

## As Passed by the House

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. S. B. No. 238**

**Senators Niehaus, Schuring, Clancy, Padgett, Carey, Spada, Armbruster,  
Coughlin, Dann, Fedor, Harris, Kearney, Prentiss, Roberts, Zurz, Miller, R.,**

**Austria, Wilson, Miller, D.**

**Representatives Martin, Allen, Calvert, Cassell, Collier, DeBose, DeGeeter,  
Distel, Domenick, Driehaus, Evans, C., Fende, Garrison, Hartnett, Harwood,**

**Key, Otterman, Raussen, Seitz, Smith, G., Stewart, D., Strahorn, Williams,**

**Yates, Patton, T.**

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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, 3107.17,	3
3109.16, 3109.17, 5101.141, 5101.29, 5101.35,	4
5101.72, 5101.99, 5103.031, 5103.033, 5103.034,	5
5103.035, 5103.036, 5103.038, 5103.039, 5103.0311,	6
5103.0312, 5103.0313, 5103.0315, 5103.07, 5104.01,	7
5104.11, 5104.31, 5153.01, 5153.111, 5153.122,	8
5153.16, 5153.17, 5153.60, 5153.61, 5153.62,	9
5153.63, 5153.64, 5153.65, 5153.66, 5153.67,	10
5153.70, 5153.71, 5153.72, 5153.73, 5153.74,	11
5153.75, 5153.76, 5153.77, and 5153.78; to amend,	12
for the purpose of adopting new section numbers as	13
indicated in parentheses, sections 5153.60	14
(5103.30), 5153.61 (5103.35), 5153.62 (5103.36),	15
5153.63 (5103.362), 5153.64 (5103.363), 5153.65	16
(5103.37), 5153.66 (5103.39), 5153.67 (5103.391),	17
5153.70 (5103.38), 5153.71 (5103.41), 5153.72	18

(5103.42), 5153.73 (5103.421), 5153.74 (5103.422), 19  
5153.75 (5153.125), 5153.76 (5153.126), 5153.77 20  
(5153.127), and 5153.78 (5103.32); to enact 21  
sections 2151.423, 5101.13, 5101.131, 5101.132, 22  
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 23  
5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 24  
5153.123, 5153.124, and 5153.166; and to repeal 25  
sections 5103.037, 5153.68, and 5153.69 of the 26  
Revised Code to revise the law governing child 27  
welfare and other laws regarding the Department of 28  
Job and Family Services. 29

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

**Section 1.** That sections 109.57, 109.572, 109.60, 1347.08, 30  
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 31  
3107.014, 3107.015, 3107.016, 3107.17, 3109.16, 3109.17, 5101.141, 32  
5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5103.034, 33  
5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 5103.0312, 34  
5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 5153.01, 35  
5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 36  
5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 37  
5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 5153.77, and 5153.78 38  
be amended; sections 5153.60 (5103.30), 5153.61 (5103.35), 5153.62 39  
(5103.36), 5153.63 (5103.362), 5153.64 (5103.363), 5153.65 40  
(5103.37), 5153.66 (5103.39), 5153.67 (5103.391), 5153.70 41  
(5103.38), 5153.71 (5103.41), 5153.72 (5103.42), 5153.73 42  
(5103.421), 5153.74 (5103.422), 5153.75 (5153.125), 5153.76 43  
(5153.126), 5153.77 (5153.127), and 5153.78 (5103.32) be amended 44  
for the purpose of adopting new section numbers as indicated in 45  
parentheses; and sections 2151.423, 5101.13, 5101.131, 5101.132, 46  
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 47

5103.33, 5103.34, 5103.361, 5103.40, 5153.123, 5153.124, and 48  
5153.166 of the Revised Code be enacted to read as follows: 49

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 50  
criminal identification and investigation shall procure from 51  
wherever procurable and file for record photographs, pictures, 52  
descriptions, fingerprints, measurements, and other information 53  
that may be pertinent of all persons who have been convicted of 54  
committing within this state a felony, any crime constituting a 55  
misdemeanor on the first offense and a felony on subsequent 56  
offenses, or any misdemeanor described in division (A)(1)(a) or 57  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 58  
under eighteen years of age who have been adjudicated delinquent 59  
children for committing within this state an act that would be a 60  
felony or an offense of violence if committed by an adult or who 61  
have been convicted of or pleaded guilty to committing within this 62  
state a felony or an offense of violence, and of all well-known 63  
and habitual criminals. The person in charge of any county, 64  
multicounty, municipal, municipal-county, or multicounty-municipal 65  
jail or workhouse, community-based correctional facility, halfway 66  
house, alternative residential facility, or state correctional 67  
institution and the person in charge of any state institution 68  
having custody of a person suspected of having committed a felony, 69  
any crime constituting a misdemeanor on the first offense and a 70  
felony on subsequent offenses, or any misdemeanor described in 71  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 72  
Code or having custody of a child under eighteen years of age with 73  
respect to whom there is probable cause to believe that the child 74  
may have committed an act that would be a felony or an offense of 75  
violence if committed by an adult shall furnish such material to 76  
the superintendent of the bureau. Fingerprints, photographs, or 77  
other descriptive information of a child who is under eighteen 78

years of age, has not been arrested or otherwise taken into 79  
custody for committing an act that would be a felony or an offense 80  
of violence if committed by an adult, has not been adjudicated a 81  
delinquent child for committing an act that would be a felony or 82  
an offense of violence if committed by an adult, has not been 83  
convicted of or pleaded guilty to committing a felony or an 84  
offense of violence, and is not a child with respect to whom there 85  
is probable cause to believe that the child may have committed an 86  
act that would be a felony or an offense of violence if committed 87  
by an adult shall not be procured by the superintendent or 88  
furnished by any person in charge of any county, multicounty, 89  
municipal, municipal-county, or multicounty-municipal jail or 90  
workhouse, community-based correctional facility, halfway house, 91  
alternative residential facility, or state correctional 92  
institution, except as authorized in section 2151.313 of the 93  
Revised Code. 94

(2) Every clerk of a court of record in this state, other 95  
than the supreme court or a court of appeals, shall send to the 96  
superintendent of the bureau a weekly report containing a summary 97  
of each case involving a felony, involving any crime constituting 98  
a misdemeanor on the first offense and a felony on subsequent 99  
offenses, involving a misdemeanor described in division (A)(1)(a) 100  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 101  
an adjudication in a case in which a child under eighteen years of 102  
age was alleged to be a delinquent child for committing an act 103  
that would be a felony or an offense of violence if committed by 104  
an adult. The clerk of the court of common pleas shall include in 105  
the report and summary the clerk sends under this division all 106  
information described in divisions (A)(2)(a) to (f) of this 107  
section regarding a case before the court of appeals that is 108  
served by that clerk. The summary shall be written on the standard 109  
forms furnished by the superintendent pursuant to division (B) of 110  
this section and shall include the following information: 111

(a) The incident tracking number contained on the standard 112  
forms furnished by the superintendent pursuant to division (B) of 113  
this section; 114

(b) The style and number of the case; 115

(c) The date of arrest; 116

(d) The date that the person was convicted of or pleaded 117  
guilty to the offense, adjudicated a delinquent child for 118  
committing the act that would be a felony or an offense of 119  
violence if committed by an adult, found not guilty of the 120  
offense, or found not to be a delinquent child for committing an 121  
act that would be a felony or an offense of violence if committed 122  
by an adult, the date of an entry dismissing the charge, an entry 123  
declaring a mistrial of the offense in which the person is 124  
discharged, an entry finding that the person or child is not 125  
competent to stand trial, or an entry of a nolle prosequi, or the 126  
date of any other determination that constitutes final resolution 127  
of the case; 128

(e) A statement of the original charge with the section of 129  
the Revised Code that was alleged to be violated; 130

(f) If the person or child was convicted, pleaded guilty, or 131  
was adjudicated a delinquent child, the sentence or terms of 132  
probation imposed or any other disposition of the offender or the 133  
delinquent child. 134

If the offense involved the disarming of a law enforcement 135  
officer or an attempt to disarm a law enforcement officer, the 136  
clerk shall clearly state that fact in the summary, and the 137  
superintendent shall ensure that a clear statement of that fact is 138  
placed in the bureau's records. 139

