report 1777
shall include any information that is required by the department, 1778
including, but not limited to, all of the following: 1779~~

~~(1) A statistical analysis of the administrative reviews 1780
conducted pursuant to this section and section 2151.417 of the 1781
Revised Code; 1782~~

~~(2) The number of children in temporary or permanent custody 1783
for whom an administrative review was conducted, the number of 1784
children whose custody status changed during the period, the 1785
number of children whose residential placement changed during the 1786
period, and the number of residential placement changes for each 1787
child during the period; 1788~~

~~(3) An analysis of the utilization of public social services 1789
by agencies and parents or guardians, and the utilization of the 1790
adoption listing service of the department pursuant to section 1791
5103.154 of the Revised Code. 1792~~

Sec. 2151.421. (A)(1)(a) No person described in division 1793
(A)(1)(b) of this section who is acting in an official or 1794
professional capacity and knows or suspects that a child under 1795
eighteen years of age or a mentally retarded, developmentally 1796
disabled, or physically impaired child under twenty-one years of 1797
age has suffered or faces a threat of suffering any physical or 1798
mental wound, injury, disability, or condition of a nature that 1799
reasonably indicates abuse or neglect of the child, shall fail to 1800
immediately report that knowledge or suspicion to the entity or 1801
persons specified in this division. Except as provided in section 1802
5120.173 of the Revised Code, the person making the report shall 1803
make it to the public children services agency or a municipal or 1804
county peace officer in the county in which the child resides or 1805
in which the abuse or neglect is occurring or has occurred. In the 1806
circumstances described in section 5120.173 of the Revised Code, 1807
the person making the report shall make it to the entity specified 1808
in that section. 1809

(b) Division (A)(1)(a) of this section applies to any person 1810
who is an attorney; physician, including a hospital intern or 1811
resident; dentist; podiatrist; practitioner of a limited branch of 1812
medicine as specified in section 4731.15 of the Revised Code; 1813
registered nurse; licensed practical nurse; visiting nurse; other 1814
health care professional; licensed psychologist; licensed school 1815
psychologist; independent marriage and family therapist or 1816
marriage and family therapist; speech pathologist or audiologist; 1817
coroner; administrator or employee of a child day-care center; 1818
administrator or employee of a residential camp or child day camp; 1819
administrator or employee of a certified child care agency or 1820
other public or private children services agency; school teacher; 1821
school employee; school authority; person engaged in social work 1822
or the practice of professional counseling; agent of a county 1823
humane society; person rendering spiritual treatment through 1824

prayer in accordance with the tenets of a well-recognized 1825
religion; superintendent, board member, or employee of a county 1826
board of mental retardation; investigative agent contracted with 1827
by a county board of mental retardation; or employee of the 1828
department of mental retardation and developmental disabilities. 1829

(2) An attorney or a physician is not required to make a 1830
report pursuant to division (A)(1) of this section concerning any 1831
communication the attorney or physician receives from a client or 1832
patient in an attorney-client or physician-patient relationship, 1833
if, in accordance with division (A) or (B) of section 2317.02 of 1834
the Revised Code, the attorney or physician could not testify with 1835
respect to that communication in a civil or criminal proceeding, 1836
except that the client or patient is deemed to have waived any 1837
testimonial privilege under division (A) or (B) of section 2317.02 1838
of the Revised Code with respect to that communication and the 1839
attorney or physician shall make a report pursuant to division 1840
(A)(1) of this section with respect to that communication, if all 1841
of the following apply: 1842

(a) The client or patient, at the time of the communication, 1843
is either a child under eighteen years of age or a mentally 1844
retarded, developmentally disabled, or physically impaired person 1845
under twenty-one years of age. 1846

(b) The attorney or physician knows or suspects, as a result 1847
of the communication or any observations made during that 1848
communication, that the client or patient has suffered or faces a 1849
threat of suffering any physical or mental wound, injury, 1850
disability, or condition of a nature that reasonably indicates 1851
abuse or neglect of the client or patient. 1852

(c) The attorney-client or physician-patient relationship 1853
does not arise out of the client's or patient's attempt to have an 1854
abortion without the notification of her parents, guardian, or 1855

custodian in accordance with section 2151.85 of the Revised Code. 1856

(B) Anyone, who knows or suspects that a child under eighteen 1857
years of age or a mentally retarded, developmentally disabled, or 1858
physically impaired person under twenty-one years of age has 1859
suffered or faces a threat of suffering any physical or mental 1860
wound, injury, disability, or other condition of a nature that 1861
reasonably indicates abuse or neglect of the child may report or 1862
cause reports to be made of that knowledge or suspicion to the 1863
entity or persons specified in this division. Except as provided 1864
in section 5120.173 of the Revised Code, a person making a report 1865
or causing a report to be made under this division shall make it 1866
or cause it to be made to the public children services agency or 1867
to a municipal or county peace officer. In the circumstances 1868
described in section 5120.173 of the Revised Code, a person making 1869
a report or causing a report to be made under this division shall 1870
make it or cause it to be made to the entity specified in that 1871
section. 1872

(C) Any report made pursuant to division (A) or (B) of this 1873
section shall be made forthwith either by telephone or in person 1874
and shall be followed by a written report, if requested by the 1875
receiving agency or officer. The written report shall contain: 1876

(1) The names and addresses of the child and the child's 1877
parents or the person or persons having custody of the child, if 1878
known; 1879

(2) The child's age and the nature and extent of the child's 1880
known or suspected injuries, abuse, or neglect or of the known or 1881
suspected threat of injury, abuse, or neglect, including any 1882
evidence of previous injuries, abuse, or neglect; 1883

(3) Any other information that might be helpful in 1884
establishing the cause of the known or suspected injury, abuse, or 1885
neglect or of the known or suspected threat of injury, abuse, or 1886

neglect. 1887

Any person, who is required by division (A) of this section 1888
to report known or suspected child abuse or child neglect, may 1889
take or cause to be taken color photographs of areas of trauma 1890
visible on a child and, if medically indicated, cause to be 1891
performed radiological examinations of the child. 1892

(D) As used in this division, "children's advocacy center" 1893
and "sexual abuse of a child" have the same meanings as in section 1894
2151.425 of the Revised Code. 1895

(1) When a municipal or county peace officer receives a 1896
report concerning the possible abuse or neglect of a child or the 1897
possible threat of abuse or neglect of a child, upon receipt of 1898
the report, the municipal or county peace officer who receives the 1899
report shall refer the report to the appropriate public children 1900
services agency. 1901

(2) When a public children services agency receives a report 1902
pursuant to this division or division (A) or (B) of this section, 1903
upon receipt of the report, the public children services agency 1904
shall do both of the following: 1905

(a) Comply with section 2151.422 of the Revised Code; 1906

(b) If the county served by the agency is also served by a 1907
children's advocacy center and the report alleges sexual abuse of 1908
a child or another type of abuse of a child that is specified in 1909
the memorandum of understanding that creates the center as being 1910
within the center's jurisdiction, comply regarding the report with 1911
the protocol and procedures for referrals and investigations, with 1912
the coordinating activities, and with the authority or 1913
responsibility for performing or providing functions, activities, 1914
and services stipulated in the interagency agreement entered into 1915
under section 2151.428 of the Revised Code relative to that 1916
center. 1917

(E) No township, municipal, or county peace officer shall 1918
remove a child about whom a report is made pursuant to this 1919
section from the child's parents, stepparents, or guardian or any 1920
other persons having custody of the child without consultation 1921
with the public children services agency, unless, in the judgment 1922
of the officer, and, if the report was made by physician, the 1923
physician, immediate removal is considered essential to protect 1924
the child from further abuse or neglect. The agency that must be 1925
consulted shall be the agency conducting the investigation of the 1926
report as determined pursuant to section 2151.422 of the Revised 1927
Code. 1928

(F)(1) Except as provided in section 2151.422 of the Revised 1929
Code or in an interagency agreement entered into under section 1930
2151.428 of the Revised Code that applies to the particular 1931
report, the public children services agency shall investigate, 1932
within twenty-four hours, each report of known or suspected child 1933
abuse or child neglect and of a known or suspected threat of child 1934
abuse or child neglect that is referred to it under this section 1935
to determine the circumstances surrounding the injuries, abuse, or 1936
neglect or the threat of injury, abuse, or neglect, the cause of 1937
the injuries, abuse, neglect, or threat, and the person or persons 1938
responsible. The investigation shall be made in cooperation with 1939
the law enforcement agency and in accordance with the memorandum 1940
of understanding prepared under division (J) of this section. A 1941
representative of the public children services agency shall, at 1942
the time of initial contact with the person subject to the 1943
investigation, inform the person of the specific complaints or 1944
allegations made against the person. The information shall be 1945
given in a manner that is consistent with division (H)(1) of this 1946
section and protects the rights of the person making the report 1947
under this section. 1948

A failure to make the investigation in accordance with the 1949

memorandum is not grounds for, and shall not result in, the
dismissal of any charges or complaint arising from the report or
the suppression of any evidence obtained as a result of the report
and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person. The public children services agency shall report each case
to a central registry or uniform statewide automated child welfare
information system which the department of job and family services
shall maintain in ~~order to determine whether prior reports have
been made in other counties concerning the child or other
principals in the case~~ accordance with section 5101.13 of the
Revised Code. The public children services agency shall submit a
report of its investigation, in writing, to the law enforcement
agency.

(2) The public children services agency shall make any
recommendations to the county prosecuting attorney or city
director of law that it considers necessary to protect any
children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this
section, anyone or any hospital, institution, school, health
department, or agency participating in the making of reports under
division (A) of this section, anyone or any hospital, institution,
school, health department, or agency participating in good faith
in the making of reports under division (B) of this section, and
anyone participating in good faith in a judicial proceeding
resulting from the reports, shall be immune from any civil or
criminal liability for injury, death, or loss to person or
property that otherwise might be incurred or imposed as a result
of the making of the reports or the participation in the judicial
proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the
physician-patient privilege shall not be a ground for excluding

evidence regarding a child's injuries, abuse, or neglect, or the
cause of the injuries, abuse, or neglect in any judicial
proceeding resulting from a report submitted pursuant to this
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(2) In any civil or criminal action or proceeding in which it
is alleged and proved that participation in the making of a report
under this section was not in good faith or participation in a
judicial proceeding resulting from a report made under this
section was not in good faith, the court shall award the
prevailing party reasonable attorney's fees and costs and, if a
civil action or proceeding is voluntarily dismissed, may award
reasonable attorney's fees and costs to the party against whom the
civil action or proceeding is brought.

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(H)(1) Except as provided in divisions (H)(4) and (M) of this
section, a report made under this section is confidential. The
information provided in a report made pursuant to this section and
the name of the person who made the report shall not be released
for use, and shall not be used, as evidence in any civil action or
proceeding brought against the person who made the report. In a
criminal proceeding, the report is admissible in evidence in
accordance with the Rules of Evidence and is subject to discovery
in accordance with the Rules of Criminal Procedure.

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(2) No person shall permit or encourage the unauthorized
dissemination of the contents of any report made under this
section.

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(3) A person who knowingly makes or causes another person to
make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child is
guilty of a violation of section 2921.14 of the Revised Code.

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(4) If a report is made pursuant to division (A) or (B) of

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this section and the child who is the subject of the report dies 2013
for any reason at any time after the report is made, but before 2014
the child attains eighteen years of age, the public children 2015
services agency or municipal or county peace officer to which the 2016
report was made or referred, on the request of the child fatality 2017
review board, shall submit a summary sheet of information 2018
providing a summary of the report to the review board of the 2019
county in which the deceased child resided at the time of death. 2020
On the request of the review board, the agency or peace officer 2021
may, at its discretion, make the report available to the review 2022
board. If the county served by the public children services agency 2023
is also served by a children's advocacy center and the report of 2024
alleged sexual abuse of a child or another type of abuse of a 2025
child is specified in the memorandum of understanding that creates 2026
the center as being within the center's jurisdiction, the agency 2027
or center shall perform the duties and functions specified in this 2028
division in accordance with the interagency agreement entered into 2029
under section 2151.428 of the Revised Code relative to that 2030
advocacy center. 2031

(5) A public children services agency shall advise a person 2032
alleged to have inflicted abuse or neglect on a child who is the 2033
subject of a report made pursuant to this section, including a 2034
report alleging sexual abuse of a child or another type of abuse 2035
of a child referred to a children's advocacy center pursuant to an 2036
interagency agreement entered into under section 2151.428 of the 2037
Revised Code, in writing of the disposition of the investigation. 2038
The agency shall not provide to the person any information that 2039
identifies the person who made the report, statements of 2040
witnesses, or police or other investigative reports. 2041

(I) Any report that is required by this section, other than a 2042
report that is made to the state highway patrol as described in 2043
section 5120.173 of the Revised Code, shall result in protective 2044

services and emergency supportive services being made available by 2045
the public children services agency on behalf of the children 2046
about whom the report is made, in an effort to prevent further 2047
neglect or abuse, to enhance their welfare, and, whenever 2048
possible, to preserve the family unit intact. The agency required 2049
to provide the services shall be the agency conducting the 2050
investigation of the report pursuant to section 2151.422 of the 2051
Revised Code. 2052

(J)(1) Each public children services agency shall prepare a 2053
memorandum of understanding that is signed by all of the 2054
following: 2055

(a) If there is only one juvenile judge in the county, the 2056
juvenile judge of the county or the juvenile judge's 2057
representative; 2058

(b) If there is more than one juvenile judge in the county, a 2059
juvenile judge or the juvenile judges' representative selected by 2060
the juvenile judges or, if they are unable to do so for any 2061
reason, the juvenile judge who is senior in point of service or 2062
the senior juvenile judge's representative; 2063

(c) The county peace officer; 2064

(d) All chief municipal peace officers within the county; 2065

(e) Other law enforcement officers handling child abuse and 2066
neglect cases in the county; 2067

(f) The prosecuting attorney of the county; 2068

(g) If the public children services agency is not the county 2069
department of job and family services, the county department of 2070
job and family services; 2071

(h) The county humane society; 2072

(i) If the public children services agency participated in 2073
the execution of a memorandum of understanding under section 2074

2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum. 2075
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(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. 2078
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(3) A memorandum of understanding shall include all of the following: 2097
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 2099
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures 2101
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addressing the categories of persons who may interview the child 2106
who is the subject of the report and who allegedly was abused or 2107
neglected. 2108

(4) If a public children services agency participated in the 2109
execution of a memorandum of understanding under section 2151.426 2110
of the Revised Code establishing a children's advocacy center, the 2111
agency shall incorporate the contents of that memorandum in the 2112
memorandum prepared pursuant to this section. 2113

(K)(1) Except as provided in division (K)(4) of this section, 2114
a person who is required to make a report pursuant to division (A) 2115
of this section may make a reasonable number of requests of the 2116
public children services agency that receives or is referred the 2117
report, or of the children's advocacy center that is referred the 2118
report if the report is referred to a children's advocacy center 2119
pursuant to an interagency agreement entered into under section 2120
2151.428 of the Revised Code, to be provided with the following 2121
information: 2122

(a) Whether the agency or center has initiated an 2123
investigation of the report; 2124

(b) Whether the agency or center is continuing to investigate 2125
the report; 2126

(c) Whether the agency or center is otherwise involved with 2127
the child who is the subject of the report; 2128

(d) The general status of the health and safety of the child 2129
who is the subject of the report; 2130

(e) Whether the report has resulted in the filing of a 2131
complaint in juvenile court or of criminal charges in another 2132
court. 2133

(2) A person may request the information specified in 2134
division (K)(1) of this section only if, at the time the report is 2135

made, the person's name, address, and telephone number are 2136
provided to the person who receives the report. 2137

When a municipal or county peace officer or employee of a 2138
public children services agency receives a report pursuant to 2139
division (A) or (B) of this section the recipient of the report 2140
shall inform the person of the right to request the information 2141
described in division (K)(1) of this section. The recipient of the 2142
report shall include in the initial child abuse or child neglect 2143
report that the person making the report was so informed and, if 2144
provided at the time of the making of the report, shall include 2145
the person's name, address, and telephone number in the report. 2146

Each request is subject to verification of the identity of 2147
the person making the report. If that person's identity is 2148
verified, the agency shall provide the person with the information 2149
described in division (K)(1) of this section a reasonable number 2150
of times, except that the agency shall not disclose any 2151
confidential information regarding the child who is the subject of 2152
the report other than the information described in those 2153
divisions. 2154

(3) A request made pursuant to division (K)(1) of this 2155
section is not a substitute for any report required to be made 2156
pursuant to division (A) of this section. 2157

(4) If an agency other than the agency that received or was 2158
referred the report is conducting the investigation of the report 2159
pursuant to section 2151.422 of the Revised Code, the agency 2160
conducting the investigation shall comply with the requirements of 2161
division (K) of this section. 2162

(L) The director of job and family services shall adopt rules 2163
in accordance with Chapter 119. of the Revised Code to implement 2164
this section. The department of job and family services may enter 2165
into a plan of cooperation with any other governmental entity to 2166

aid in ensuring that children are protected from abuse and 2167
neglect. The department shall make recommendations to the attorney 2168
general that the department determines are necessary to protect 2169
children from child abuse and child neglect. 2170

(M)(1) As used in this division: 2171

(a) "Out-of-home care" includes a nonchartered nonpublic 2172
school if the alleged child abuse or child neglect, or alleged 2173
threat of child abuse or child neglect, described in a report 2174
received by a public children services agency allegedly occurred 2175
in or involved the nonchartered nonpublic school and the alleged 2176
perpetrator named in the report holds a certificate, permit, or 2177
license issued by the state board of education under section 2178
3301.071 or Chapter 3319. of the Revised Code. 2179

(b) "Administrator, director, or other chief administrative 2180
officer" means the superintendent of the school district if the 2181
out-of-home care entity subject to a report made pursuant to this 2182
section is a school operated by the district. 2183

(2) No later than the end of the day following the day on 2184
which a public children services agency receives a report of 2185
alleged child abuse or child neglect, or a report of an alleged 2186
threat of child abuse or child neglect, that allegedly occurred in 2187
or involved an out-of-home care entity, the agency shall provide 2188
written notice of the allegations contained in and the person 2189
named as the alleged perpetrator in the report to the 2190
administrator, director, or other chief administrative officer of 2191
the out-of-home care entity that is the subject of the report 2192
unless the administrator, director, or other chief administrative 2193
officer is named as an alleged perpetrator in the report. If the 2194
administrator, director, or other chief administrative officer of 2195
an out-of-home care entity is named as an alleged perpetrator in a 2196
report of alleged child abuse or child neglect, or a report of an 2197

alleged threat of child abuse or child neglect, that allegedly
occurred in or involved the out-of-home care entity, the agency
shall provide the written notice to the owner or governing board
of the out-of-home care entity that is the subject of the report.
The agency shall not provide witness statements or police or other
investigative reports.

(3) No later than three days after the day on which a public
children services agency that conducted the investigation as
determined pursuant to section 2151.422 of the Revised Code makes
a disposition of an investigation involving a report of alleged
child abuse or child neglect, or a report of an alleged threat of
child abuse or child neglect, that allegedly occurred in or
involved an out-of-home care entity, the agency shall send written
notice of the disposition of the investigation to the
administrator, director, or other chief administrative officer and
the owner or governing board of the out-of-home care entity. The
agency shall not provide witness statements or police or other
investigative reports.

Sec. 2151.423. A public children services agency shall
disclose confidential information discovered during an
investigation conducted pursuant to section 2151.421 or 2151.422
of the Revised Code to any federal, state, or local government
entity that needs the information to carry out its
responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is
confidential and is not subject to disclosure pursuant to section
149.43 or 1347.08 of the Revised Code by the agency to whom the
information was disclosed. The agency receiving the information
shall maintain the confidentiality of information disclosed
pursuant to this section.

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A professional counselor or social worker licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree in a social or behavior science, or both, who conducts assessor's duties under the supervision of a professional counselor ~~or~~, social worker, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code~~;~~. Beginning July 1, 2009, a student is eligible under this division only if the supervising professional counselor, social worker, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;

(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor.

(3) The individual must complete ~~education programs~~ training

in accordance with rules adopted under section 3107.015 of the Revised Code. 2258
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(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section. 2260
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(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption. 2268
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Sec. 3107.015. ~~Not later than ninety days after June 20, 1996, the~~ The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the ~~education programs~~ training an individual must complete for the purpose of division (A)(3) of section 3107.014 of the Revised Code. The ~~education programs~~ training shall include courses on adoption placement practice, federal and state adoption assistance programs, and post adoption support services. 2275
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Sec. 3107.016. The department of job and family services shall develop a schedule of ~~education programs~~ training that ~~meet~~ meets the requirements established in rules adopted pursuant to section 3107.015 of the Revised Code. The schedule shall include enough ~~programs~~ training to provide all agencies equal access to 2283
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the ~~programs~~ training. The department shall distribute the 2288
schedule to all agencies. 2289

Sec. 3107.031. Except as otherwise provided in this section, 2290
an assessor shall conduct a home study for the purpose of 2291
ascertaining whether a person seeking to adopt a minor is suitable 2292
to adopt. The person seeking to adopt a minor shall complete 2293
training specified in rules adopted under section 3107.032 of the 2294
Revised Code as part of the home study. A written report of the 2295
home study shall be filed with the court at least ten days before 2296
the petition for adoption is heard. 2297

The report shall contain the opinion of the assessor as to 2298
whether the person who is the subject of the report is suitable to 2299
adopt a minor ~~and~~. The report shall also contain other information 2300
and documents specified in rules adopted by the director of job 2301
and family services under section 3107.032 of the Revised Code, 2302
including documents showing that the person who is the subject of 2303
the report has completed training specified in the rules. The 2304
assessor shall not consider the person's age when determining 2305
whether the person is suitable to adopt if the person is old 2306
enough to adopt as provided by section 3107.03 of the Revised 2307
Code. 2308

An assessor may request departments or agencies within or 2309
outside this state to assist in the home study as may be 2310
appropriate and to make a written report to be included with and 2311
attached to the report to the court. The assessor shall make 2312
similar home studies and reports on behalf of other assessors 2313
designated by the courts of this state or another place. 2314

Upon order of the court, the costs of the home study and 2315
other proceedings shall be paid by the person seeking to adopt, 2316
and, if the home study is conducted by a public agency or public 2317
employee, the part of the cost representing any services and 2318

expenses shall be taxed as costs and paid into the state treasury 2319
or county treasury, as the court may direct. 2320

On request, the assessor shall provide the person seeking to 2321
adopt a copy of the report of the home study. The assessor shall 2322
delete from that copy any provisions concerning the opinion of 2323
other persons, excluding the assessor, of the person's suitability 2324
to adopt a minor. 2325

This section does not apply to a foster caregiver seeking to 2326
adopt the foster caregiver's foster child if the foster child has 2327
resided in the foster caregiver's home for at least twelve months 2328
prior to the date the foster caregiver submits an application 2329
prescribed under division (B) of section 3107.012 of the Revised 2330
Code to the agency arranging the adoption. 2331

Sec. 3107.032. ~~Not later than ninety days after June 20,~~ 2332
~~1996, the~~ The director of job and family services shall adopt 2333
rules in accordance with Chapter 119. of the Revised Code 2334
specifying ~~the~~ all of the following: 2335

(A) The manner in which a home study is to be conducted and 2336
the; 2337

(B) Training that a person seeking to adopt a minor must 2338
complete as part of the home study; 2339

(C) The information and documents to be included in a home 2340
study report, including documents showing completion of the 2341
training specified in division (B) of this section. 2342

Sec. 3109.16. The children's trust fund board, upon the 2343
recommendation of the director of job and family services, shall 2344
approve the employment of an executive director who will 2345
administer the programs of the board. The department of job and 2346
family services shall provide budgetary, procurement, accounting, 2347

and other related management functions for the board and may adopt 2348
rules in accordance with Chapter 119. of the Revised Code for 2349
these purposes. An amount not to exceed three per cent of the 2350
total amount of fees deposited in the children's trust fund in 2351
each fiscal year may be used for costs directly related to these 2352
administrative functions of the department. Each fiscal year, the 2353
board shall approve a budget for administrative expenditures for 2354
the next fiscal year. 2355

The board shall meet at least quarterly at the call of the 2356
chairperson to conduct its official business. All business 2357
transactions of the board shall be conducted in public meetings. 2358
Eight members of the board constitute a quorum. A majority of the 2359
board members is required to adopt the state plan for the 2360
allocation of funds from the children's trust fund. A majority of 2361
the quorum is required to make all other decisions of the board. 2362

The board may apply for and accept federal and other funds 2363
for the purpose of funding child abuse and child neglect 2364
prevention programs. In addition, the board may accept gifts and 2365
donations from any source, including individuals, philanthropic 2366
foundations or organizations, corporations, or corporation 2367
endowments. The acceptance and use of federal funds shall not 2368
entail any commitment or pledge of state funds, nor obligate the 2369
general assembly to continue the programs or activities for which 2370
the federal funds are made available. All funds received in the 2371
manner described in this section shall be transmitted to the 2372
treasurer of state, who shall credit them to the children's trust 2373
fund created in section 3109.14 of the Revised Code. 2374

Sec. 3109.17. (A) For each fiscal biennium, the children's 2375
trust fund board shall establish a biennial state plan for 2376
comprehensive child abuse and child neglect prevention. The plan 2377
shall be transmitted to the governor, the president and minority 2378

leader of the senate, and the speaker and minority leader of the 2379
house of representatives and shall be made available to the 2380
general public. The board may define in the state plan the term 2381
"effective public notice." If the board does not define that term 2382
in the state plan, the board shall include in the state plan the 2383
definition of "effective public notice" specified in rules adopted 2384
by the department of job and family services. 2385

(B) In developing and carrying out the state plan, the 2386
children's trust fund board shall, in accordance with rules 2387
adopted by the department pursuant to Chapter 119. of the Revised 2388
Code, do all of the following: 2389

(1) Ensure that an opportunity exists for assistance through 2390
child abuse and child neglect prevention programs to persons 2391
throughout the state of various social and economic backgrounds; 2392

(2) Before the thirtieth day of October of each year, notify 2393
each child abuse and child neglect prevention advisory board of 2394
the amount estimated to be allocated to that advisory board for 2395
the following fiscal year; 2396

(3) Develop criteria for county or district local allocation 2397
plans, including criteria for determining the plans' 2398
effectiveness; 2399

(4) Review, and approve or disapprove, county or district 2400
local allocation plans, as described in section 3109.171 of the 2401
Revised Code; 2402

(5) Allocate funds to each child abuse and child neglect 2403
prevention advisory board for the purpose of funding child abuse 2404
and child neglect prevention programs. Funds shall be allocated 2405
among advisory boards according to a formula based on the ratio of 2406
the number of children under age eighteen in the county or 2407
multicounty district to the number of children under age eighteen 2408
in the state, as shown in the most recent federal decennial census 2409

of population. Subject to the availability of funds and except as
provided in section 3109.171 of the Revised Code, each advisory
board shall receive a minimum of ten thousand dollars per fiscal
year. In the case of an advisory board that serves a multicounty
district, the advisory board shall receive, subject to available
funds and except as provided in section 3109.171 of the Revised
Code, a minimum of ten thousand dollars per fiscal year for each
county in the district. Funds shall be disbursed to the advisory
boards twice annually. At least fifty per cent of the funds
allocated to an advisory board for a fiscal year shall be
disbursed to the advisory board not later than the thirtieth day
of September. The remainder of the funds allocated to the advisory
board for that fiscal year shall be disbursed before the
thirty-first day of March.