(3) The superintendent shall cooperate with and assist 140  
sheriffs, chiefs of police, and other law enforcement officers in 141

the establishment of a complete system of criminal identification 142  
and in obtaining fingerprints and other means of identification of 143  
all persons arrested on a charge of a felony, any crime 144  
constituting a misdemeanor on the first offense and a felony on 145  
subsequent offenses, or a misdemeanor described in division 146  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 147  
of all children under eighteen years of age arrested or otherwise 148  
taken into custody for committing an act that would be a felony or 149  
an offense of violence if committed by an adult. The 150  
superintendent also shall file for record the fingerprint 151  
impressions of all persons confined in a county, multicounty, 152  
municipal, municipal-county, or multicounty-municipal jail or 153  
workhouse, community-based correctional facility, halfway house, 154  
alternative residential facility, or state correctional 155  
institution for the violation of state laws and of all children 156  
under eighteen years of age who are confined in a county, 157  
multicounty, municipal, municipal-county, or multicounty-municipal 158  
jail or workhouse, community-based correctional facility, halfway 159  
house, alternative residential facility, or state correctional 160  
institution or in any facility for delinquent children for 161  
committing an act that would be a felony or an offense of violence 162  
if committed by an adult, and any other information that the 163  
superintendent may receive from law enforcement officials of the 164  
state and its political subdivisions. 165

(4) The superintendent shall carry out Chapter 2950. of the 166  
Revised Code with respect to the registration of persons who are 167  
convicted of or plead guilty to either a sexually oriented offense 168  
that is not a registration-exempt sexually oriented offense or a 169  
child-victim oriented offense and with respect to all other duties 170  
imposed on the bureau under that chapter. 171

(5) The bureau shall perform centralized recordkeeping 172  
functions for criminal history records and services in this state 173

for purposes of the national crime prevention and privacy compact 174  
set forth in section 109.571 of the Revised Code and is the 175  
criminal history record repository as defined in that section for 176  
purposes of that compact. The superintendent or the 177  
superintendent's designee is the compact officer for purposes of 178  
that compact and shall carry out the responsibilities of the 179  
compact officer specified in that compact. 180

(B) The superintendent shall prepare and furnish to every 181  
county, multicounty, municipal, municipal-county, or 182  
multicounty-municipal jail or workhouse, community-based 183  
correctional facility, halfway house, alternative residential 184  
facility, or state correctional institution and to every clerk of 185  
a court in this state specified in division (A)(2) of this section 186  
standard forms for reporting the information required under 187  
division (A) of this section. The standard forms that the 188  
superintendent prepares pursuant to this division may be in a 189  
tangible format, in an electronic format, or in both tangible 190  
formats and electronic formats. 191

(C) The superintendent may operate a center for electronic, 192  
automated, or other data processing for the storage and retrieval 193  
of information, data, and statistics pertaining to criminals and 194  
to children under eighteen years of age who are adjudicated 195  
delinquent children for committing an act that would be a felony 196  
or an offense of violence if committed by an adult, criminal 197  
activity, crime prevention, law enforcement, and criminal justice, 198  
and may establish and operate a statewide communications network 199  
to gather and disseminate information, data, and statistics for 200  
the use of law enforcement agencies. The superintendent may 201  
gather, store, retrieve, and disseminate information, data, and 202  
statistics that pertain to children who are under eighteen years 203  
of age and that are gathered pursuant to sections 109.57 to 109.61 204  
of the Revised Code together with information, data, and 205

statistics that pertain to adults and that are gathered pursuant  
to those sections. In addition to any other authorized use of  
information, data, and statistics of that nature, the  
superintendent or the superintendent's designee may provide and  
exchange the information, data, and statistics pursuant to the  
national crime prevention and privacy compact as described in  
division (A)(5) of this section.

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

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

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

(2)(a) In addition to or in conjunction with any request that  
is required to be made under section 109.572, 2151.86, 3301.32,  
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081,



5126.28, 5126.281, or 5153.111 of the Revised Code, the board of  
education of any school district; the director of mental  
retardation and developmental disabilities; any county board of  
mental retardation and developmental disabilities; any entity  
under contract with a county board of mental retardation and  
developmental disabilities; the chief administrator of any  
chartered nonpublic school; the chief administrator of any home  
health agency; the chief administrator of or person operating any  
child day-care center, type A family day-care home, or type B  
family day-care home licensed or certified under Chapter 5104. of  
the Revised Code; the administrator of any type C family day-care  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st  
general assembly; the chief administrator of any head start  
agency; or the executive director of a public children services  
agency may request that the superintendent of the bureau  
investigate and determine, with respect to any individual who has  
applied for employment in any position after October 2, 1989, or  
any individual wishing to apply for employment with a board of  
education may request, with regard to the individual, whether the  
bureau has any information gathered under division (A) of this  
section that pertains to that individual. On receipt of the  
request, the superintendent shall determine whether that  
information exists and, upon request of the person, board, or  
entity requesting information, also shall request from the federal  
bureau of investigation any criminal records it has pertaining to  
that individual. The superintendent or the superintendent's  
designee also 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. Within thirty days of the date that the  
superintendent receives a request, the superintendent shall send  
to the board, entity, or person a report of any information that

the superintendent determines exists, including information  
contained in records that have been sealed under section 2953.32  
of the Revised Code, and, within thirty days of its receipt, shall  
send the board, entity, or person a report of any information  
received from the federal bureau of investigation, other than  
information the dissemination of which is prohibited by federal  
law.

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

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

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

this section.

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(5) When a recipient of a classroom reading improvement grant paid under section 3301.86 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.

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(G) In addition to or in conjunction with any request that is required to be made under section 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

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In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsperson services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsperson, ombudsperson's designee, or director of health may request that the superintendent investigate and determine, with

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respect to any individual who has applied for employment in a 334  
position that does not involve providing such ombudsperson 335  
services, whether the bureau has any information gathered under 336  
division (A) of this section that pertains to that applicant. 337

In addition to or in conjunction with any request that is 338  
required to be made under section 173.394 of the Revised Code with 339  
respect to an individual who has applied for employment in a 340  
position that involves providing direct care to an individual, the 341  
chief administrator of a community-based long-term care agency may 342  
request that the superintendent investigate and determine, with 343  
respect to any individual who has applied for employment in a 344  
position that does not involve providing direct care, whether the 345  
bureau has any information gathered under division (A) of this 346  
section that pertains to that applicant. 347

On receipt of a request under this division, the 348  
superintendent shall determine whether that information exists 349  
and, on request of the individual requesting information, shall 350  
also request from the federal bureau of investigation any criminal 351  
records it has pertaining to the applicant. The superintendent or 352  
the superintendent's designee also may request criminal history 353  
records from other states or the federal government pursuant to 354  
the national crime prevention and privacy compact set forth in 355  
section 109.571 of the Revised Code. Within thirty days of the 356  
date a request is received, the superintendent shall send to the 357  
requester a report of any information determined to exist, 358  
including information contained in records that have been sealed 359  
under section 2953.32 of the Revised Code, and, within thirty days 360  
of its receipt, shall send the requester a report of any 361  
information received from the federal bureau of investigation, 362  
other than information the dissemination of which is prohibited by 363  
federal law. 364

(H) Information obtained by a government entity or person 365

under this section is confidential and shall not be released or  
disseminated.

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

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013~~7~~  
~~or 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:

(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, 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 397  
minor drug possession offense; 398

(b) A violation of an existing or former law of this state, 399  
any other state, or the United States that is substantially 400  
equivalent to any of the offenses listed in division (A)(1)(a) of 401  
this section. 402

(2) On receipt of a request pursuant to section 5123.081 of 403  
the Revised Code with respect to an applicant for employment in 404  
any position with the department of mental retardation and 405  
developmental disabilities, pursuant to section 5126.28 of the 406  
Revised Code with respect to an applicant for employment in any 407  
position with a county board of mental retardation and 408  
developmental disabilities, or pursuant to section 5126.281 of the 409  
Revised Code with respect to an applicant for employment in a 410  
direct services position with an entity contracting with a county 411  
board for employment, a completed form prescribed pursuant to 412  
division (C)(1) of this section, and a set of fingerprint 413  
impressions obtained in the manner described in division (C)(2) of 414  
this section, the superintendent of the bureau of criminal 415  
identification and investigation shall conduct a criminal records 416  
check. The superintendent shall conduct the criminal records check 417  
in the manner described in division (B) of this section to 418  
determine whether any information exists that indicates that the 419  
person who is the subject of the request has been convicted of or 420  
pleaded guilty to any of the following: 421

(a) A violation of section 2903.01, 2903.02, 2903.03, 422  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 423  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 424  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 425  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 426  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 427  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 428

2925.03, or 3716.11 of the Revised Code; 429

(b) An existing or former municipal ordinance or law of this 430  
state, any other state, or the United States that is substantially 431  
equivalent to any of the offenses listed in division (A)(2)(a) of 432  
this section. 433

(3) On receipt of a request pursuant to section 173.27, 434  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 435  
completed form prescribed pursuant to division (C)(1) of this 436  
section, and a set of fingerprint impressions obtained in the 437  
manner described in division (C)(2) of this section, the 438  
superintendent of the bureau of criminal identification and 439  
investigation shall conduct a criminal records check with respect 440  
to any person who has applied for employment in a position for 441  
which a criminal records check is required by those sections. The 442  
superintendent shall conduct the criminal records check in the 443  
manner described in division (B) of this section to determine 444  
whether any information exists that indicates that the person who 445  
is the subject of the request previously has been convicted of or 446  
pleaded guilty to any of the following: 447

(a) A violation of section 2903.01, 2903.02, 2903.03, 448  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 449  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 450  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 451  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 452  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 453  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 454  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 455  
2925.22, 2925.23, or 3716.11 of the Revised Code; 456

(b) An existing or former law of this state, any other state, 457  
or the United States that is substantially equivalent to any of 458  
the offenses listed in division (A)(3)(a) of this section. 459

(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:

(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;

(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)(4)(a) of this section.