The board shall specify the criteria child abuse and child
neglect prevention advisory boards are to use in reviewing
applications under division (F)(3) of section 3109.18 of the
Revised Code.

(6) Allocate funds to entities other than child abuse and
child neglect prevention advisory boards for the purpose of
funding child abuse and child neglect prevention programs that
have statewide significance and that have been approved by the
children's trust fund board;

(7) Provide for the monitoring of expenditures from the
children's trust fund and of programs that receive money from the
children's trust fund;

(8) Establish reporting requirements for advisory boards;

(9) Collaborate with appropriate persons and government
entities and facilitate the exchange of information among those
persons and entities for the purpose of child abuse and child
neglect prevention;

(10) Provide for the education of the public and 2441
professionals for the purpose of child abuse and child neglect 2442
prevention; 2443

(11) Create and provide to each advisory board a children's 2444
trust fund grant application form; 2445

(12) Specify the information to be included in a ~~semi-annual~~ 2446
semiannual and an annual report completed by a children's advocacy 2447
center for which a child abuse and child neglect prevention 2448
advisory board uses funds allocated to the advisory board under 2449
section 3109.172 of the Revised Code, and each other person or 2450
entity that is a recipient of a children's trust fund grant under 2451
division (K)(1) of section 3109.18 of the Revised Code. 2452

(C) The children's trust fund board shall prepare a report 2453
for each fiscal biennium that delineates the expenditure of money 2454
from the children's trust fund. On or before January 1, 2002, and 2455
on or before the first day of January of a year that follows the 2456
end of a fiscal biennium of this state, the board shall file a 2457
copy of the report with the governor, the president and minority 2458
leader of the senate, and the speaker and minority leader of the 2459
house of representatives. 2460

(D) The children's trust fund board shall develop a list of 2461
all state and federal sources of funding that might be available 2462
for establishing, operating, or establishing and operating a 2463
children's advocacy center under sections 2151.425 to 2151.428 of 2464
the Revised Code. The board periodically shall update the list as 2465
necessary. The board shall maintain, or provide for the 2466
maintenance of, the list at an appropriate location. That location 2467
may be the offices of the department of job and family services. 2468
The board shall provide the list upon request to any children's 2469
advocacy center or to any person or entity identified in section 2470
2151.426 of the Revised Code as a person or entity that may 2471

participate in the establishment of a children's advocacy center. 2472

Sec. 5101.13. (A) The department of job and family services 2473
shall maintain a central registry of cases that public children 2474
services agencies investigate pursuant to division (F)(1) of 2475
section 2151.421 of the Revised Code. The department shall use the 2476
central registry to determine whether prior reports of cases have 2477
been made in other counties concerning the child or other 2478
principals in a particular case. 2479

(B) Not later than January 1, 2009, the department of job and 2480
family services shall replace the central registry with a uniform 2481
statewide automated child welfare information system that the 2482
department shall establish and maintain in accordance with the 2483
requirements of 42 U.S.C.A. 674(a)(3)(C) and related federal 2484
regulations and guidelines. The information system may contain 2485
records regarding any of the following: 2486

(1) Investigations of families, children, and foster homes; 2487

(2) Care and treatment provided to children; 2488

(3) Any other information related to families and children 2489
that state or federal law requires the department or a public 2490
children services agency to maintain. 2491

(C) The department shall plan implementation of the 2492
information system on a county by county basis and shall finalize 2493
statewide implementation not later than January 1, 2008. 2494

(D) The department shall promptly notify all county 2495
departments of job and family services of the initiation of 2496
implementation and the statewide finalization of the statewide 2497
information system established under division (A) of this section. 2498

Sec. 5101.131. Except as provided in section 5101.132 of the 2499
Revised Code, information contained in or obtained from the 2500

information system established and maintained under section 2501
5101.13 of the Revised Code is confidential and is not subject to 2502
disclosure pursuant to section 149.43 or 1347.08 of the Revised 2503
Code. 2504

Sec. 5101.132. Information contained in the information 2505
system established and maintained under section 5101.13 of the 2506
Revised Code may be accessed only as follows: 2507

(A) The department of job and family services and a public 2508
children services agency may access the information when either of 2509
the following is the case: 2510

(1) The access is directly connected with assessment, 2511
investigation, or services regarding a child or family; 2512

(2) The access is permitted by state or federal law. 2513

(B) A person may access the information in a manner, to the 2514
extent, and for the purposes authorized by rules adopted by the 2515
department. 2516

Sec. 5101.133. No person shall access or use information 2517
contained in the information system established and maintained 2518
under section 5101.13 of the Revised Code other than in accordance 2519
with section 5101.132 of the Revised Code or rules authorized by 2520
that section. 2521

No person shall disclose information obtained from the 2522
information system established and maintained under section 2523
5101.13 of the Revised Code in a manner not specified by rules 2524
authorized by section 5101.134 of the Revised Code. 2525

Sec. 5101.134. (A)(1) The department of job and family 2526
services may adopt rules in accordance with section 111.15 of the 2527
Revised Code, as if they were internal management rules, as 2528

necessary to carry out the purposes of sections 5101.13 to 2529
5101.133 of the Revised Code. 2530

(2) The department may adopt rules in accordance with Chapter 2531
119. of the Revised Code as necessary to carry out the purposes of 2532
division (B) of section 5101.132 of the Revised Code. 2533

(B) Public children services agencies shall implement and use 2534
the information system established pursuant to section 5101.13 of 2535
the Revised Code in accordance with rules adopted by the 2536
department. 2537

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 2538
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 2539
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 2540

(B) The department of job and family services shall act as 2541
the single state agency to administer federal payments for foster 2542
care and adoption assistance made pursuant to Title IV-E. The 2543
director of job and family services shall adopt rules to implement 2544
this authority. Rules governing financial and administrative 2545
requirements applicable to public children services agencies and 2546
government entities that provide Title IV-E reimbursable placement 2547
services to children shall be adopted in accordance with section 2548
111.15 of the Revised Code, as if they were internal management 2549
rules. Rules governing requirements applicable to private child 2550
placing agencies and private noncustodial agencies and rules 2551
establishing eligibility, program participation, and other 2552
requirements concerning Title IV-E shall be adopted in accordance 2553
with Chapter 119. of the Revised Code. A public children services 2554
agency to which the department distributes Title IV-E funds shall 2555
administer the funds in accordance with those rules. 2556

(C)(1) The county, on behalf of each child eligible for 2557
foster care maintenance payments under Title IV-E, shall make 2558

payments to cover the cost of providing all of the following:	2559
(a) The child's food, clothing, shelter, daily supervision, and school supplies;	2560 2561
(b) The child's personal incidentals;	2562
(c) Reasonable travel to the child's home for visitation.	2563
(2) In addition to payments made under division (C)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:	2564 2565 2566 2567
(a) Liability insurance with respect to the child;	2568
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	2569 2570 2571
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.	2572 2573 2574 2575 2576 2577 2578 2579 2580
(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	2581 2582 2583 2584 2585 2586
(E) The department shall distribute to public children services agencies that incur and report such expenditures federal	2587 2588

financial participation received for administrative and training 2589
costs incurred in the operation of foster care maintenance and 2590
adoption assistance programs. The department may withhold not more 2591
than three per cent of the federal financial participation 2592
received. The funds withheld may be used only to fund the Ohio 2593
child welfare training program established under section ~~5153.60~~ 2594
5103.30 of the Revised Code and the university partnership program 2595
for college and university students majoring in social work who 2596
have committed to work for a public children services agency upon 2597
graduation. The funds withheld shall be in addition to any 2598
administration and training cost for which the department is 2599
reimbursed through its own cost allocation plan. 2600

(F) All federal financial participation funds received by a 2601
county pursuant to this section shall be deposited into the 2602
county's children services fund created pursuant to section 2603
5101.144 of the Revised Code. 2604

(G) The department shall periodically publish and distribute 2605
the maximum amounts that the department will reimburse public 2606
children services agencies for making payments on behalf of 2607
children eligible for foster care maintenance payments. 2608

(H) The department, by and through its director, is hereby 2609
authorized to develop, participate in the development of, 2610
negotiate, and enter into one or more interstate compacts on 2611
behalf of this state with agencies of any other states, for the 2612
provision of medical assistance and other social services to 2613
children in relation to whom all of the following apply: 2614

(1) They have special needs. 2615

(2) This state or another state that is a party to the 2616
interstate compact is providing adoption assistance on their 2617
behalf. 2618

(3) They move into this state from another state or move out 2619

of this state to another state. 2620

Sec. 5101.29. When contained in a record held by the 2621
department of job and family services or a county agency, the 2622
following are not public records for purposes of section 149.43 of 2623
the Revised Code: 2624

(A) Names and other identifying information regarding 2625
children enrolled in or attending a child day-care center or home 2626
subject to licensure, certification, or registration under Chapter 2627
5104. of the Revised Code; 2628

(B) Names and other identifying information regarding 2629
children placed with an institution or association certified under 2630
section 5103.03 of the Revised Code; 2631

(C) Names and other identifying information regarding a 2632
person who makes an oral or written complaint regarding a 2633
institution, association, child day-care center, or home subject 2634
to licensure, certification, or registration to the department or 2635
other state or county entity responsible for enforcing Chapter 2636
5103. or 5104. of the Revised Code. 2637

Sec. 5101.35. (A) As used in this section: 2638

(1) "Agency" means the following entities that administer a 2639
family services program: 2640

(a) The department of job and family services; 2641

(b) A county department of job and family services; 2642

(c) A public children services agency; 2643

(d) A private or government entity administering, in whole or 2644
in part, a family services program for or on behalf of the 2645
department of job and family services or a county department of 2646
job and family services or public children services agency. 2647

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under Chapter 5104., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of mental retardation and developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of mental retardation and developmental disabilities.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be ~~tape-recorded~~ recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. A state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision

and previous administrative action and may affirm, modify, remand, 2680
or reverse the state hearing decision. Any person designated to 2681
make an administrative appeal decision on behalf of the director 2682
shall have been admitted to the practice of law in this state. An 2683
administrative appeal decision is the final decision of the 2684
department and is binding upon the department and agency, unless 2685
it is reversed or modified on appeal to the court of common pleas. 2686

(D) An agency shall comply with a decision issued pursuant to 2687
division (B) or (C) of this section within the time limits 2688
established by rules adopted under this section. If a county 2689
department of job and family services or a public children 2690
services agency fails to comply within these time limits, the 2691
department may take action pursuant to section 5101.24 of the 2692
Revised Code. If another agency fails to comply within the time 2693
limits, the department may force compliance by withholding funds 2694
due the agency or imposing another sanction established by rules 2695
adopted under this section. 2696

(E) An appellant who disagrees with an administrative appeal 2697
decision of the director of job and family services or the 2698
director's designee issued under division (C) of this section may 2699
appeal from the decision to the court of common pleas pursuant to 2700
section 119.12 of the Revised Code. The appeal shall be governed 2701
by section 119.12 of the Revised Code except that: 2702

(1) The person may appeal to the court of common pleas of the 2703
county in which the person resides, or to the court of common 2704
pleas of Franklin county if the person does not reside in this 2705
state. 2706

(2) The person may apply to the court for designation as an 2707
indigent and, if the court grants this application, the appellant 2708
shall not be required to furnish the costs of the appeal. 2709

(3) The appellant shall mail the notice of appeal to the 2710

department of job and family services and file notice of appeal 2711
with the court within thirty days after the department mails the 2712
administrative appeal decision to the appellant. For good cause 2713
shown, the court may extend the time for mailing and filing notice 2714
of appeal, but such time shall not exceed six months from the date 2715
the department mails the administrative appeal decision. Filing 2716
notice of appeal with the court shall be the only act necessary to 2717
vest jurisdiction in the court. 2718

(4) The department shall be required to file a transcript of 2719
the testimony of the state hearing with the court only if the 2720
court orders the department to file the transcript. The court 2721
shall make such an order only if it finds that the department and 2722
the appellant are unable to stipulate to the facts of the case and 2723
that the transcript is essential to a determination of the appeal. 2724
The department shall file the transcript not later than thirty 2725
days after the day such an order is issued. 2726

(F) The department of job and family services shall adopt 2727
rules in accordance with Chapter 119. of the Revised Code to 2728
implement this section, including rules governing the following: 2729

(1) State hearings under division (B) of this section. The 2730
rules shall include provisions regarding notice of eligibility 2731
termination and the opportunity of an appellant appealing a 2732
decision or order of a county department of job and family 2733
services to request a county conference with the county department 2734
before the state hearing is held. 2735

(2) Administrative appeals under division (C) of this 2736
section; 2737

(3) Time limits for complying with a decision issued under 2738
division (B) or (C) of this section; 2739

(4) Sanctions that may be applied against an agency under 2740
division (D) of this section. 2741

(G) The department of job and family services may adopt rules 2742
in accordance with Chapter 119. of the Revised Code establishing 2743
an appeals process for an appellant who appeals a decision or 2744
order regarding a Title IV-A program identified under division 2745
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code 2746
that is different from the appeals process established by this 2747
section. The different appeals process may include having a state 2748
agency that administers the Title IV-A program pursuant to an 2749
interagency agreement entered into under section 5101.801 of the 2750
Revised Code administer the appeals process. 2751

(H) If an appellant receiving medicaid through a health 2752
insuring corporation that holds a certificate of authority under 2753
Chapter 1751. of the Revised Code is appealing a denial of 2754
medicaid services based on lack of medical necessity or other 2755
clinical issues regarding coverage by the health insuring 2756
corporation, the person hearing the appeal may order an 2757
independent medical review if that person determines that a review 2758
is necessary. The review shall be performed by a health care 2759
professional with appropriate clinical expertise in treating the 2760
recipient's condition or disease. The department shall pay the 2761
costs associated with the review. 2762

A review ordered under this division shall be part of the 2763
record of the hearing and shall be given appropriate evidentiary 2764
consideration by the person hearing the appeal. 2765

(I) The requirements of Chapter 119. of the Revised Code 2766
apply to a state hearing or administrative appeal under this 2767
section only to the extent, if any, specifically provided by rules 2768
adopted under this section. 2769

Sec. 5101.72. The department of job and family services, to 2770
the extent of available funds, may reimburse county departments of 2771
job and family services for all or part of the costs they incur in 2772

implementing sections 5101.60 to 5101.71 of the Revised Code. The 2773
director of job and family services shall adopt, ~~and may amend or~~ 2774
~~repeal,~~ internal management rules under in accordance with 2775
section 111.15 of the Revised Code that provide for reimbursement 2776
of county departments of job and family services under this 2777
section. 2778

The director shall adopt internal management rules in 2779
accordance with section 111.15 of the Revised Code that do both of 2780
the following: 2781

(A) Implement sections 5101.60 to 5101.71 of the Revised 2782
Code; 2783

(B) Require the county departments to collect and submit to 2784
the department, or ensure that a designated agency collects and 2785
submits to the department, data concerning the implementation of 2786
sections 5101.60 to 5101.71 of the Revised Code. 2787

Sec. 5101.99. (A) Whoever violates division (A) or (B) of 2788
section 5101.61 of the Revised Code shall be fined not more than 2789
five hundred dollars. 2790

(B) Whoever violates division (A) of section 5101.27 of the 2791
Revised Code is guilty of a misdemeanor of the first degree. 2792

(C) Whoever violates section 5101.133 of the Revised Code is 2793
guilty of a misdemeanor of the fourth degree. 2794

Sec. 5103.031. Except as provided in section 5103.033 of the 2795
Revised Code, the department of job and family services may not 2796
issue a certificate under section 5103.03 of the Revised Code to a 2797
foster home unless the prospective foster caregiver successfully 2798
completes the following amount of preplacement training through a 2799
preplacement training program ~~operated~~ approved by the department 2800
of job and family services under section ~~5103.034~~ 5103.038 of the 2801
Revised Code or ~~5153.60~~ preplacement training provided under 2802

<u>division (C) of section 5103.30</u> of the Revised Code:	2803
(A) If the foster home is a family foster home, at least twenty-four hours;	2804 2805
(B) If the foster home is a specialized foster home, at least thirty-six hours.	2806 2807
Sec. 5103.033. (A) The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the <u>prospective foster caregiver or</u> foster caregiver successfully completes the following amount of training:	2808 2809 2810 2811 2812 2813 2814 2815 2816
(1) For an initial certificate, at least twelve hours of preplacement training through a preplacement training program <u>operated approved by the department of job and family services</u> under section 5103.034 <u>5103.038 of the Revised Code</u> or 5153.60 <u>preplacement training provided under division (C) of section</u> <u>5103.30</u> of the Revised Code;	2817 2818 2819 2820 2821 2822
(2) For renewal of a certificate, at least twenty-four hours of continuing training in the preceding two-year period in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.	2823 2824 2825 2826 2827
(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:	2828 2829 2830 2831 2832

(1) The foster caregiver has served in active duty outside 2833
this state with a branch of the armed forces of the United States 2834
for more than thirty days in the preceding two-year period. 2835

(2) The foster caregiver has served in active duty as a 2836
member of the Ohio organized militia, as defined in section 2837
5923.01 of the Revised Code, for more than thirty days in the 2838
preceding two-year period and that active duty relates to either 2839
an emergency in or outside of this state or to military duty in or 2840
outside of this state. 2841

Sec. 5103.034. (A) ~~A private~~ Private child placing ~~agency or~~ 2842
agencies and private noncustodial ~~agency~~ agencies operating a 2843
preplacement ~~training program~~ or continuing training program 2844
approved by the department of job and family services under 2845
section 5103.038 of the Revised Code ~~or the Ohio child welfare~~ 2846
~~training program operating a preplacement training program or~~ 2847
~~continuing training program pursuant to section 5153.60 of the~~ 2848
~~Revised Code~~ shall make the program available to a prospective 2849
foster caregiver or foster caregivers. ~~The agency or program shall~~ 2850
~~make the programs available~~ caregiver without regard to the type 2851
of recommending agency from which a the prospective foster 2852
caregiver or foster caregiver seeks a recommendation. 2853

(B) A private child placing agency or private noncustodial 2854
agency operating a preplacement ~~training program~~ or continuing 2855
training program approved by the department of job and family 2856
services under section 5103.038 of the Revised Code may condition 2857
the enrollment of a prospective foster caregiver or foster 2858
caregiver in a the program on either or both of the following: 2859

(1) Availability of space in the training program; 2860

(2) ~~If applicable, payment~~ Payment of an instruction or 2861
registration fee, if any, by the prospective foster caregiver or 2862

foster caregiver's recommending agency. 2863

~~(C) The Ohio child welfare training program operating a
preplacement training program or continuing training program
pursuant to section 5153.60 of the Revised Code may condition the
enrollment in a preplacement training program or continuing
training program of a foster caregiver whose recommending agency
is a private child placing agency or private noncustodial agency
on either or both of the following:~~ 2864
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~~(1) Availability of space in the training program;~~ 2871

~~(2) Assignment to the program by the foster caregiver's
recommending agency of the allowance payable under section
5103.0313 of the Revised Code.~~ 2872
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~~(D) A private child placing agency or private noncustodial
agency may contract with an individual or a public or private
entity to administer operating a preplacement training program or
continuing training program operated by the agency and approved by
the department of job and family services under section 5103.038
of the Revised Code may contract with a person or governmental
entity to administer the program.~~ 2875
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Sec. 5103.035. A public children services agency, private 2882
child placing agency, or private noncustodial agency acting as a 2883
recommending agency for a foster caregiver ~~holding a certificate~~ 2884
~~issued under section 5103.03 of the Revised Code~~ shall develop and 2885
implement a written needs assessment and continuing training plan 2886
for the foster caregiver. Each needs assessment and continuing 2887
training plan shall satisfy all of the following requirements: 2888

(A) Be effective for the two-year period the foster 2889
caregiver's certificate is in effect; 2890

(B) Be appropriate for the type of foster home the foster 2891
caregiver operates; 2892

(C) Require the foster caregiver to successfully complete the training required by the department in rules adopted pursuant to section 5103.0316 of the Revised Code and any other courses the agency considers appropriate;

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

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

(F) Specify ~~whether the number of hours of continuing training, if any,~~ the agency will waive ~~any of the hours of continuing training the foster caregiver is required by~~ pursuant to division (B) of section 5103.032 of the Revised Code ~~to complete if the foster caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency shall state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed eight, that the agency will waive.~~

Sec. 5103.036. (A) For the purpose of determining whether a prospective foster caregiver or foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from ~~a~~ either of the following:

(1) Any preplacement ~~training program~~ or continuing training program ~~operated~~ approved by the department of job and family services under section ~~5103.034 or 5153.60~~ 5103.038 of the Revised Code;

(2) The Ohio child welfare training program pursuant to divisions (C) and (D) of section 5103.30 of the Revised Code

regardless of whether the program is operated by the recommending agency. The

(B) A recommending agency may require that ~~the~~ a prospective foster caregiver or foster caregiver successfully complete additional training as a condition of the agency recommending that the department of job and family services certify or recertify the prospective foster caregiver or foster caregiver's foster home under section 5103.03 of the Revised Code.

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

(B) Not later than thirty days after receiving a proposal under division (A) of this section, the department shall either approve or disapprove the proposed program. The department shall approve a proposed preplacement training program if it complies with section 5103.039 or 5103.0311 of the Revised Code, as appropriate, and, in the case of a proposal submitted by an agency operating a preplacement training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the program. The department shall approve a proposed continuing training program if it complies with rules adopted pursuant to division (C) of section 5103.0316 of the Revised Code and, in the case of a proposal submitted by an agency operating a continuing training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the

program. If the department disapproves a proposal, it shall 2954
provide the reason for disapproval to the agency that submitted 2955
the proposal and advise the agency of how to revise the proposal 2956
so that the department can approve it. 2957

(C) The department's approval under division (B) of this 2958
section of a proposed preplacement training program or continuing 2959
training program is valid only for two years following the year 2960
the proposal for the program is submitted to the department under 2961
division (A) of this section. 2962

Sec. 5103.039. Except for preplacement training programs 2963
described in section 5103.0311 of the Revised Code, a preplacement 2964
training program shall consist of courses in the role of foster 2965
caregivers as a part of the care and treatment of foster children. 2966
A prospective foster caregiver shall complete all of the courses, 2967
which shall address all of the following: 2968

(A) The legal rights and responsibilities of foster 2969
caregivers; 2970

(B) Public children services agencies, private child placing 2971
agencies, and private noncustodial agencies' policies and 2972
procedures regarding foster caregivers; 2973

(C) The department of job and family services' requirements 2974
for certifying foster homes; 2975

(D) The effects placement, separation, and attachment issues 2976
have on children, their families, and foster caregivers; 2977

(E) Foster caregivers' involvement in permanency planning for 2978
children and their families; 2979

(F) The effects of physical abuse, sexual abuse, emotional 2980
abuse, neglect, and substance abuse on normal human growth and 2981
development; 2982

(G) Behavior management techniques;	2983
(H) Effects of caregiving on children's families;	2984
(I) Cultural issues in placement;	2985
(J) Prevention, recognition, and management of communicable diseases;	2986 2987
(K) Community health and social services available to children and their families;	2988 2989
(L) The substance of section 2152.72 of the Revised Code. A course addressing section 2152.72 of the Revised Code shall be not less than one hour long.	2990 2991 2992
(M) In the case of a preplacement training program for a <u>prospective</u> foster caregiver seeking certification for a specialized foster home, additional issues specific to the types of children placed in specialized foster homes, including cardiopulmonary resuscitation and first aid, appropriate behavioral intervention techniques, such as de-escalation, self-defense, and physical restraint techniques and the appropriate use of such techniques.	2993 2994 2995 2996 2997 2998 2999 3000
Sec. 5103.0311. (A) A preplacement training program for <u>prospective</u> foster caregivers described in section 5103.033 of the Revised Code shall consist of courses that address all of the following:	3001 3002 3003 3004
(1) The legal rights and responsibilities of foster caregivers;	3005 3006
(2) The policies and procedures of public children services agencies, private child placing agencies, and private noncustodial agencies regarding foster caregivers;	3007 3008 3009
(3) The department of job and family services' requirements for certifying foster homes;	3010 3011

(4) Infant care; 3012

(5) Early childhood development. 3013

(B) A continuing training program for foster caregivers 3014
described in section 5103.033 of the Revised Code shall meet the 3015
requirements of rules adopted pursuant to section 5103.0316 of the 3016
Revised Code. 3017

Sec. 5103.0312. A public children services agency, private 3018
child placing agency, or private noncustodial agency acting as a 3019
recommending agency for a foster caregiver ~~who hold certificates~~ 3020
~~issued under section 5103.03 of the Revised Code~~ caregiver shall 3021
pay ~~those~~ the foster caregiver a stipend to reimburse 3022
~~them~~ the foster caregiver for attending a preplacement ~~training~~ 3023
~~program~~ or continuing training program operated under section 3024
5103.034 or ~~5153.60~~ 5103.30 of the Revised Code. The payment shall 3025
be based on a stipend rate established by the department of job 3026
and family services. The stipend rate shall be the same regardless 3027
of the type of recommending agency from which a the foster 3028
caregiver seeks a recommendation. The department shall, pursuant 3029
to rules adopted under section 5103.0316 of the Revised Code, 3030
reimburse the recommending agency for stipend payments it makes in 3031
accordance with this section. No payment shall be made to an 3032
individual for attending a preplacement training program if the 3033
individual fails to obtain a foster home certificate under section 3034
5103.03 of the Revised Code. 3035

Sec. 5103.0313. The Except as provided in section 5103.303 of 3036
the Revised Code, the department of job and family services shall 3037
compensate a private child placing agency or private noncustodial 3038
agency for the cost of procuring or operating preplacement and 3039
continuing training programs approved by the department of job and 3040
family services under section ~~5103.034~~ 5103.038 of the Revised 3041

Code for prospective foster caregivers and foster caregivers who 3042
are recommended for initial certification or recertification by 3043
the agency. 3044

The compensation shall be paid to the agency in the form of 3045
an allowance for each hour of preplacement and continuing training 3046
provided or received. 3047

Sec. 5103.0315. The department of job and family services 3048
shall seek federal financial participation for the cost of making 3049
payments under section 5103.0312 of the Revised Code and 3050
allowances under ~~section~~ sections 5103.0313 and 5103.303 of the 3051
Revised Code. The department shall notify the governor, president 3052
of the senate, minority leader of the senate, speaker of the house 3053
of representatives, and minority leader of the house of 3054
representatives of any proposed federal legislation that endangers 3055
the federal financial participation. 3056

Sec. 5103.07. The department of job and family services shall 3057
administer funds received under Title IV-B of the "Social Security 3058
Act," ~~49~~ 81 Stat. ~~620~~ 821 (~~1935~~ 1967), 42 U.S.C.A. 620, as 3059
amended, and the "Child Abuse Prevention and Treatment Act," 88 3060
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 3061
these funds, the department may establish a child welfare services 3062
program and a child abuse and neglect prevention and adoption 3063
reform program. The department has all powers necessary for the 3064
adequate administration of these funds and programs. The director 3065
of job and family services may adopt ~~internal management~~ rules ~~in~~ 3066
~~accordance with section 111.15 of the Revised Code~~ as necessary to 3067
carry out the purposes of this section. 3068

Sec. 5103.12. (A) As used in this section+ 3069
~~(1) "Hearing" has the same meaning as in section 119.01 of~~ 3070
~~the Revised Code.~~ 3071