(5) On receipt of a request pursuant to section 5111.95 or 5111.96 of the Revised Code with respect to an applicant for employment with a waiver agency participating in a department of job and family services administered home and community-based waiver program or an independent provider participating in a



department administered home and community-based waiver program in 492  
a position that involves providing home and community-based waiver 493  
services to consumers with disabilities, a completed form 494  
prescribed pursuant to division (C)(1) of this section, and a set 495  
of fingerprint impressions obtained in the manner described in 496  
division (C)(2) of this section, the superintendent of the bureau 497  
of criminal identification and investigation shall conduct a 498  
criminal records check. The superintendent shall conduct the 499  
criminal records check in the manner described in division (B) of 500  
this section to determine whether any information exists that 501  
indicates that the person who is the subject of the request 502  
previously has been convicted of or pleaded guilty to any of the 503  
following: 504

(a) A violation of section 2903.01, 2903.02, 2903.03, 505  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 506  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 507  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 508  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 509  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 510  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 511  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 512  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 513  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 514  
Revised Code, felonious sexual penetration in violation of former 515  
section 2907.12 of the Revised Code, a violation of section 516  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 517  
violation of section 2919.23 of the Revised Code that would have 518  
been a violation of section 2905.04 of the Revised Code as it 519  
existed prior to July 1, 1996, had the violation been committed 520  
prior to that date; 521

(b) An existing or former law of this state, any other state, 522  
or the United States that is substantially equivalent to any of 523

the offenses listed in division (A)(5)(a) of this section. 524

(6) On receipt of a request pursuant to section 3701.881 of 525  
the Revised Code with respect to an applicant for employment with 526  
a home health agency in a position that involves providing direct 527  
care to an older adult, a completed form prescribed pursuant to 528  
division (C)(1) of this section, and a set of fingerprint 529  
impressions obtained in the manner described in division (C)(2) of 530  
this section, the superintendent of the bureau of criminal 531  
identification and investigation shall conduct a criminal records 532  
check. The superintendent shall conduct the criminal records check 533  
in the manner described in division (B) of this section to 534  
determine whether any information exists that indicates that the 535  
person who is the subject of the request previously has been 536  
convicted of or pleaded guilty to any of the following: 537

(a) A violation of section 2903.01, 2903.02, 2903.03, 538  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 539  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 540  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 541  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 542  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 543  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 544  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 545  
2925.22, 2925.23, or 3716.11 of the Revised Code; 546

(b) An existing or former law of this state, any other state, 547  
or the United States that is substantially equivalent to any of 548  
the offenses listed in division (A)(6)(a) of this section. 549

(7) When conducting a criminal records check upon a request 550  
pursuant to section 3319.39 of the Revised Code for an applicant 551  
who is a teacher, in addition to the determination made under 552  
division (A)(1) of this section, the superintendent shall 553  
determine whether any information exists that indicates that the 554

person who is the subject of the request previously has been 555  
convicted of or pleaded guilty to any offense specified in section 556  
3319.31 of the Revised Code. 557

(8) On a request pursuant to section 2151.86 of the Revised 558  
Code, a completed form prescribed pursuant to division (C)(1) of 559  
this section, and a set of fingerprint impressions obtained in the 560  
manner described in division (C)(2) of this section, the 561  
superintendent of the bureau of criminal identification and 562  
investigation shall conduct a criminal records check in the manner 563  
described in division (B) of this section to determine whether any 564  
information exists that indicates that the person who is the 565  
subject of the request previously has been convicted of or pleaded 566  
guilty to any of the following: 567

(a) A violation of section 2903.01, 2903.02, 2903.03, 568  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 569  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 570  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 571  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 572  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 573  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 574  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 575  
violation of section 2905.04 of the Revised Code as it existed 576  
prior to July 1, 1996, a violation of section 2919.23 of the 577  
Revised Code that would have been a violation of section 2905.04 578  
of the Revised Code as it existed prior to July 1, 1996, had the 579  
violation been committed prior to that date, a violation of 580  
section 2925.11 of the Revised Code that is not a minor drug 581  
possession offense, or felonious sexual penetration in violation 582  
of former section 2907.12 of the Revised Code; 583

(b) A violation of an existing or former law of this state, 584  
any other state, or the United States that is substantially 585  
equivalent to any of the offenses listed in division (A)(8)(a) of 586

this section.

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

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

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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 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

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impressions obtained in the manner described in division (C)(2) of 618  
this section, the superintendent of the bureau of criminal 619  
identification and investigation shall conduct a criminal records 620  
check in the manner described in division (B) of this section to 621  
determine whether any information exists that indicates that the 622  
person who is the subject of the request previously has been 623  
convicted of or pleaded guilty to any of the following: 624

(a) A violation of section 2903.01, 2903.02, 2903.03, 625  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 626  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 627  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 628  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 629  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 630  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 631  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 632  
felonious sexual penetration in violation of former section 633  
2907.12 of the Revised Code, a violation of section 2905.04 of the 634  
Revised Code as it existed prior to July 1, 1996, a violation of 635  
section 2919.23 of the Revised Code that would have been a 636  
violation of section 2905.04 of the Revised Code as it existed 637  
prior to July 1, 1996, had the violation been committed prior to 638  
that date, or a violation of section 2925.11 of the Revised Code 639  
that is not a minor drug possession offense; 640

(b) A violation of an existing or former law of this state, 641  
any other state, or the United States that is substantially 642  
equivalent to any of the offenses listed in division (A)(10)(a) of 643  
this section. 644

(11) On receipt of a request for a criminal records check 645  
from an individual pursuant to section 4749.03 or 4749.06 of the 646  
Revised Code, accompanied by a completed copy of the form 647  
prescribed in division (C)(1) of this section and a set of 648  
fingerprint impressions obtained in a manner described in division 649

(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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

~~(11)~~(12) Not later than thirty days after the date the superintendent receives the request, completed form, and fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), ~~or (10)~~, or (11) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (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 683  
check requested under section 121.08, 173.27, 173.394, 2151.86, 684  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 685  
4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 686  
5126.28, 5126.281, or 5153.111 of the Revised Code as follows: 687

(1) The superintendent shall review or cause to be reviewed 688  
any relevant information gathered and compiled by the bureau under 689  
division (A) of section 109.57 of the Revised Code that relates to 690  
the person who is the subject of the request, including any 691  
relevant information contained in records that have been sealed 692  
under section 2953.32 of the Revised Code; 693

(2) If the request received by the superintendent asks for 694  
information from the federal bureau of investigation, the 695  
superintendent shall request from the federal bureau of 696  
investigation any information it has with respect to the person 697  
who is the subject of the request and shall review or cause to be 698  
reviewed any information the superintendent receives from that 699  
bureau. 700

(3) The superintendent or the superintendent's designee may 701  
request criminal history records from other states or the federal 702  
government pursuant to the national crime prevention and privacy 703  
compact set forth in section 109.571 of the Revised Code. 704

(C)(1) The superintendent shall prescribe a form to obtain 705  
the information necessary to conduct a criminal records check from 706  
any person for whom a criminal records check is required by 707  
section 121.08, 173.27, 173.394, 2151.86, 3301.32, 3301.541, 708  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 709  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 710  
or 5153.111 of the Revised Code. The form that the superintendent 711  
prescribes pursuant to this division may be in a tangible format, 712  
in an electronic format, or in both tangible and electronic 713

formats. 714

(2) The superintendent shall prescribe standard impression 715  
sheets to obtain the fingerprint impressions of any person for 716  
whom a criminal records check is required by section 121.08, 717  
173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 718  
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 719  
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 720  
Revised Code. Any person for whom a records check is required by 721  
any of those sections shall obtain the fingerprint impressions at 722  
a county sheriff's office, municipal police department, or any 723  
other entity with the ability to make fingerprint impressions on 724  
the standard impression sheets prescribed by the superintendent. 725  
The office, department, or entity may charge the person a 726  
reasonable fee for making the impressions. The standard impression 727  
sheets the superintendent prescribes pursuant to this division may 728  
be in a tangible format, in an electronic format, or in both 729  
tangible and electronic formats. 730