~~(2) "Permanent, "permanent~~ custody" has the same meaning as 3072
in section 2151.011 of the Revised Code. 3073

(B) The department of job and family services may enter into 3074
agreements with public children services agencies and private 3075
child placing agencies under which the department will make 3076
payments to encourage the adoptive placement of children in the 3077
permanent custody of a public children services agency. ~~If the 3078
department terminates, or refuses to enter into or renew, an 3079
agreement with a public children services agency or private child 3080
placing agency under this section, the agency is entitled to a 3081
hearing.~~ 3082

Notwithstanding section 127.16 of the Revised Code, the 3083
department is not required to follow competitive selection 3084
procedures or to receive the approval of the controlling board to 3085
enter into agreements under this section or to make payments 3086
pursuant to the agreements. 3087

(C) The director of job and family services shall adopt rules 3088
in accordance with Chapter 119. of the Revised Code to implement 3089
this section, including rules that establish all of the following: 3090

(1) A single, uniform agreement that, at a minimum, 3091
prescribes a payment schedule and the terms and conditions with 3092
which a public children services agency or private child placing 3093
agency must comply to receive a payment; 3094

(2) Eligibility requirements a public children services 3095
agency or private child placing agency must meet to enter into an 3096
agreement with the department; 3097

(3) Eligibility requirements that a child who is the subject 3098
of an agreement must meet; 3099

(4) Other administrative and operational requirements. 3100

Sec. ~~5153.60~~ 5103.30. ~~(A)~~ The Ohio child welfare training 3101

program is hereby established in the department of job and family 3102
services shall establish as a statewide program that provides. The 3103
program shall provide all of the following: 3104

(1)(A) The training that section 3107.014 of the Revised Code 3105
requires an assessor to complete; 3106

(B) The training that section 3107.031 of the Revised Code 3107
requires a person utilizing a public children services agency to 3108
arrange the adoption of a minor to complete as part of a home 3109
study; 3110

(C) The preplacement training that sections 5103.031 and 3111
5103.033 of the Revised Code require a prospective foster 3112
caregiver to complete; 3113

(D) The continuing training that sections 5103.032 and 3114
5103.033 of the Revised Code require a foster caregiver to 3115
complete; 3116

(E) The training that section 5153.122 of the Revised Code 3117
requires public children services agency caseworkers and 3118
supervisors a PCSA caseworker to complete; 3119

~~(2) The preplacement and continuing training described in~~ 3120
~~sections 5103.034, 5103.039, and 5103.0311 of the Revised Code~~ 3121
~~that foster caregivers are required by sections 5103.031,~~ 3122
~~5103.032, and 5103.033 of the Revised Code to obtain;~~ 3123

~~(3) The education programs for adoption assessors required by~~ 3124
~~section 3107.014 of the Revised Code (F) The training that section~~ 3125
~~5153.123 of the Revised Code requires a PCSA caseworker supervisor~~ 3126
~~to complete.~~ 3127

~~(B) The program established pursuant to division (A) of this~~ 3128
~~section shall be called the "Ohio child welfare training program."~~ 3129

Sec. 5103.301. The Ohio child welfare training program shall 3130
make its preplacement and continuing training provided under 3131

divisions (C) and (D) of section 5103.30 of the Revised Code 3132
available to a prospective foster caregiver or foster caregiver 3133
without regard to the type of recommending agency from which the 3134
prospective foster caregiver or foster caregiver seeks a 3135
recommendation. 3136

Sec. 5103.302. The Ohio child welfare training program may 3137
condition a prospective foster caregiver or foster caregiver's 3138
enrollment in its preplacement and continuing training provided 3139
under divisions (C) and (D) of section 5103.30 of the Revised Code 3140
on the availability of space in the training if the prospective 3141
foster caregiver or foster caregiver's recommending agency is a 3142
private child placing agency or private noncustodial agency. 3143

Sec. 5103.303. When the Ohio child welfare training program 3144
provides preplacement or continuing training to a prospective 3145
foster caregiver or foster caregiver whose recommending agency is 3146
a private child placing agency or private noncustodial agency, the 3147
department of job and family services shall not pay the Ohio child 3148
welfare training program the allowance the department would 3149
otherwise pay to the private child placing agency or private 3150
noncustodial agency under section 5103.0313 of the Revised Code 3151
for the training. 3152

Sec. 5103.31. Training provided under section 5103.30 of the 3153
Revised Code shall provide the knowledge, skill, and ability 3154
needed to do the jobs that the training is for. The Ohio child 3155
welfare training program coordinator shall identify the 3156
competencies needed to do the jobs that the training is for so 3157
that the training helps the development of those competencies. In 3158
addition, the training shall do all of the following: 3159

(A) In the case of the training provided under division (A) 3160

of section 5103.30 of the Revised Code, comply with the rules 3161
adopted under section 3107.015 of the Revised Code; 3162

(B) In the case of the training provided under division (B) 3163
of section 5103.30 of the Revised Code, comply with rules adopted 3164
under division (B) of section 3107.032 of the Revised Code; 3165

(C) In the case of the preplacement training provided under 3166
division (C) of section 5103.30 of the Revised Code, comply with 3167
section 5103.039 of the Revised Code and division (A) of section 3168
5103.0311 of the Revised Code; 3169

(D) In the case of the continuing training provided under 3170
division (D) of section 5103.30 of the Revised Code, comply with 3171
rules adopted under division (C) of section 5103.0316 of the 3172
Revised Code; 3173

(E) In the case of the training provided under divisions (E) 3174
and (F) of section 5103.30 of the Revised Code, comply with rules 3175
adopted under section 5153.124 of the Revised Code. 3176

Sec. ~~5153.78~~ 5103.32. (A) As used in this section: 3177

(1) "Title IV-B" means Title IV-B of the "Social Security Act 3178
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 3179

(2) "Title IV-E" means Title IV-E of the "Social Security 3180
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 3181

(3) "Title XX" has the same meaning as in section 5101.46 of 3182
the Revised Code. 3183

(B) For purposes of adequately funding the Ohio child welfare 3184
training program, the department of job and family services may 3185
use any of the following: 3186

(1) The federal financial participation funds withheld 3187
pursuant to division (E) of section 5101.141 of the Revised Code 3188
in an amount determined by the department; 3189

(2) Funds available under Title XX, Title IV-B, and Title 3190
IV-E to pay for training costs; 3191

(3) Other available state or federal funds; 3192

(4) Funds that a person, including a foundation, makes 3193
available for the program. 3194

Sec. 5103.33. The director of job and family services shall 3195
adopt rules under Chapter 119. of the Revised Code as necessary to 3196
implement the Ohio child welfare training program. 3197

Sec. 5103.34. The department of job and family services shall 3198
monitor and evaluate the Ohio child welfare training program to 3199
ensure that the program satisfies all of the requirements 3200
established by law enacted by the general assembly regarding the 3201
program and rules adopted under section 5103.33 of the Revised 3202
Code. As part of the monitoring and evaluation, the department 3203
shall ensure that the training provided under section 5103.30 of 3204
the Revised Code meets all of the requirements of section 5103.31 3205
of the Revised Code, including the requirement that the training 3206
be competency based. 3207

~~Sec. 5153.61~~ 5103.35. Each fiscal biennium, the department of 3208
job and family services shall contract with an entity to serve as 3209
the ~~training coordinator for the~~ Ohio child welfare training 3210
program coordinator. ~~The training coordinator shall develop,~~ 3211
~~implement, and manage the training program.~~ The department shall 3212
select the entity with which to contract from the ~~eandidates~~ 3213
~~selected pursuant to~~ entities that submit a proposal that meets, 3214
as determined under section 5103.362 of the Revised Code, the 3215
requirements of the request for proposals issued under section 3216
~~5153.63~~ 5103.36 of the Revised Code. ~~A~~ The department may contract 3217
with the entity the department contracted with the previous fiscal 3218

biennium even though no request for proposals is issued if, as 3219
specified in section 5103.361 of the Revised Code, a request for 3220
proposals is not required for the upcoming fiscal biennium. 3221

A contract entered into under this section shall be effective 3222
on the first day of the fiscal biennium for which it is entered 3223
into and terminate on the last day of that fiscal biennium. The 3224
contract shall require the coordinator to perform the duties 3225
specified in section 5103.37 of the Revised Code. 3226

~~Sec. 5153.62~~ 5103.36. ~~Before the beginning of each fiscal~~ 3227
~~biennium, the~~ The department of job and family services shall 3228
develop and issue or cause to be issued a request for proposals 3229
for ~~the development, implementation, and management, as training~~ 3230
~~coordinator, of~~ an entity to serve as the Ohio child welfare 3231
training program ~~during the biennium~~ coordinator. The department 3232
shall develop the request for proposals in consultation with 3233
individuals ~~designated~~ solicited under section ~~5153.64~~ 5103.365 of 3234
the Revised Code. The request for proposals shall explain the 3235
types of duties of the coordinator. 3236

Sec. 5103.361. (A) Except as provided in division (B) of this 3237
section, the request for proposals required by section 5103.36 of 3238
the Revised Code shall be developed and issued before the 3239
beginning of each fiscal biennium. 3240

(B) The department is not required to develop and issue or 3241
cause to be issued the request for proposals before the beginning 3242
of a fiscal biennium if both of the following are the case: 3243

(1) The department developed and issued or caused to be 3244
issued such a request for proposals before at least one of the 3245
three previous fiscal biennia; 3246

(2) The department and entity under contract to serve as the 3247
Ohio child welfare training program coordinator contract for that 3248

entity to continue serving as the coordinator for the upcoming 3249
fiscal biennium. 3250

Sec. ~~5153.63~~ 5103.362. ~~Before the beginning of each fiscal~~ 3251
~~biennium,~~ After considering recommendations from the individuals 3252
~~designated~~ solicited under section ~~5153.64~~ 5103.363 of the Revised 3253
Code, the department of job and family services shall ~~review all~~ 3254
~~responses to the~~ determine which of the proposals received in 3255
response to a request for proposals issued under section ~~5153.62~~ 3256
5103.36 of the Revised Code ~~for the biennium and recommend to the~~ 3257
~~department of job and family services those entities that~~ meet the 3258
requirements of the request. 3259

Sec. ~~5153.64~~ 5103.363. The director of job and family 3260
services shall ~~select~~ solicit representatives from all of the 3261
following organizations to perform the consultation and 3262
recommendation duties under sections ~~5153.62~~ 5103.36 and ~~5153.63~~ 3263
5103.362 of the Revised Code: 3264

(A) Regional training centers established under section 3265
~~5153.72~~ 5103.42 of the Revised Code; 3266

(B) Staff of public children services agencies; 3267

(C) Staff of the state department of job and family services; 3268

(D) A statewide organization that represents the interests of 3269
public children services agencies. 3270

Sec. ~~5153.65~~ 5103.37. The entity ~~contracted with to serve as~~ 3271
~~the training coordinator for the~~ Ohio child welfare training 3272
program coordinator shall do all the following ~~as part of its~~ 3273
~~duties under~~ pursuant to the contract entered into under section 3274
5103.35 of the Revised Code: 3275

(A) ~~Administer~~ Manage, coordinate, and evaluate all of the 3276

<u>program's training program activities under the program provided</u>	3277
<u>under section 5103.30 of the Revised Code;</u>	3278
(B) Develop training curriculum, resources, and products <u>for</u>	3279
<u>the training;</u>	3280
(C) Provide fiscal management and technical assistance to	3281
regional training centers established under section 5153.72	3282
<u>5103.42</u> of the Revised Code;	3283
(D) Cooperate with the regional training centers to schedule	3284
training sessions <u>for the training</u> , provide notices of <u>the</u>	3285
training sessions, and provide training materials <u>for the</u>	3286
<u>sessions;</u>	3287
(E) Employ and compensate training session instructors <u>for</u>	3288
<u>the training;</u>	3289
(F) Create individual training needs assessment forms	3290
<u>assessments</u> for use pursuant to sections 5153.75 <u>5153.125</u> and	3291
5153.76 <u>5153.126</u> of the Revised Code;	3292
(G) <u>Provide staff for the Ohio child welfare training program</u>	3293
<u>steering committee established under section 5103.39 of the</u>	3294
<u>Revised Code;</u>	3295
(H) Conduct any other activities necessary for the	3296
development, implementation, and management of the training	3297
program <u>as specified in the contract.</u>	3298
Sec. 5153.70 <u>5103.38</u>. The department of job and family	3299
services shall oversee the operation of the entity contracted with	3300
under section 5153.61 of the Revised Code regarding the <u>Ohio child</u>	3301
<u>welfare training program coordinator's</u> development,	3302
implementation, and management of the Ohio child welfare training	3303
program.	3304
Sec. 5153.66 <u>5103.39</u>. The director of job and family services	3305

shall establish the Ohio child welfare training program steering 3306
committee. Sections 101.82 to 101.87 of the Revised Code do not 3307
apply to the committee. 3308

Sec. ~~5153.67~~ 5103.391. ~~(A)~~ The director of job and family 3309
services shall appoint all of the following to serve on the Ohio 3310
child welfare training program steering committee: 3311

~~(1)(A)~~ Employees of the department of job and family 3312
services; 3313

~~(2) Representatives~~ (B) One representative of each of the 3314
regional training centers established under section ~~5153.72~~ 3315
5103.42 of the Revised Code; 3316

~~(3) A~~ (C) One representative of ~~an~~ a statewide organization 3317
that represents the interests of public children services 3318
agencies; 3319

~~(4) A~~ (D) One representative of the ~~entity contracted with to~~ 3320
~~serve as the training coordinator for the~~ Ohio child welfare 3321
training program coordinator; 3322

~~(5) Two employees~~ (E) Employees of public children services 3323
agencies. 3324

~~(B) All initial appointments required to be made under this~~ 3325
~~section shall be made no later than thirty days after the~~ 3326
~~effective date of this section.~~ 3327