(3) Subject to division (D) of this section, the 731  
superintendent shall prescribe and charge a reasonable fee for 732  
providing a criminal records check requested under section 121.08, 733  
173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 734  
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 735  
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 736  
Revised Code. The person making a criminal records request under 737  
section 121.08, 173.27, 173.394, 2151.86, 3301.32, 3301.541, 738  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 739  
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 740  
or 5153.111 of the Revised Code shall pay the fee prescribed 741  
pursuant to this division. A person making a request under section 742  
3701.881 of the Revised Code for a criminal records check for an 743  
applicant who may be both responsible for the care, custody, or 744  
control of a child and involved in providing direct care to an 745



older adult shall pay one fee for the request. 746

(4) The superintendent of the bureau of criminal 747  
identification and investigation may prescribe methods of 748  
forwarding fingerprint impressions and information necessary to 749  
conduct a criminal records check, which methods shall include, but 750  
not be limited to, an electronic method. 751

(D) A determination whether any information exists that 752  
indicates that a person previously has been convicted of or 753  
pleaded guilty to any offense listed or described in division 754  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 755  
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 756  
~~or~~ (A)(9)(a) or (b), or (A)(10)(a) or (b) of this section that is 757  
made by the superintendent with respect to information considered 758  
in a criminal records check in accordance with this section is 759  
valid for the person who is the subject of the criminal records 760  
check for a period of one year from the date upon which the 761  
superintendent makes the determination. During the period in which 762  
the determination in regard to a person is valid, if another 763  
request under this section is made for a criminal records check 764  
for that person, the superintendent shall provide the information 765  
that is the basis for the superintendent's initial determination 766  
at a lower fee than the fee prescribed for the initial criminal 767  
records check. 768

(E) As used in this section: 769

(1) "Criminal records check" means any criminal records check 770  
conducted by the superintendent of the bureau of criminal 771  
identification and investigation in accordance with division (B) 772  
of this section. 773

(2) "Home and community-based waiver services" and "waiver 774  
agency" have the same meanings as in section 5111.95 of the 775  
Revised Code. 776

(3) "Independent provider" has the same meaning as in section 777  
5111.96 of the Revised Code. 778

(4) "Minor drug possession offense" has the same meaning as 779  
in section 2925.01 of the Revised Code. 780

(5) "Older adult" means a person age sixty or older. 781

**Sec. 109.60.** (A)(1) The sheriffs of the several counties and 782  
the chiefs of police of cities, immediately upon the arrest of any 783  
person for any felony, on suspicion of any felony, for a crime 784  
constituting a misdemeanor on the first offense and a felony on 785  
subsequent offenses, or for any misdemeanor described in division 786  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, 787  
and immediately upon the arrest or taking into custody of any 788  
child under eighteen years of age for committing an act that would 789  
be a felony or an offense of violence if committed by an adult or 790  
upon probable cause to believe that a child of that age may have 791  
committed an act that would be a felony or an offense of violence 792  
if committed by an adult, shall take the person's or child's 793  
fingerprints, or cause the same to be taken, according to the 794  
fingerprint system of identification on the forms furnished by the 795  
superintendent of the bureau of criminal identification and 796  
investigation, and immediately shall forward copies of the 797  
completed forms, any other description that may be required, and 798  
the history of the offense committed to the bureau to be 799  
classified and filed and to the clerk of the court having 800  
jurisdiction over the prosecution of the offense or over the 801  
adjudication relative to the act. 802

(2) If a sheriff or chief of police has not taken, or caused 803  
to be taken, a person's or child's fingerprints in accordance with 804  
division (A)(1) of this section by the time of the arraignment or 805  
first appearance of the person or child, the court shall order the 806  
person or child to appear before the sheriff or chief of police 807

within twenty-four hours to have the person's or child's  
fingerprints taken. The sheriff or chief of police shall take the  
person's or child's fingerprints, or cause the fingerprints to be  
taken, according to the fingerprint system of identification on  
the forms furnished by the superintendent of the bureau of  
criminal identification and investigation and, immediately after  
the person's or child's arraignment or first appearance, forward  
copies of the completed forms, any other description that may be  
required, and the history of the offense committed to the bureau  
to be classified and filed and to the clerk of the court.

(3) Every court with jurisdiction over a case involving a  
person or child with respect to whom division (A)(1) of this  
section requires a sheriff or chief of police to take the person's  
or child's fingerprints shall inquire at the time of the person's  
or child's sentencing or adjudication whether or not the person or  
child has been fingerprinted pursuant to division (A)(1) or (2) of  
this section for the original arrest upon which the sentence or  
adjudication is based. If the person or child was not  
fingerprinted for the original arrest upon which the sentence or  
adjudication is based, the court shall order the person or child  
to appear before the sheriff or chief of police within twenty-four  
hours to have the person's or child's fingerprints taken. The  
sheriff or chief of police shall take the person's or child's  
fingerprints, or cause the fingerprints to be taken, according to  
the fingerprint system of identification on the forms furnished by  
the superintendent of the bureau of criminal identification and  
investigation and immediately forward copies of the completed  
forms, any other description that may be required, and the history  
of the offense committed to the bureau to be classified and filed  
and to the clerk of the court.

(4) If a person or child is in the custody of a law  
enforcement agency or a detention facility, as defined in section

2921.01 of the Revised Code, and the chief law enforcement officer 840  
or chief administrative officer of the detention facility 841  
discovers that a warrant has been issued or a bill of information 842  
has been filed alleging the person or child to have committed an 843  
offense or act other than the offense or act for which the person 844  
or child is in custody, and the other alleged offense or act is 845  
one for which fingerprints are to be taken pursuant to division 846  
(A)(1) of this section, the law enforcement agency or detention 847  
facility shall take the fingerprints of the person or child, or 848  
cause the fingerprints to be taken, according to the fingerprint 849  
system of identification on the forms furnished by the 850  
superintendent of the bureau of criminal identification and 851  
investigation and immediately forward copies of the completed 852  
forms, any other description that may be required, and the history 853  
of the offense committed to the bureau to be classified and filed 854  
and to the clerk of the court that issued the warrant or with 855  
which the bill of information was filed. 856

(5) If an accused is found not guilty of the offense charged 857  
or a nolle prosequi is entered in any case, or if any accused 858  
child under eighteen years of age is found not to be a delinquent 859  
child for committing an act that would be a felony or an offense 860  
of violence if committed by an adult or not guilty of the felony 861  
or offense of violence charged or a nolle prosequi is entered in 862  
that case, the fingerprints and description shall be given to the 863  
accused upon the accused's request. 864

(6) The superintendent shall compare the description received 865  
with those already on file in the bureau, and, if the 866  
superintendent finds that the person arrested or taken into 867  
custody has a criminal record or a record as a delinquent child 868  
for having committed an act that would be a felony or an offense 869  
of violence if committed by an adult or is a fugitive from justice 870  
or wanted by any jurisdiction in this or another state, the United 871

States, or a foreign country for any offense, the superintendent 872  
at once shall inform the arresting officer, the officer taking the 873  
person into custody, or the chief administrative officer of the 874  
county, multicounty, municipal, municipal-county, or 875  
multicounty-municipal jail or workhouse, community-based 876  
correctional facility, halfway house, alternative residential 877  
facility, or state correctional institution in which the person or 878  
child is in custody of that fact and give appropriate notice to 879  
the proper authorities in the jurisdiction in which the person is 880  
wanted, or, if that jurisdiction is a foreign country, give 881  
appropriate notice to federal authorities for transmission to the 882  
foreign country. The names, under which each person whose 883  
identification is filed is known, shall be alphabetically indexed 884  
by the superintendent. 885

(B) Division (A) of this section does not apply to a violator 886  
of a city ordinance unless the officers have reason to believe 887  
that the violator is a past offender or the crime is one 888  
constituting a misdemeanor on the first offense and a felony on 889  
subsequent offenses, or unless it is advisable for the purpose of 890  
subsequent identification. This section does not apply to any 891  
child under eighteen years of age who was not arrested or 892  
otherwise taken into custody for committing an act that would be a 893  
felony or an offense of violence if committed by an adult or upon 894  
probable cause to believe that a child of that age may have 895  
committed an act that would be a felony or an offense of violence 896  
if committed by an adult, except as provided in section 2151.313 897  
of the Revised Code. 898

(C)(1) For purposes of division (C) of this section, a law 899  
enforcement agency shall be considered to have arrested a person 900  
if any law enforcement officer who is employed by, appointed by, 901  
or serves that agency arrests the person. As used in division (C) 902  
of this section: 903

(a) "Illegal methamphetamine manufacturing laboratory" has 904  
the same meaning as in section 3745.13 of the Revised Code. 905

(b) "Methamphetamine or a methamphetamine product" means 906  
methamphetamine, any salt, isomer, or salt of an isomer of 907  
methamphetamine, or any compound, mixture, preparation, or 908  
substance containing methamphetamine or any salt, isomer, or salt 909  
of an isomer of methamphetamine. 910

(2) Each law enforcement agency that, in any calendar year, 911  
arrests any person for a violation of section 2925.04 of the 912  
Revised Code that is based on the manufacture of methamphetamine 913  
or a methamphetamine product, a violation of section 2925.041 of 914  
the Revised Code that is based on the possession of chemicals 915  
sufficient to produce methamphetamine or a methamphetamine 916  
product, or a violation of any other provision of Chapter 2925. or 917  
3719. of the Revised Code that is based on the possession of 918  
chemicals sufficient to produce methamphetamine or a 919  
methamphetamine product shall prepare an annual report covering 920  
the calendar year that contains the information specified in 921  
division (C)(3) of this section relative to all arrests for 922  
violations of those sections committed under those circumstances 923  
during that calendar year and relative to illegal methamphetamine 924  
manufacturing laboratories, dump sites, and chemical caches as 925  
specified in that division and shall send the annual report, not 926  
later than the first day of March in the calendar year following 927  
the calendar year covered by the report, to the bureau of criminal 928  
identification and investigation. 929

The law enforcement agency shall write any annual report 930  
prepared and filed under this division on the standard forms 931  
furnished by the superintendent of the bureau of criminal 932  
identification and investigation pursuant to division (C)(4) of 933  
this section. The annual report shall be a statistical report, and 934  
nothing in the report or in the information it contains shall 935

identify, or enable the identification of, any person who was 936  
arrested and whose arrest is included in the information contained 937  
in the report. The annual report in the possession of the bureau 938  
and the information it contains are public records for the purpose 939  
of section 149.43 of the Revised Code. 940

(3) The annual report prepared and filed by a law enforcement 941  
agency under division (C)(2) of this section shall contain all of 942  
the following information for the calendar year covered by the 943  
report: 944

(a) The total number of arrests made by the agency in that 945  
calendar year for a violation of section 2925.04 of the Revised 946  
Code that is based on the manufacture of methamphetamine or a 947  
methamphetamine product, a violation of section 2925.041 of the 948  
Revised Code that is based on the possession of chemicals 949  
sufficient to produce methamphetamine or a methamphetamine 950  
product, or a violation of any other provision of Chapter 2925. or 951  
3719. of the Revised Code that is based on the possession of 952  
chemicals sufficient to produce methamphetamine or a 953  
methamphetamine product; 954

(b) The total number of illegal methamphetamine manufacturing 955  
laboratories at which one or more of the arrests reported under 956  
division (C)(3)(a) of this section occurred, or that were 957  
discovered in that calendar year within the territory served by 958  
the agency but at which none of the arrests reported under 959  
division (C)(3)(a) of this section occurred; 960

(c) The total number of dump sites and chemical caches that 961  
are, or that are reasonably believed to be, related to illegal 962  
methamphetamine manufacturing and that were discovered in that 963  
calendar year within the territory served by the agency. 964

(4) The superintendent of the bureau of criminal 965  
identification and investigation shall prepare and furnish to each 966

law enforcement agency in this state standard forms for making the 967  
annual reports required by division (C)(2) of this section. The 968  
standard forms that the superintendent prepares pursuant to this 969  
division may be in a tangible format, in an electronic format, or 970  
in both a tangible format and an electronic format. 971

(5) The annual report required by division (C)(2) of this 972  
section is separate from, and in addition to, any report, 973  
materials, or information required under division (A) of this 974  
section or under any other provision of sections 109.57 to 109.62 975  
of the Revised Code. 976

**Sec. 1347.08.** (A) Every state or local agency that maintains 977  
a personal information system, upon the request and the proper 978  
identification of any person who is the subject of personal 979  
information in the system, shall: 980

(1) Inform the person of the existence of any personal 981  
information in the system of which the person is the subject; 982

(2) Except as provided in divisions (C) and (E)(2) of this 983  
section, permit the person, the person's legal guardian, or an 984  
attorney who presents a signed written authorization made by the 985  
person, to inspect all personal information in the system of which 986  
the person is the subject; 987

(3) Inform the person about the types of uses made of the 988  
personal information, including the identity of any users usually 989  
granted access to the system. 990

(B) Any person who wishes to exercise a right provided by 991  
this section may be accompanied by another individual of the 992  
person's choice. 993

(C)(1) A state or local agency, upon request, shall disclose 994  
medical, psychiatric, or psychological information to a person who 995  
is the subject of the information or to the person's legal 996



guardian, unless a physician, psychiatrist, or psychologist 997  
determines for the agency that the disclosure of the information 998  
is likely to have an adverse effect on the person, in which case 999  
the information shall be released to a physician, psychiatrist, or 1000  
psychologist who is designated by the person or by the person's 1001  
legal guardian. 1002

(2) Upon the signed written request of either a licensed 1003  
attorney at law or a licensed physician designated by the inmate, 1004  
together with the signed written request of an inmate of a 1005  
correctional institution under the administration of the 1006  
department of rehabilitation and correction, the department shall 1007  
disclose medical information to the designated attorney or 1008  
physician as provided in division (C) of section 5120.21 of the 1009  
Revised Code. 1010

(D) If an individual who is authorized to inspect personal 1011  
information that is maintained in a personal information system 1012  
requests the state or local agency that maintains the system to 1013  
provide a copy of any personal information that the individual is 1014  
authorized to inspect, the agency shall provide a copy of the 1015  
personal information to the individual. Each state and local 1016  
agency may establish reasonable fees for the service of copying, 1017  
upon request, personal information that is maintained by the 1018  
agency. 1019

(E)(1) This section regulates access to personal information 1020  
that is maintained in a personal information system by persons who 1021  
are the subject of the information, but does not limit the 1022  
authority of any person, including a person who is the subject of 1023  
personal information maintained in a personal information system, 1024  
to inspect or have copied, pursuant to section 149.43 of the 1025  
Revised Code, a public record as defined in that section. 1026

(2) This section does not provide a person who is the subject 1027

of personal information maintained in a personal information 1028  
system, the person's legal guardian, or an attorney authorized by 1029  
the person, with a right to inspect or have copied, or require an 1030  
agency that maintains a personal information system to permit the 1031  
inspection of or to copy, a confidential law enforcement 1032  
investigatory record or trial preparation record, as defined in 1033  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 1034

(F) This section does not apply to any of the following: 1035

(1) The contents of an adoption file maintained by the 1036  
department of health under section 3705.12 of the Revised Code; 1037

(2) Information contained in the putative father registry 1038  
established by section 3107.062 of the Revised Code, regardless of 1039  
whether the information is held by the department of job and 1040  
family services or, pursuant to section 3111.69 of the Revised 1041  
Code, the office of child support in the department or a child 1042  
support enforcement agency; 1043

(3) Papers, records, and books that pertain to an adoption 1044  
and that are subject to inspection in accordance with section 1045  
3107.17 of the Revised Code; 1046

(4) Records listed in division (A) of section 3107.42 of the 1047  
Revised Code or specified in division (A) of section 3107.52 of 1048  
the Revised Code; 1049

(5) Records that identify an individual described in division 1050  
(A)(1) of section 3721.031 of the Revised Code, or that would tend 1051  
to identify such an individual; 1052

(6) Files and records that have been expunged under division 1053  
(D)(1) of section 3721.23 of the Revised Code; 1054

(7) Records that identify an individual described in division 1055  
(A)(1) of section 3721.25 of the Revised Code, or that would tend 1056  
to identify such an individual; 1057

(8) Records that identify an individual described in division 1058  
(A)(1) of section 5111.61 of the Revised Code, or that would tend 1059  
to identify such an individual; 1060

(9) Test materials, examinations, or evaluation tools used in 1061  
an examination for licensure as a nursing home administrator that 1062  
the board of examiners of nursing home administrators administers 1063  
under section 4751.04 of the Revised Code or contracts under that 1064  
section with a private or government entity to administer; 1065

(10) Information contained in a database established and 1066  
maintained pursuant to section 5101.13 of the Revised Code. 1067