~~The representative of an entity contracted with to serve as~~ 3328
~~the training coordinator shall serve on the committee until the~~ 3329
~~department of job and family services contracts with a different~~ 3330
~~entity to serve as the training coordinator.~~ 3331

~~The entity under contract on the effective date of this~~ 3332
~~section to coordinate training for caseworkers and supervisors in~~ 3333
~~the state shall be considered the entity that contracts with the~~ 3334

~~department to serve as the training coordinator for the Ohio child
welfare training program.~~ 3335
3336

Sec. 5103.40. The Ohio child welfare training program 3337
steering committee shall do all of the following: 3338

(A) Following procedures the committee shall establish, 3339
adopt, amend, and rescind by-laws as necessary regarding the 3340
committee's governance, frequency of meetings, and other matters 3341
concerning the committee's operation; 3342

(B) Conduct strategic planning activities regarding the Ohio 3343
child welfare training program; 3344

(C) Provide the department of job and family services and 3345
Ohio child welfare training program coordinator recommendations 3346
regarding the program's operation; 3347

(D) After reviewing individual training needs assessments 3348
completed under sections 5153.125 and 5153.126 of the Revised 3349
Code, consult with the Ohio child welfare training program 3350
coordinator on the design and content of the training that the 3351
program provides pursuant to divisions (E) and (F) of section 3352
5103.30 of the Revised Code; 3353

(E) Review curricula created for the training provided under 3354
section 5103.30 of the Revised Code; 3355

(F) Provide the department recommendations regarding the 3356
curricula reviewed under division (E) of this section as the 3357
committee determines necessary for the training to be relevant to 3358
the needs of the child welfare field; 3359

(G) Evaluate the training and provide the department 3360
recommendations as the committee determines necessary for the 3361
training to be able to enable all of the following: 3362

(1) Assessors to satisfy the training requirement of section 3363

<u>3107.014 of the Revised Code;</u>	3364
<u>(2) Persons utilizing a public children services agency to adopt a minor to satisfy the training that must be completed as part of a home study under section 3107.031 of the Revised Code;</u>	3365 3366 3367
<u>(3) Prospective foster caregivers and foster caregivers to satisfy the preplacement and continuing training requirements of sections 5103.031, 5103.032, and 5103.033 of the Revised Code;</u>	3368 3369 3370
<u>(4) PCSA caseworkers to satisfy the training requirements of section 5153.122 of the Revised Code;</u>	3371 3372
<u>(5) PCSA caseworker supervisors to satisfy the training requirements of section 5153.123 of the Revised Code.</u>	3373 3374
Sec. 5153.71 <u>5103.41</u>. Prior to the beginning of the fiscal biennium that first follows the effective date of this section <u>October 5, 2000</u> , the department of job and family services, in consultation with the <u>Ohio child welfare training program steering committee</u> , shall designate eight training regions in the state. <u>The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes.</u> The department may change the <u>composition of the training regions as needed</u> <u>the department considers necessary</u> . Each training region shall contain only one regional training center established and maintained under section 5153.72 <u>5103.42</u> of the Revised Code.	3375 3376 3377 3378 3379 3380 3381 3382 3383 3384 3385 3386 3387
Sec. 5153.72 <u>5103.42</u>. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the public children services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Hamilton, Lucas, and Summit counties shall each establish and maintain a regional training center. At any time after the beginning of that biennium, the department of job and family	3388 3389 3390 3391 3392 3393

services, on the recommendation of the Ohio child welfare training 3394
program steering committee, may direct a public children services 3395
agency to establish and maintain a training center to replace the 3396
center established by an agency under this section. There may be 3397
no more and no less than eight centers in existence at any time. 3398
The department may make a grant to a public children services 3399
agency that establishes and maintains a regional training center 3400
under this section for the purpose of wholly or partially 3401
subsidizing the operation of the center. The department shall 3402
specify in the grant all of the center's duties, including the 3403
duties specified in section 5103.422 of the Revised Code. 3404

Sec. ~~5153.73~~ 5103.421. The executive director of each public 3405
children services agency required to establish and maintain a 3406
regional training center shall appoint a manager to operate the 3407
training center in accordance with section ~~5153.74~~ 5103.422 of the 3408
Revised Code. 3409

Sec. ~~5153.74~~ 5103.422. A regional training center's 3410
responsibilities shall include all of the following: 3411

(A) ~~Secure~~ Securing facilities suitable for conducting the 3412
training ~~programs and sessions~~ provided under section 5103.30 of 3413
the Revised Code; 3414

(B) ~~Provide~~ Providing administrative services and ~~pay~~ paying 3415
all administrative costs related to the conduct of the training 3416
~~programs and sessions;~~ 3417

(C) ~~Maintain~~ Maintaining a database of the data contained in 3418
the individual training needs assessments for each PCSA caseworker 3419
and PCSA caseworker supervisor employed by a public children 3420
services agency located in the training region served by the 3421
center; 3422

(D) ~~Assess~~ Analyzing training needs of PCSA caseworkers and 3423

PCSA caseworker supervisors employed by a public children services agency located in the training region served by the center; 3424
3425

(E) ~~Cooperate with~~ Coordinating the ~~entity contracted with~~ 3426
~~under section 5153.61 of the Revised Code in coordinating~~ training 3427
~~programs and sessions~~ at the center with the Ohio child welfare 3428
training program coordinator. 3429

Sec. 5104.01. As used in this chapter: 3430

(A) "Administrator" means the person responsible for the 3431
daily operation of a center or type A home. The administrator and 3432
the owner may be the same person. 3433

(B) "Approved child day camp" means a child day camp approved 3434
pursuant to section 5104.22 of the Revised Code. 3435

(C) "Authorized provider" means a person authorized by a 3436
county director of job and family services to operate a certified 3437
type B family day-care home. 3438

(D) "Border state child care provider" means a child care 3439
provider that is located in a state bordering Ohio and that is 3440
licensed, certified, or otherwise approved by that state to 3441
provide child care. 3442

(E) "Caretaker parent" means the father or mother of a child 3443
whose presence in the home is needed as the caretaker of the 3444
child, a person who has legal custody of a child and whose 3445
presence in the home is needed as the caretaker of the child, a 3446
guardian of a child whose presence in the home is needed as the 3447
caretaker of the child, and any other person who stands in loco 3448
parentis with respect to the child and whose presence in the home 3449
is needed as the caretaker of the child. 3450

(F) "Certified type B family day-care home" and "certified 3451
type B home" mean a type B family day-care home that is certified 3452
by the director of the county department of job and family 3453

services pursuant to section 5104.11 of the Revised Code to 3454
receive public funds for providing child care pursuant to this 3455
chapter and any rules adopted under it. 3456

(G) "Chartered nonpublic school" means a school that meets 3457
standards for nonpublic schools prescribed by the state board of 3458
education for nonpublic schools pursuant to section 3301.07 of the 3459
Revised Code. 3460

(H) "Child" includes an infant, toddler, preschool child, or 3461
school child. 3462

(I) "Child care block grant act" means the "Child Care and 3463
Development Block Grant Act of 1990," established in section 5082 3464
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 3465
1388-236 (1990), 42 U.S.C. 9858, as amended. 3466

(J) "Child day camp" means a program in which only school 3467
children attend or participate, that operates for no more than 3468
seven hours per day, that operates only during one or more public 3469
school district's regular vacation periods or for no more than 3470
fifteen weeks during the summer, and that operates outdoor 3471
activities for each child who attends or participates in the 3472
program for a minimum of fifty per cent of each day that children 3473
attend or participate in the program, except for any day when 3474
hazardous weather conditions prevent the program from operating 3475
outdoor activities for a minimum of fifty per cent of that day. 3476
For purposes of this division, the maximum seven hours of 3477
operation time does not include transportation time from a child's 3478
home to a child day camp and from a child day camp to a child's 3479
home. 3480

(K) "Child care" means administering to the needs of infants, 3481
toddlers, preschool children, and school children outside of 3482
school hours by persons other than their parents or guardians, 3483
custodians, or relatives by blood, marriage, or adoption for any 3484

part of the twenty-four-hour day in a place or residence other 3485
than a child's own home. 3486

(L) "Child day-care center" and "center" mean any place in 3487
which child care or publicly funded child care is provided for 3488
thirteen or more children at one time or any place that is not the 3489
permanent residence of the licensee or administrator in which 3490
child care or publicly funded child care is provided for seven to 3491
twelve children at one time. In counting children for the purposes 3492
of this division, any children under six years of age who are 3493
related to a licensee, administrator, or employee and who are on 3494
the premises of the center shall be counted. "Child day-care 3495
center" and "center" do not include any of the following: 3496

(1) A place located in and operated by a hospital, as defined 3497
in section 3727.01 of the Revised Code, in which the needs of 3498
children are administered to, if all the children whose needs are 3499
being administered to are monitored under the on-site supervision 3500
of a physician licensed under Chapter 4731. of the Revised Code or 3501
a registered nurse licensed under Chapter 4723. of the Revised 3502
Code, and the services are provided only for children who, in the 3503
opinion of the child's parent, guardian, or custodian, are 3504
exhibiting symptoms of a communicable disease or other illness or 3505
are injured; 3506

(2) A child day camp; 3507

(3) A place that provides child care, but not publicly funded 3508
child care, if all of the following apply: 3509

(a) An organized religious body provides the child care; 3510

(b) A parent, custodian, or guardian of at least one child 3511
receiving child care is on the premises and readily accessible at 3512
all times; 3513

(c) The child care is not provided for more than thirty days 3514

a year;	3515
(d) The child care is provided only for preschool and school children.	3516 3517
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	3518 3519 3520
(N) "Child care resource and referral services" means all of the following services:	3521 3522
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	3523 3524 3525
(2) Provision of individualized consumer education to families seeking child care;	3526 3527
(3) Provision of timely referrals of available child care providers to families seeking child care;	3528 3529
(4) Recruitment of child care providers;	3530
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	3531 3532 3533 3534
(6) Collection and analysis of data on the supply of and demand for child care in the community;	3535 3536
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	3537 3538 3539
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	3540 3541 3542
(9) Provision of written educational materials to caretaker	3543

parents and informational resources to child care providers; 3544

(10) Coordination of services among child care resource and 3545
referral service organizations to assist in developing and 3546
maintaining a statewide system of child care resource and referral 3547
services if required by the department of job and family services; 3548

(11) Cooperation with the county department of job and family 3549
services in encouraging the establishment of parent cooperative 3550
child care centers and parent cooperative type A family day-care 3551
homes. 3552

(O) "Child-care staff member" means an employee of a child 3553
day-care center or type A family day-care home who is primarily 3554
responsible for the care and supervision of children. The 3555
administrator may be a part-time child-care staff member when not 3556
involved in other duties. 3557

(P) "Drop-in child day-care center," "drop-in center," 3558
"drop-in type A family day-care home," and "drop-in type A home" 3559
mean a center or type A home that provides child care or publicly 3560
funded child care for children on a temporary, irregular basis. 3561

(Q) "Employee" means a person who either: 3562

(1) Receives compensation for duties performed in a child 3563
day-care center or type A family day-care home; 3564

(2) Is assigned specific working hours or duties in a child 3565
day-care center or type A family day-care home. 3566

(R) "Employer" means a person, firm, institution, 3567
organization, or agency that operates a child day-care center or 3568
type A family day-care home subject to licensure under this 3569
chapter. 3570

(S) "Federal poverty line" means the official poverty 3571
guideline as revised annually in accordance with section 673(2) of 3572
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 3573

U.S.C. 9902, as amended, for a family size equal to the size of 3574
the family of the person whose income is being determined. 3575

(T) "Head start program" means a comprehensive child 3576
development program that receives funds distributed under the 3577
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 3578
amended, and is licensed as a child day-care center. 3579

(U) "Income" means gross income, as defined in section 3580
5107.10 of the Revised Code, less any amounts required by federal 3581
statutes or regulations to be disregarded. 3582

(V) "Indicator checklist" means an inspection tool, used in 3583
conjunction with an instrument-based program monitoring 3584
information system, that contains selected licensing requirements 3585
that are statistically reliable indicators or predictors of a 3586
child day-care center or type A family day-care home's compliance 3587
with licensing requirements. 3588

(W) "Infant" means a child who is less than eighteen months 3589
of age. 3590

(X) "In-home aide" means a person who does not reside with 3591
the child but provides care in the child's home and is certified 3592
by a county director of job and family services pursuant to 3593
section 5104.12 of the Revised Code to provide publicly funded 3594
child care to a child in a child's own home pursuant to this 3595
chapter and any rules adopted under it. 3596

(Y) "Instrument-based program monitoring information system" 3597
means a method to assess compliance with licensing requirements 3598
for child day-care centers and type A family day-care homes in 3599
which each licensing requirement is assigned a weight indicative 3600
of the relative importance of the requirement to the health, 3601
growth, and safety of the children that is used to develop an 3602
indicator checklist. 3603

(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(BB) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

(CC) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(DD) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(EE) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at

least one parent-member of the corporation or association is on 3635
the premises of the center or type A home during its hours of 3636
operation. 3637

(FF) "Part-time child day-care center," "part-time center," 3638
"part-time type A family day-care home," and "part-time type A 3639
home" mean a center or type A home that provides child care or 3640
publicly funded child care for no more than four hours a day for 3641
any child. 3642

(GG) "Place of worship" means a building where activities of 3643
an organized religious group are conducted and includes the 3644
grounds and any other buildings on the grounds used for such 3645
activities. 3646

(HH) "Preschool child" means a child who is three years old 3647
or older but is not a school child. 3648

(II) "Protective child care" means publicly funded child care 3649
for the direct care and protection of a child to whom either of 3650
the following applies: 3651

(1) A case plan prepared and maintained for the child 3652
pursuant to section 2151.412 of the Revised Code indicates a need 3653
for protective care and the child resides with a parent, 3654
stepparent, guardian, or another person who stands in loco 3655
parentis as defined in rules adopted under section 5104.38 of the 3656
Revised Code; 3657