**Sec. 1717.14.** When an officer or agent of the Ohio humane 1068  
society or of a county humane society deems it for the best 1069  
interest of a child, because of cruelty inflicted upon ~~it~~ the 1070  
child or because of ~~its~~ the child's surroundings, that ~~it~~ the 1071  
child be removed from the possession and control of the parents or 1072  
persons having charge of ~~it~~ the child, ~~such~~ the officer or agent 1073  
~~may take possession of the child summarily, and upon doing so~~ 1074  
~~shall immediately file a complaint in the juvenile court~~ 1075  
~~concerning such child. Such court shall have full jurisdiction to~~ 1076  
~~deal with such child as provided in sections 2151.01 to 2151.54 of~~ 1077  
~~the Revised Code, subject to the prior jurisdiction, if any, which~~ 1078  
~~another court may have over such child~~ comply with section 1079  
2151.421 of the Revised Code. 1080

As used in this section "child" means any person under 1081  
eighteen years of age. 1082

**Sec. 2151.011.** (A) As used in the Revised Code: 1083

(1) "Juvenile court" means whichever of the following is 1084  
applicable that has jurisdiction under this chapter and Chapter 1085  
2152. of the Revised Code: 1086

(a) The division of the court of common pleas specified in 1087  
section 2101.022 or 2301.03 of the Revised Code as having 1088  
jurisdiction under this chapter and Chapter 2152. of the Revised 1089  
Code or as being the juvenile division or the juvenile division 1090  
combined with one or more other divisions; 1091

(b) The juvenile court of Cuyahoga county or Hamilton county 1092  
that is separately and independently created by section 2151.08 or 1093  
Chapter 2153. of the Revised Code and that has jurisdiction under 1094  
this chapter and Chapter 2152. of the Revised Code; 1095

(c) If division (A)(1)(a) or (b) of this section does not 1096  
apply, the probate division of the court of common pleas. 1097

(2) "Juvenile judge" means a judge of a court having 1098  
jurisdiction under this chapter. 1099

(3) "Private child placing agency" means any association, as 1100  
defined in section 5103.02 of the Revised Code, that is certified 1101  
under section 5103.03 of the Revised Code to accept temporary, 1102  
permanent, or legal custody of children and place the children for 1103  
either foster care or adoption. 1104

(4) "Private noncustodial agency" means any person, 1105  
organization, association, or society certified by the department 1106  
of job and family services that does not accept temporary or 1107  
permanent legal custody of children, that is privately operated in 1108  
this state, and that does one or more of the following: 1109

(a) Receives and cares for children for two or more 1110  
consecutive weeks; 1111

(b) Participates in the placement of children in certified 1112  
foster homes; 1113

(c) Provides adoption services in conjunction with a public 1114  
children services agency or private child placing agency. 1115

(B) As used in this chapter: 1116

(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.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "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.

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

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

(7) "Child care provider" means an individual who is a

child-care staff member or administrator of a child day-care 1148  
center, a type A family day-care home, or a type B family day-care 1149  
home, or an in-home aide or an individual who is licensed, is 1150  
regulated, is approved, operates under the direction of, or 1151  
otherwise is certified by the department of job and family 1152  
services, department of mental retardation and developmental 1153  
disabilities, or the early childhood programs of the department of 1154  
education. 1155

(8) "Chronic truant" has the same meaning as in section 1156  
2152.02 of the Revised Code. 1157

(9) "Commit" means to vest custody as ordered by the court. 1158

(10) "Counseling" includes both of the following: 1159

(a) General counseling services performed by a public 1160  
children services agency or shelter for victims of domestic 1161  
violence to assist a child, a child's parents, and a child's 1162  
siblings in alleviating identified problems that may cause or have 1163  
caused the child to be an abused, neglected, or dependent child. 1164

(b) Psychiatric or psychological therapeutic counseling 1165  
services provided to correct or alleviate any mental or emotional 1166  
illness or disorder and performed by a licensed psychiatrist, 1167  
licensed psychologist, or a person licensed under Chapter 4757. of 1168  
the Revised Code to engage in social work or professional 1169  
counseling. 1170

(11) "Custodian" means a person who has legal custody of a 1171  
child or a public children services agency or private child 1172  
placing agency that has permanent, temporary, or legal custody of 1173  
a child. 1174

(12) "Delinquent child" has the same meaning as in section 1175  
2152.02 of the Revised Code. 1176

(13) "Detention" means the temporary care of children pending 1177

court adjudication or disposition, or execution of a court order, 1178  
in a public or private facility designed to physically restrict 1179  
the movement and activities of children. 1180

(14) "Developmental disability" has the same meaning as in 1181  
section 5123.01 of the Revised Code. 1182

(15) "Foster caregiver" has the same meaning as in section 1183  
5103.02 of the Revised Code. 1184

(16) "Guardian" means a person, association, or corporation 1185  
that is granted authority by a probate court pursuant to Chapter 1186  
2111. of the Revised Code to exercise parental rights over a child 1187  
to the extent provided in the court's order and subject to the 1188  
residual parental rights of the child's parents. 1189

(17) "Habitual truant" means any child of compulsory school 1190  
age who is absent without legitimate excuse for absence from the 1191  
public school the child is supposed to attend for five or more 1192  
consecutive school days, seven or more school days in one school 1193  
month, or twelve or more school days in a school year. 1194

(18) "Juvenile traffic offender" has the same meaning as in 1195  
section 2152.02 of the Revised Code. 1196

(19) "Legal custody" means a legal status that vests in the 1197  
custodian the right to have physical care and control of the child 1198  
and to determine where and with whom the child shall live, and the 1199  
right and duty to protect, train, and discipline the child and to 1200  
provide the child with food, shelter, education, and medical care, 1201  
all subject to any residual parental rights, privileges, and 1202  
responsibilities. An individual granted legal custody shall 1203  
exercise the rights and responsibilities personally unless 1204  
otherwise authorized by any section of the Revised Code or by the 1205  
court. 1206

(20) A "legitimate excuse for absence from the public school 1207

the child is supposed to attend" includes, but is not limited to, 1208  
any of the following: 1209

(a) The fact that the child in question has enrolled in and 1210  
is attending another public or nonpublic school in this or another 1211  
state; 1212

(b) The fact that the child in question is excused from 1213  
attendance at school for any of the reasons specified in section 1214  
3321.04 of the Revised Code; 1215

(c) The fact that the child in question has received an age 1216  
and schooling certificate in accordance with section 3331.01 of 1217  
the Revised Code. 1218

(21) "Mental illness" and "mentally ill person subject to 1219  
hospitalization by court order" have the same meanings as in 1220  
section 5122.01 of the Revised Code. 1221

(22) "Mental injury" means any behavioral, cognitive, 1222  
emotional, or mental disorder in a child caused by an act or 1223  
omission that is described in section 2919.22 of the Revised Code 1224  
and is committed by the parent or other person responsible for the 1225  
child's care. 1226

(23) "Mentally retarded person" has the same meaning as in 1227  
section 5123.01 of the Revised Code. 1228

(24) "Nonsecure care, supervision, or training" means care, 1229  
supervision, or training of a child in a facility that does not 1230  
confine or prevent movement of the child within the facility or 1231  
from the facility. 1232

(25) "Of compulsory school age" has the same meaning as in 1233  
section 3321.01 of the Revised Code. 1234

(26) "Organization" means any institution, public, 1235  
semipublic, or private, and any private association, society, or 1236  
agency located or operating in the state, incorporated or 1237



unincorporated, having among its functions the furnishing of 1238  
protective services or care for children, or the placement of 1239  
children in certified foster homes or elsewhere. 1240

(27) "Out-of-home care" means detention facilities, shelter 1241  
facilities, certified foster homes, placement in a prospective 1242  
adoptive home prior to the issuance of a final decree of adoption, 1243  
organizations, certified organizations, child day-care centers, 1244  
type A family day-care homes, child care provided by type B family 1245  
day-care home providers and by in-home aides, group home 1246  
providers, group homes, institutions, state institutions, 1247  
residential facilities, residential care facilities, residential 1248  
camps, day camps, public schools, chartered nonpublic schools, 1249  
educational service centers, hospitals, and medical clinics that 1250  
are responsible for the care, physical custody, or control of 1251  
children. 1252

(28) "Out-of-home care child abuse" means any of the 1253  
following when committed by a person responsible for the care of a 1254  
child in out-of-home care: 1255

(a) Engaging in sexual activity with a child in the person's 1256  
care; 1257

(b) Denial to a child, as a means of punishment, of proper or 1258  
necessary subsistence, education, medical care, or other care 1259  
necessary for a child's health; 1260

(c) Use of restraint procedures on a child that cause injury 1261  
or pain; 1262

(d) Administration of prescription drugs or psychotropic 1263  
medication to the child without the written approval and ongoing 1264  
supervision of a licensed physician; 1265

(e) Commission of any act, other than by accidental means, 1266  
that results in any injury to or death of the child in out-of-home 1267

care or commission of any act by accidental means that results in 1268  
an injury to or death of a child in out-of-home care and that is 1269  
at variance with the history given of the injury or death. 1270

(29) "Out-of-home care child neglect" means any of the 1271  
following when committed by a person responsible for the care of a 1272  
child in out-of-home care: 1273

(a) Failure to provide reasonable supervision according to 1274  
the standards of care appropriate to the age, mental and physical 1275  
condition, or other special needs of the child; 1276

(b) Failure to provide reasonable supervision according to 1277  
the standards of care appropriate to the age, mental and physical 1278  
condition, or other special needs of the child, that results in 1279  
sexual or physical abuse of the child by any person; 1280

(c) Failure to develop a process for all of the following: 1281

(i) Administration of prescription drugs or psychotropic 1282  
drugs for the child; 1283

(ii) Assuring that the instructions of the licensed physician 1284  
who prescribed a drug for the child are followed; 1285

(iii) Reporting to the licensed physician who prescribed the 1286  
drug all unfavorable or dangerous side effects from the use of the 1287  
drug. 1288

(d) Failure to provide proper or necessary subsistence, 1289  
education, medical care, or other individualized care necessary 1290  
for the health or well-being of the child; 1291

(e) Confinement of the child to a locked room without 1292  
monitoring by staff; 1293

(f) Failure to provide ongoing security for all prescription 1294  
and nonprescription medication; 1295

(g) Isolation of a child for a period of time when there is 1296

substantial risk that the isolation, if continued, will impair or  
retard the mental health or physical well-being of the child.

(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.

(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  
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.

(32) "Person" means an individual, association, corporation,  
or partnership and the state or any of its political subdivisions,  
departments, or agencies.

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

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

(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;

(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;

(d) Any other person who performs a similar function with 1327  
respect to, or has a similar relationship to, children. 1328

~~(33)~~(34) "Physically impaired" means having one or more of 1329  
the following conditions that substantially limit one or more of 1330  
an individual's major life activities, including self-care, 1331  
receptive and expressive language, learning, mobility, and 1332  
self-direction: 1333

(a) A substantial impairment of vision, speech, or hearing; 1334

(b) A congenital orthopedic impairment; 1335

(c) An orthopedic impairment caused by disease, rheumatic 1336  
fever or any other similar chronic or acute health problem, or 1337  
amputation or another similar cause. 1338

~~(34)~~(35) "Placement for adoption" means the arrangement by a 1339  
public children services agency or a private child placing agency 1340  
with a person for the care and adoption by that person of a child 1341  
of whom the agency has permanent custody. 1342

~~(35)~~(36) "Placement in foster care" means the arrangement by 1343  
a public children services agency or a private child placing 1344  
agency for the out-of-home care of a child of whom the agency has 1345  
temporary custody or permanent custody. 1346

~~(36)~~(37) "Planned permanent living arrangement" means an 1347  
order of a juvenile court pursuant to which both of the following 1348  
apply: 1349

(a) The court gives legal custody of a child to a public 1350  
children services agency or a private child placing agency without 1351  
the termination of parental rights. 1352

(b) The order permits the agency to make an appropriate 1353  
placement of the child and to enter into a written agreement with 1354  
a foster care provider or with another person or agency with whom 1355  
the child is placed. 1356

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

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

~~(39)~~(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

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

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

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

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

~~(44)~~(45) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised

Code and in which a child with a developmental disability resides. 1387

~~(45)~~(46) "Residual parental rights, privileges, and 1388  
responsibilities" means those rights, privileges, and 1389  
responsibilities remaining with the natural parent after the 1390  
transfer of legal custody of the child, including, but not 1391  
necessarily limited to, the privilege of reasonable visitation, 1392  
consent to adoption, the privilege to determine the child's 1393  
religious affiliation, and the responsibility for support. 1394

~~(46)~~(47) "School day" means the school day established by the 1395  
state board of education pursuant to section 3313.48 of the 1396  
Revised Code. 1397

~~(47)~~(48) "School month" and "school year" have the same 1398  
meanings as in section 3313.62 of the Revised Code. 1399

~~(48)~~(49) "Secure correctional facility" means a facility 1400  
under the direction of the department of youth services that is 1401  
designed to physically restrict the movement and activities of 1402  
children and used for the placement of children after adjudication 1403  
and disposition. 1404

~~(49)~~(50) "Sexual activity" has the same meaning as in section 1405  
2907.01 of the Revised Code. 1406

~~(50)~~(51) "Shelter" means the temporary care of children in 1407  
physically unrestricted facilities pending court adjudication or 1408  
disposition. 1409

~~(51)~~(52) "Shelter for victims of domestic violence" has the 1410  
same meaning as in section 3113.33 of the Revised Code. 1411

~~(52)~~(53) "Temporary custody" means legal custody of a child 1412  
who is removed from the child's home, which custody may be 1413  
terminated at any time at the discretion of the court or, if the 1414  
legal custody is granted in an agreement for temporary custody, by 1415  
the person who executed the agreement. 1416

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

**Sec. 2151.281.** (A) The court shall appoint a guardian ad  
litem, subject to rules adopted by the supreme court, to protect  
the interest of a child in any proceeding concerning an alleged or  
adjudicated delinquent child or unruly child when either of the  
following applies:

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

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

(B)(1) The court shall appoint a guardian ad litem, subject  
to rules adopted by the supreme court, to protect the interest of  
a child in any proceeding concerning an alleged abused or  
neglected child and in any proceeding held pursuant to section  
2151.414 of the Revised Code. The guardian ad litem so appointed  
shall not be the attorney responsible for presenting the evidence  
alleging that the child is an abused or neglected child and shall  
not be an employee of any party in the proceeding.

(2) The guardian ad litem appointed for an alleged or  
adjudicated abused or neglected child may bring a civil action  
against any person, who is required by division (A)(1) of section  
2151.421 of the Revised Code to file a report of known or  
suspected child abuse or child neglect, if that person knows or  
suspects that the child for whom the guardian ad litem is  
appointed is the subject of child abuse or child neglect and does  
not file the required report and if the child suffers any injury

or harm as a result of the known or suspected child abuse or child 1447  
neglect or suffers additional injury or harm after the failure to 1448  
file the report. 1449

(C) In any proceeding concerning an alleged or adjudicated 1450  
delinquent, unruly, abused, neglected, or dependent child in which 1451  
the parent appears to be mentally incompetent or is under eighteen 1452  
years of age, the court shall appoint a guardian ad litem to 1453  
protect the interest of that parent. 1454

(D) The court shall require the guardian ad litem to 1455  
faithfully discharge the guardian ad litem's duties and, upon the 1456  
guardian ad litem's failure to faithfully discharge the guardian 1457  
ad litem's duties, shall discharge the guardian ad litem and 1458  
appoint another guardian ad litem. The court may fix the 1459  
compensation for the service of the guardian ad litem, which 1460  
compensation shall be paid from the treasury of the county, 1461  
subject to rules adopted by the supreme court. 1462

(E) A parent who is eighteen years of age or older and not 1463  
mentally incompetent shall be deemed sui juris for the purpose of 1464  
any proceeding relative to a child of the parent who is alleged or 1465  
adjudicated to be an abused, neglected, or dependent child. 1466

(F) In any case in which a parent of a child alleged or 1467  
adjudicated to be an abused, neglected, or dependent child is 1468  
under eighteen years of age, the parents of that parent shall be 1469  
summoned to appear at any hearing respecting the child, who is 1470  
alleged or adjudicated to be an abused, neglected, or dependent 1471  
child. 1472

(G) In any case involving an alleged or adjudicated abused or 1473  
neglected child or an agreement for the voluntary surrender of 1474  
temporary or permanent custody of a child that is made in 1475  
accordance with section 5103.15 of the Revised Code, the court 1476  
shall appoint the guardian ad litem in each case as soon as 1477



possible after the complaint is filed, the request for an 1478  
extension of the temporary custody agreement is filed with the 1479  
court, or the request for court approval of the permanent custody 1480  
agreement is filed. In any case involving an alleged dependent 1481  
child in which the parent of the child appears to be mentally 1482  
incompetent or is under eighteen years of age, there is a conflict 1483  
of interest between the child and the child's parents, guardian, 1484  
or custodian, or the court believes that the parent of the child 1485  
is not capable of representing the best interest of the child, the 1486  
court shall appoint a guardian ad litem for the child. The 1487  
guardian ad litem or the guardian ad litem's replacement shall 1488  
continue to serve until any of the following occur: 1489

(1) The complaint is dismissed or the request for an 1490  
extension of a temporary custody agreement or for court approval 1491  
of the permanent custody agreement is withdrawn or denied; 1492

(2) All dispositional orders relative to the child have 1493  
terminated; 1494

(3) The legal custody of the child is granted to a relative 1495  
of the child, or to another person; 1496

(4) The child is placed in an adoptive home or, at the 1497  
court's discretion, a final decree of adoption is issued with 1498  
respect to the child; 1499

(5) The child reaches the age of eighteen if the child is not 1500  
mentally retarded, developmentally disabled, or physically 1501  
impaired or the child reaches the age of twenty-one if the child 1502  
is mentally retarded, developmentally disabled, or physically 1503  
impaired; 1504

(6) The guardian ad litem resigns or is removed by the court 1505  
and a replacement is appointed by the court. 1506

If a guardian ad litem ceases to serve a child pursuant to 1507

division (G)(4) of this section and the petition for adoption with  
respect to the child is denied or withdrawn prior to the issuance  
of a final decree of adoption or prior to the date an  
interlocutory order of adoption becomes final, the juvenile court  
shall reappoint a guardian ad litem for that child. The public  
children services agency or private child placing agency with  
permanent custody of the child shall notify the juvenile court if  
the petition for adoption is denied or withdrawn.