(2) The child and the child's caretaker either temporarily 3658
reside in a facility providing emergency shelter for homeless 3659
families or are determined by the county department of job and 3660
family services to be homeless, and are otherwise ineligible for 3661
publicly funded child care. 3662

(JJ) "Publicly funded child care" means administering to the 3663
needs of infants, toddlers, preschool children, and school 3664

children under age thirteen during any part of the 3665
twenty-four-hour day by persons other than their caretaker parents 3666
for remuneration wholly or in part with federal or state funds, 3667
including funds available under the child care block grant act, 3668
Title IV-A, and Title XX, distributed by the department of job and 3669
family services. 3670

(KK) "Religious activities" means any of the following: 3671
worship or other religious services; religious instruction; Sunday 3672
school classes or other religious classes conducted during or 3673
prior to worship or other religious services; youth or adult 3674
fellowship activities; choir or other musical group practices or 3675
programs; meals; festivals; or meetings conducted by an organized 3676
religious group. 3677

(LL) "School child" means a child who is enrolled in or is 3678
eligible to be enrolled in a grade of kindergarten or above but is 3679
less than fifteen years old. 3680

(MM) "School child day-care center," "school child center," 3681
"school child type A family day-care home," and "school child type 3682
A family home" mean a center or type A home that provides child 3683
care for school children only and that does either or both of the 3684
following: 3685

(1) Operates only during that part of the day that 3686
immediately precedes or follows the public school day of the 3687
school district in which the center or type A home is located; 3688

(2) Operates only when the public schools in the school 3689
district in which the center or type A home is located are not 3690
open for instruction with pupils in attendance. 3691

(NN) "State median income" means the state median income 3692
calculated by the department of development pursuant to division 3693
(A)(1)(g) of section 5709.61 of the Revised Code. 3694

(OO) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 3695
3696

(PP) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 3697
3698

(QQ) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 3699
3700

(RR) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. ~~"Type A family day care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.~~ "Type A family day-care home" and "type A home" do not include any child day camp. 3701
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(SS) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. ~~"Type B family day care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same~~ 3716
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~~immediate family and the residence is the home of the siblings.~~ 3726
"Type B family day-care home" and "type B home" do not include any 3727
child day camp. 3728

Sec. 5104.11. (A)(1) Every person desiring to receive 3729
certification for a type B family day-care home to provide 3730
publicly funded child care shall apply for certification to the 3731
county director of job and family services on such forms as the 3732
director of job and family services prescribes. The county 3733
director shall provide at no charge to each applicant a copy of 3734
rules for certifying type B family day-care homes adopted pursuant 3735
to this chapter. 3736

(2) Except as provided in division (G)(1) of section 5104.011 3737
of the Revised Code, after receipt of an application for 3738
certification from a type B family day-care home, the county 3739
director of job and family services shall inspect the home. If it 3740
complies with this chapter and any applicable rules adopted under 3741
this chapter, the county department shall certify the type B 3742
family day-care home to provide publicly funded child care 3743
pursuant to this chapter and any rules adopted under it. The 3744
director of job and family services or a county director of job 3745
and family services may contract with a government entity or a 3746
private nonprofit entity for that entity to inspect and certify 3747
type B family day-care homes pursuant to this section. The county 3748
department of job and family services, government entity, or 3749
nonprofit entity shall conduct the inspection prior to the 3750
issuance of a certificate for the type B home and, as part of that 3751
inspection, ensure that the type B home is safe and sanitary. 3752

(3)(a) On receipt of an application for certification for a 3753
type B family day-care home to provide publicly funded child care 3754
or for renewal of such certification, the county department shall 3755
request from ~~the public children services agency~~ both of the 3756

following information concerning any abuse or neglect report made 3757
pursuant to section 2151.421 of the Revised Code of which the 3758
applicant, any other adult residing in the applicant's home, or a 3759
person designated by the applicant to be an emergency or 3760
substitute caregiver for the applicant is the subject.—The: 3761

(i) The public children services agency, until the county 3762
department is notified by the department of job and family 3763
services that the uniform statewide automated child welfare 3764
information system has been finalized statewide; 3765

(ii) Upon receipt of notification under division (D) of 3766
section 5101.13 of the Revised Code that the uniform statewide 3767
automated child welfare information system has been implemented 3768
statewide, the uniform statewide automated child welfare 3769
information system via the department. 3770

(b) The county department shall consider any information 3771
provided by the agency or the department pursuant to section 3772
5153.175 of the Revised Code. If the county department determines 3773
that the information, when viewed within the totality of the 3774
circumstances, reasonably leads to the conclusion that the 3775
applicant may directly or indirectly endanger the health, safety, 3776
or welfare of children, the county department shall deny the 3777
application for certification or renewal of certification, or 3778
revoke the certification of an authorized provider. 3779

(c) As used in division (A)(3) of this section, "public 3780
children services agency" means either an entity separate from the 3781
county department or the part of the county department that serves 3782
as the county's public children services agency, as appropriate. 3783

(4) Except as provided in division (A)(5) of this section, an 3784
authorized provider of a type B family day-care home that receives 3785
a certificate pursuant to this section to provide publicly funded 3786
child care is an independent contractor and is not an employee of 3787

the county department of job and family services that issues the certificate. 3788
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(5) For purposes of Chapter 4141. of the Revised Code, 3790
determinations concerning the employment of an authorized provider 3791
of a type B family day-care home that receives a certificate 3792
pursuant to this section shall be determined under Chapter 4141. 3793
of the Revised Code. 3794

(B) If the county director of job and family services 3795
determines that the type B family day-care home complies with this 3796
chapter and any rules adopted under it, the county director shall 3797
issue to the provider a certificate to provide publicly funded 3798
child care, which certificate is valid for twelve months, unless 3799
revoked earlier. The county director may revoke the certificate 3800
after determining that revocation is necessary. The authorized 3801
provider shall post the certificate in a conspicuous place in the 3802
certified type B home that is accessible to parents, custodians, 3803
or guardians at all times. The certificate shall state the name 3804
and address of the authorized provider, the maximum number of 3805
children who may be cared for at any one time in the certified 3806
type B home, the expiration date of the certification, and the 3807
name and telephone number of the county director who issued the 3808
certificate. 3809

(C)(1) The county director shall inspect every certified type 3810
B family day-care home at least twice within each twelve-month 3811
period of the operation of the certified type B home. A minimum of 3812
one inspection shall be unannounced and all inspections may be 3813
unannounced. Upon receipt of a complaint, the county director 3814
shall investigate the certified type B home, and division (C)(2) 3815
of this section applies regarding the complaint. The authorized 3816
provider shall permit the county director to inspect any part of 3817
the certified type B home. The county director shall prepare a 3818
written inspection report and furnish one copy to the authorized 3819

provider within a reasonable time after the inspection. 3820

(2) Upon receipt of a complaint as described in division 3821
(C)(1) of this section, in addition to the investigation that is 3822
required under that division, both of the following apply: 3823

(a) If the complaint alleges that a child suffered physical 3824
harm while receiving child care at the certified type B family 3825
day-care home or that the noncompliance with law or act alleged in 3826
the complaint involved, resulted in, or poses a substantial risk 3827
of physical harm to a child receiving child care at the home, the 3828
county director shall inspect the home. 3829

(b) If division (C)(2)(a) of this section does not apply 3830
regarding the complaint, the county director may inspect the 3831
certified type B family day-care home. 3832

(3) Division (C)(2) of this section does not limit, restrict, 3833
or negate any duty of the county director to inspect a certified 3834
type B family day-care home that otherwise is imposed under this 3835
section, or any authority of the county director to inspect a home 3836
that otherwise is granted under this section when the county 3837
director believes the inspection is necessary and it is permitted 3838
under the grant. 3839

(D) The county director of job and family services, in 3840
accordance with rules adopted pursuant to section 5104.052 of the 3841
Revised Code regarding fire safety and fire prevention, shall 3842
inspect each type B home that applies to be certified that is 3843
providing or is to provide publicly funded child care. 3844

(E) All materials that are supplied by the department of job 3845
and family services to type A family day-care home providers, type 3846
B family day-care home providers, in-home aides, persons who 3847
desire to be type A family day-care home providers, type B family 3848
day-care home providers, or in-home aides, and caretaker parents 3849
shall be written at no higher than the sixth grade reading level. 3850

The department may employ a readability expert to verify its 3851
compliance with this division. 3852

Sec. 5104.31. (A) Publicly funded child care may be provided 3853
only by the following: 3854

~~(A)~~(1) A child day-care center or type A family day-care 3855
home, including a parent cooperative child day-care center or 3856
parent cooperative type A family day-care home, licensed by the 3857
department of job and family services pursuant to section 5104.03 3858
of the Revised Code; 3859

~~(B)~~(2) A type B family day-care home certified by the county 3860
department of job and family services pursuant to section 5104.11 3861
of the Revised Code; 3862

~~(C)~~(3) A type B family day-care home that has received a 3863
limited certification pursuant to rules adopted under division 3864
(G)(1) of section 5104.011 of the Revised Code; 3865

~~(D)~~(4) An in-home aide who has been certified by the county 3866
department of job and family services pursuant to section 5104.12 3867
of the Revised Code; 3868

~~(E)~~(5) A child day camp approved pursuant to section 5104.22 3869
of the Revised Code; 3870

~~(F)~~(6) A licensed preschool program; 3871

~~(G)~~(7) A licensed school child program; 3872

~~(H)~~(8) A border state child care provider, except that a 3873
border state child care provider may provide publicly funded child 3874
care only to an individual who resides in an Ohio county that 3875
borders the state in which the provider is located. 3876

(B) Publicly funded child day-care may be provided in a 3877
child's own home only by an in-home aide. 3878

Sec. 5153.01. (A) As used in the Revised Code, "public children services agency" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by this chapter for a county.

(B) As used in this chapter:

(1) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(3) "Child" means any person under eighteen years of age or a mentally or physically handicapped person, as defined by rule adopted by the director of job and family services, under twenty-one years of age.

(4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.

(5) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in certified foster homes or elsewhere.

(6) "PCSA caseworker" means an individual employed by a public children services agency as a caseworker.

(7) "PCSA caseworker supervisor" means an individual employed

by a public children services agency to supervise PCSA 3909
caseworkers. 3910

Sec. 5153.111. (A)(1) The executive director of a public 3911
children services agency shall request the superintendent of the 3912
bureau of criminal identification and investigation to conduct a 3913
criminal records check with respect to any applicant who has 3914
applied to the agency for employment as a person responsible for 3915
the care, custody, or control of a child. If the applicant does 3916
not present proof that the applicant has been a resident of this 3917
state for the five-year period immediately prior to the date upon 3918
which the criminal records check is requested or does not provide 3919
evidence that within that five-year period the superintendent has 3920
requested information about the applicant from the federal bureau 3921
of investigation in a criminal records check, the executive 3922
director shall request that the superintendent obtain information 3923
from the federal bureau of investigation as a part of the criminal 3924
records check for the applicant. If the applicant presents proof 3925
that the applicant has been a resident of this state for that 3926
five-year period, the executive director may request that the 3927
superintendent include information from the federal bureau of 3928
investigation in the criminal records check. 3929

(2) Any person required by division (A)(1) of this section to 3930
request a criminal records check shall provide to each applicant a 3931
copy of the form prescribed pursuant to division (C)(1) of section 3932
109.572 of the Revised Code, provide to each applicant a standard 3933
impression sheet to obtain fingerprint impressions prescribed 3934
pursuant to division (C)(2) of section 109.572 of the Revised 3935
Code, obtain the completed form and impression sheet from each 3936
applicant, and forward the completed form and impression sheet to 3937
the superintendent of the bureau of criminal identification and 3938
investigation at the time the person requests a criminal records 3939

check pursuant to division (A)(1) of this section. 3940

(3) Any applicant who receives pursuant to division (A)(2) of 3941
this section a copy of the form prescribed pursuant to division 3942
(C)(1) of section 109.572 of the Revised Code and a copy of an 3943
impression sheet prescribed pursuant to division (C)(2) of that 3944
section and who is requested to complete the form and provide a 3945
set of fingerprint impressions shall complete the form or provide 3946
all the information necessary to complete the form and shall 3947
provide the impression sheet with the impressions of the 3948
applicant's fingerprints. If an applicant, upon request, fails to 3949
provide the information necessary to complete the form or fails to 3950
provide impressions of the applicant's fingerprints, that agency 3951
shall not employ that applicant for any position for which a 3952
criminal records check is required by division (A)(1) of this 3953
section. 3954

(B)(1) Except as provided in rules adopted by the director of 3955
job and family services in accordance with division (E) of this 3956
section, no public children services agency shall employ a person 3957
as a person responsible for the care, custody, or control of a 3958
child if the person previously has been convicted of or pleaded 3959
guilty to any of the following: 3960

(a) A violation of section 2903.01, 2903.02, 2903.03, 3961
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3962
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3963
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3964
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3965
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3966
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3967
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 3968
violation of section 2905.04 of the Revised Code as it existed 3969
prior to July 1, 1996, a violation of section 2919.23 of the 3970
Revised Code that would have been a violation of section 2905.04 3971

of the Revised Code as it existed prior to July 1, 1996, had the 3972
violation occurred prior to that date, a violation of section 3973
2925.11 of the Revised Code that is not a minor drug possession 3974
offense, or felonious sexual penetration in violation of former 3975
section 2907.12 of the Revised Code; 3976

(b) A violation of an existing or former law of this state, 3977
any other state, or the United States that is substantially 3978
equivalent to any of the offenses or violations described in 3979
division (B)(1)(a) of this section. 3980

(2) A public children services agency may employ an applicant 3981
conditionally until the criminal records check required by this 3982
section is completed and the agency receives the results of the 3983
criminal records check. If the results of the criminal records 3984
check indicate that, pursuant to division (B)(1) of this section, 3985
the applicant does not qualify for employment, the agency shall 3986
release the applicant from employment. 3987

(C)(1) Each public children services agency shall pay to the 3988
bureau of criminal identification and investigation the fee 3989
prescribed pursuant to division (C)(3) of section 109.572 of the 3990
Revised Code for each criminal records check conducted in 3991
accordance with that section upon the request pursuant to division 3992
(A)(1) of this section of the executive director of the agency. 3993

(2) A public children services agency may charge an applicant 3994
a fee for the costs it incurs in obtaining a criminal records 3995
check under this section. A fee charged under this division shall 3996
not exceed the amount of fees the agency pays under division 3997
(C)(1) of this section. If a fee is charged under this division, 3998
the agency shall notify the applicant at the time of the 3999
applicant's initial application for employment of the amount of 4000
the fee and that, unless the fee is paid, the agency will not 4001
consider the applicant for employment. 4002

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the public children services agency requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a public children services agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with the agency as a person responsible for the care, custody, or control

of a child.

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

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

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Sec. 5153.122. ~~(A) Each PCSA caseworker hired by a public children services agency~~ shall complete at least ninety hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (D) of section 5101.141 of the Revised Code. The training shall consist of courses in recognizing and preventing child abuse and neglect, assessing ~~risks~~ safety and risk, interviewing persons, investigating cases, intervening, providing services to children and their families, the importance of and need for accurate data, preparation for court, maintenance of case record information, and other topics relevant to child abuse and neglect. The training shall also include courses in the legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment that shall include instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations.

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After ~~the~~ a PCSA caseworker's first year of continuous employment as a PCSA caseworker, ~~each~~ the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.

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~~(B) Each supervisor hired by a public children services agency shall complete at least sixty hours of in service training during the first year of the supervisor's continuous employment in that position. After the first year of continuous employment as a supervisor, the supervisor annually shall complete thirty hours of training in areas relevant to the supervisor's assigned duties.~~

~~(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the training requirements of this section.~~

During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the ninety hours of training required during the caseworker's first year of employment or part of the thirty-six hours of training required during the second year of employment.

Sec. 5153.123. Each PCSA caseworker supervisor shall complete at least sixty hours of in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker supervisor. After a PCSA caseworker supervisor's first year of continuous employment as a PCSA caseworker supervisor, the supervisor annually shall complete thirty hours of training in areas relevant to the supervisor's assigned duties. During the first two years of continuous employment as a PCSA caseworker supervisor, each PCSA caseworker supervisor shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve

hours may be in addition to the sixty hours of training required 4095
during the supervisor's first year of employment or part of the 4096
thirty hours of training required during the second year of 4097
employment. 4098

Sec. 5153.124. (A) The director of job and family services 4099
shall adopt rules as necessary to implement the training 4100
requirements of sections 5153.122 and 5153.123 of the Revised 4101
Code. 4102

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 4103
5153.122 to 5153.127 of the Revised Code, the department of job 4104
and family services may require additional training for PCSA 4105
caseworkers and PCSA caseworker supervisors as necessary to comply 4106
with federal requirements. 4107

Sec. 5153.75 5153.125. Each PCSA caseworker supervisor 4108
~~employed by a public children services agency that supervises the~~ 4109
~~work of a caseworker employed by the agency shall work with the~~ 4110
each PCSA caseworker the supervisor supervises to determine the 4111
caseworker's training needs in accordance with, and ensure the 4112
caseworker's compliance with, the training requirements of section 4113
5153.122 of the Revised Code. Once every two years, each PCSA 4114
caseworker and the caseworker's supervisor shall jointly complete 4115
~~an~~ the caseworker's individual training needs assessment form 4116
created under section ~~5153.65~~ 5103.37 of the Revised Code ~~for each~~ 4117
~~caseworker.~~ 4118

Sec. 5153.76 5153.126. The executive director of each public 4119
children services agency or a person designated by the executive 4120
director shall work with each PCSA caseworker supervisor employed 4121
by the agency to determine the supervisor's training needs in 4122
accordance with, and ensure the supervisor's compliance with, the 4123

training requirements of section ~~5153.122~~ 5153.123 of the Revised 4124
Code. Once every two years, each PCSA caseworker supervisor and 4125
the executive director of the public children services agency 4126
employing the supervisor, or ~~designated~~ the person designated by 4127
the executive director, shall jointly complete ~~an~~ the supervisor's 4128
individual training needs assessment ~~form~~ created under section 4129
~~5153.65~~ 5103.37 of the Revised Code ~~for each supervisor.~~ 4130

Sec. ~~5153.77~~ 5153.127. The executive director of each public 4131
children services agency or a person designated by the executive 4132
director shall collect and maintain the data from individual 4133
training needs ~~assessment forms~~ assessments completed under 4134
sections ~~5153.75~~ 5153.125 and ~~5153.76~~ 5153.126 of the Revised Code 4135
for each PCSA caseworker and PCSA caseworker supervisor ~~and case~~ 4136
~~worker~~ employed by the agency. The executive director or 4137
designated person shall compile and forward the data collected 4138
from the completed ~~assessment forms~~ assessments to the regional 4139
training center ~~located in~~ established under section 5103.42 of 4140
the Revised Code for the ~~same~~ training region ~~as~~ the agency is 4141
located in. 4142

Sec. 5153.16. (A) Except as provided in section 2151.422 of 4143
the Revised Code, in accordance with rules ~~of the department of~~ 4144
~~job and family services~~ adopted under section 5153.166 of the 4145
Revised Code, and on behalf of children in the county whom the 4146
public children services agency considers to be in need of public 4147
care or protective services, the public children services agency 4148
shall do all of the following: 4149

(1) Make an investigation concerning any child alleged to be 4150
an abused, neglected, or dependent child; 4151

(2) Enter into agreements with the parent, guardian, or other 4152
person having legal custody of any child, or with the department 4153

of job and family services, department of mental health, 4154
department of mental retardation and developmental disabilities, 4155
other department, any certified organization within or outside the 4156
county, or any agency or institution outside the state, having 4157
legal custody of any child, with respect to the custody, care, or 4158
placement of any child, or with respect to any matter, in the 4159
interests of the child, provided the permanent custody of a child 4160
shall not be transferred by a parent to the public children 4161
services agency without the consent of the juvenile court; 4162

(3) Accept custody of children committed to the public 4163
children services agency by a court exercising juvenile 4164
jurisdiction; 4165

(4) Provide such care as the public children services agency 4166
considers to be in the best interests of any child adjudicated to 4167
be an abused, neglected, or dependent child the agency finds to be 4168
in need of public care or service; 4169

(5) Provide social services to any unmarried girl adjudicated 4170
to be an abused, neglected, or dependent child who is pregnant 4171
with or has been delivered of a child; 4172

(6) Make available to the bureau for children with medical 4173
handicaps of the department of health at its request any 4174
information concerning a crippled child found to be in need of 4175
treatment under sections 3701.021 to 3701.028 of the Revised Code 4176
who is receiving services from the public children services 4177
agency; 4178

(7) Provide temporary emergency care for any child considered 4179
by the public children services agency to be in need of such care, 4180
without agreement or commitment; 4181

(8) Find certified foster homes, within or outside the 4182
county, for the care of children, including handicapped children 4183
from other counties attending special schools in the county; 4184

(9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose;

(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(12) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of job and family services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(13) Make investigations at the request of any superintendent

of schools in the county or the principal of any school concerning 4216
the application of any child adjudicated to be an abused, 4217
neglected, or dependent child for release from school, where such 4218
service is not provided through a school attendance department; 4219

(14) Administer funds provided under Title IV-E of the 4220
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 4221
amended, in accordance with rules adopted under section 5101.141 4222
of the Revised Code; 4223

(15) In addition to administering Title IV-E adoption 4224
assistance funds, enter into agreements to make adoption 4225
assistance payments under section 5153.163 of the Revised Code; 4226

(16) Implement a system of safety and risk assessment, in 4227
accordance with rules adopted by the director of job and family 4228
services, to assist the public children services agency in 4229
determining the risk of abuse or neglect to a child; 4230

(17) Enter into a plan of cooperation with the board of 4231
county commissioners under section 307.983 of the Revised Code and 4232
comply with each fiscal agreement the board enters into under 4233
section 307.98 of the Revised Code that include family services 4234
duties of public children services agencies and contracts the 4235
board enters into under sections 307.981 and 307.982 of the 4236
Revised Code that affect the public children services agency; 4237

(18) Make reasonable efforts to prevent the removal of an 4238
alleged or adjudicated abused, neglected, or dependent child from 4239
the child's home, eliminate the continued removal of the child 4240
from the child's home, or make it possible for the child to return 4241
home safely, except that reasonable efforts of that nature are not 4242
required when a court has made a determination under division 4243
(A)(2) of section 2151.419 of the Revised Code; 4244

(19) Make reasonable efforts to place the child in a timely 4245
manner in accordance with the permanency plan approved under 4246

division (E) of section 2151.417 of the Revised Code and to 4247
complete whatever steps are necessary to finalize the permanent 4248
placement of the child; 4249

(20) Administer a Title IV-A program identified under 4250
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 4251
that the department of job and family services provides for the 4252
public children services agency to administer under the 4253
department's supervision pursuant to section 5101.801 of the 4254
Revised Code; 4255

(21) Administer the kinship permanency incentive program 4256
created under section 5101.802 of the Revised Code under the 4257
supervision of the director of job and family services; 4258

(22) Provide independent living services pursuant to sections 4259
2151.81 to 2151.84 of the Revised Code. 4260

(B) The public children services agency shall use the system 4261
implemented pursuant to division ~~(B)~~(A)(16) of this section in 4262
connection with an investigation undertaken pursuant to division 4263
(F)(1) of section 2151.421 of the Revised Code ~~and may use the~~ 4264
~~system at any other time the agency is involved with any child~~ 4265
~~when the agency determines that risk assessment is necessary to~~ 4266
assess both of the following: 4267

(1) The ongoing safety of the child; 4268

(2) The appropriateness of the intensity and duration of the 4269
services provided to meet child and family needs throughout the 4270
duration of a case. 4271

(C) Except as provided in section 2151.422 of the Revised 4272
Code, in accordance with rules of the director of job and family 4273
services, and on behalf of children in the county whom the public 4274
children services agency considers to be in need of public care or 4275
protective services, the public children services agency may do 4276

the following: 4277

(1) Provide or find, with other child serving systems, 4278
specialized foster care for the care of children in a specialized 4279
foster home, as defined in section 5103.02 of the Revised Code, 4280
certified under section 5103.03 of the Revised Code; 4281

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 4282
this section, contract with the following for the purpose of 4283
assisting the agency with its duties: 4284

(i) County departments of job and family services; 4285

(ii) Boards of alcohol, drug addiction, and mental health 4286
services; 4287

(iii) County boards of mental retardation and developmental 4288
disabilities; 4289

(iv) Regional councils of political subdivisions established 4290
under Chapter 167. of the Revised Code; 4291

(v) Private and government providers of services; 4292

(vi) Managed care organizations and prepaid health plans. 4293

(b) A public children services agency contract under division 4294
(C)(2)(a) of this section regarding the agency's duties under 4295
section 2151.421 of the Revised Code may not provide for the 4296
entity under contract with the agency to perform any service not 4297
authorized by the department's rules. 4298

(c) Only a county children services board appointed under 4299
section 5153.03 of the Revised Code that is a public children 4300
services agency may contract under division (C)(2)(a) of this 4301
section. If an entity specified in division (B) or (C) of section 4302
5153.02 of the Revised Code is the public children services agency 4303
for a county, the board of county commissioners may enter into 4304
contracts pursuant to section 307.982 of the Revised Code 4305
regarding the agency's duties. 4306

Sec. 5153.166. In addition to other rules specifically 4307
authorized by the Revised Code, the director of job and family 4308
services may adopt rules governing public children services 4309
agencies' performance of their family services duties, including 4310
the family services duties that public children services agencies 4311
have under sections 5153.16 to 5153.19 of the Revised Code. 4312

Sec. 5153.17. The public children services agency shall 4313
prepare and keep written records of investigations of families, 4314
children, and foster homes, and of the care, training, and 4315
treatment afforded children, and shall prepare and keep such other 4316
records as are required by the department of job and family 4317
services. Such records shall be confidential, but, except as 4318
provided by division (B) of section 3107.17 of the Revised Code, 4319
shall be open to inspection by the agency, the director of job and 4320
family services, the director of the county department of job and 4321
family services, and by other persons, upon the written permission 4322
of the executive ~~secretary~~ director. 4323

Section 2. That existing sections 109.57, 109.572, 109.60, 4324
1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 4325
2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 4326
3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 4327
5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 4328
5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 4329
5103.12, 5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 4330
5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 4331
5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 4332
5153.74, 5153.75, 5153.76, 5153.77, and 5153.78 and sections 4333
5103.037, 5103.13, 5103.131, 5153.68, and 5153.69 of the Revised 4334
Code are hereby repealed. 4335

Section 3. Section 109.572 of the Revised Code is presented 4336

in this act as a composite of the section as amended by both Am. 4337
Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly 4338
and Am. Sub. H.B. 68 of the 126th General Assembly. Section 4339
2151.011 of the Revised Code is presented in this act as a 4340
composite of the section as amended by both Am. Sub. H.B. 11 and 4341
Am. Sub. H.B. 106 of the 125th General Assembly. Section 2151.421 4342
of the Revised Code is presented in this act as a composite of the 4343
section as amended by both Sub. S.B. 66 and Sub. S.B. 185 of the 4344
125th General Assembly. The General Assembly, applying the 4345
principle stated in division (B) of section 1.52 of the Revised 4346
Code that amendments are to be harmonized if reasonably capable of 4347
simultaneous operation, finds that the composites are the 4348
resulting version of the sections in effect prior to the effective 4349
dates of the sections as presented in this act. 4350