(H) If the guardian ad litem for an alleged or adjudicated  
abused, neglected, or dependent child is an attorney admitted to  
the practice of law in this state, the guardian ad litem also may  
serve as counsel to the ward. If Until the supreme court adopts  
rules regarding service as a guardian ad litem that regulate  
conflicts between a person's role as guardian ad litem and as  
counsel, if a person is serving as guardian ad litem and counsel  
for a child and either that person or the court finds that a  
conflict may exist between the person's roles as guardian ad litem  
and as counsel, the court shall relieve the person of duties as  
guardian ad litem and appoint someone else as guardian ad litem  
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. 1540

The guardian ad litem shall be given notice of all hearings, 1541  
administrative reviews, and other proceedings in the same manner 1542  
as notice is given to parties to the action. 1543

(J)(1) When the court appoints a guardian ad litem pursuant 1544  
to this section, it shall appoint a qualified volunteer or court 1545  
appointed special advocate whenever one is available and the 1546  
appointment is appropriate. 1547

(2) Upon request, the department of job and family services 1548  
shall provide for the training of volunteer guardians ad litem. 1549

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 1550  
neglected, or dependent child, the court may make any of the 1551  
following orders of disposition: 1552

(1) Place the child in protective supervision; 1553

(2) Commit the child to the temporary custody of a public 1554  
children services agency, a private child placing agency, either 1555  
parent, a relative residing within or outside the state, or a 1556  
probation officer for placement in a certified foster home, or in 1557  
any other home approved by the court; 1558

(3) Award legal custody of the child to either parent or to 1559  
any other person who, prior to the dispositional hearing, files a 1560  
motion requesting legal custody of the child or is identified as 1561  
a proposed legal custodian in a complaint or motion filed prior to 1562  
the dispositional hearing by any party to the proceedings. A 1563  
person identified in a complaint or motion filed by a party to the 1564  
proceedings as a proposed legal custodian shall be awarded legal 1565  
custody of the child only if the person identified signs a 1566  
statement of understanding for legal custody that contains at 1567  
least the following provisions: 1568

(a) That it is the intent of the person to become the legal 1569

custodian of the child and the person is able to assume legal 1570  
responsibility for the care and supervision of the child; 1571

(b) That the person understands that legal custody of the 1572  
child in question is intended to be permanent in nature and that 1573  
the person will be responsible as the custodian for the child 1574  
until the child reaches the age of majority. Responsibility as 1575  
custodian for the child shall continue beyond the age of majority 1576  
if, at the time the child reaches the age of majority, the child 1577  
is pursuing a diploma granted by the board of education or other 1578  
governing authority, successful completion of the curriculum of 1579  
any high school, successful completion of an individualized 1580  
education program developed for the student by any high school, or 1581  
an age and schooling certificate. Responsibility beyond the age of 1582  
majority shall terminate when the child ceases to continuously 1583  
pursue such an education, completes such an education, or is 1584  
excused from such an education under standards adopted by the 1585  
state board of education, whichever occurs first. 1586

(c) That the parents of the child have residual parental 1587  
rights, privileges, and responsibilities, including, but not 1588  
limited to, the privilege of reasonable visitation, consent to 1589  
adoption, the privilege to determine the child's religious 1590  
affiliation, and the responsibility for support; 1591

(d) That the person understands that the person must be 1592  
present in court for the dispositional hearing in order to affirm 1593  
the person's intention to become legal custodian, to affirm that 1594  
the person understands the effect of the custodianship before the 1595  
court, and to answer any questions that the court or any parties 1596  
to the case may have. 1597

(4) Commit the child to the permanent custody of a public 1598  
children services agency or private child placing agency, if the 1599  
court determines in accordance with division (E) of section 1600

2151.414 of the Revised Code that the child cannot be placed with  
one of the child's parents within a reasonable time or should not  
be placed with either parent and determines in accordance with  
division (D) of section 2151.414 of the Revised Code that the  
permanent commitment is in the best interest of the child. If the  
court grants permanent custody under this division, the court,  
upon the request of any party, shall file a written opinion  
setting forth its findings of fact and conclusions of law in  
relation to the proceeding.

(5) Place the child in a planned permanent living arrangement  
with a public children services agency or private child placing  
agency, if a public children services agency or private child  
placing agency requests the court to place the child in a planned  
permanent living arrangement and if the court finds, by clear and  
convincing evidence, that a planned permanent living arrangement  
is in the best interest of the child and that one of the following  
exists:

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

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

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

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

(B) No order for permanent custody or temporary custody of a  
child or the placement of a child in a planned permanent living  
arrangement shall be made pursuant to this section unless the  
complaint alleging the abuse, neglect, or dependency contains a  
prayer requesting permanent custody, temporary custody, or the  
placement of the child in a planned permanent living arrangement  
as desired, the summons served on the parents of the child  
contains as is appropriate a full explanation that the granting of  
an order for permanent custody permanently divests them of their  
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 1664  
to the movant in accordance with section 2151.414 of the Revised 1665  
Code. 1666

(C) If the court issues an order for protective supervision 1667  
pursuant to division (A)(1) of this section, the court may place 1668  
any reasonable restrictions upon the child, the child's parents, 1669  
guardian, or custodian, or any other person, including, but not 1670  
limited to, any of the following: 1671

(1) Order a party, within forty-eight hours after the 1672  
issuance of the order, to vacate the child's home indefinitely or 1673  
for a specified period of time; 1674

(2) Order a party, a parent of the child, or a physical 1675  
custodian of the child to prevent any particular person from 1676  
having contact with the child; 1677

(3) Issue an order restraining or otherwise controlling the 1678  
conduct of any person which conduct would not be in the best 1679  
interest of the child. 1680

(D) As part of its dispositional order, the court shall 1681  
journalize a case plan for the child. The journalized case plan 1682  
shall not be changed except as provided in section 2151.412 of the 1683  
Revised Code. 1684

(E)(1) The court shall retain jurisdiction over any child for 1685  
whom the court issues an order of disposition pursuant to division 1686  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 1687  
the Revised Code until the child attains the age of eighteen years 1688  
if the child is not mentally retarded, developmentally disabled, 1689  
or physically impaired, the child attains the age of twenty-one 1690  
years if the child is mentally retarded, developmentally disabled, 1691  
or physically impaired, or the child is adopted and a final decree 1692  
of adoption is issued, except that the court may retain 1693  
jurisdiction over the child and continue any order of disposition 1694

under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(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.

(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 1727  
all parties and the child's guardian ad litem. If a public 1728  
children services agency or private child placing agency requests 1729  
termination of the order, the agency shall file a written status 1730  
report setting out the facts supporting termination of the order 1731  
at the time it files the request with the court. If no party 1732  
requests extension or termination of the order, the court shall 1733  
notify the parties that the court will extend the order for six 1734  
months or terminate it and that it may do so without a hearing 1735  
unless one of the parties requests a hearing. All parties and the 1736  
guardian ad litem shall have seven days from the date a notice is 1737  
sent pursuant to this division to object to and request a hearing 1738  
on the proposed extension or termination. 1739

(a) If it receives a timely request for a hearing, the court 1740  
shall schedule a hearing to be held no later than thirty days 1741  
after the request is received by the court. The court shall give 1742  
notice of the date, time, and location of the hearing to all 1743  
parties and the guardian ad litem. At the hearing, the court shall 1744  
determine whether extension or termination of the order is in the 1745  
child's best interest. If termination is in the child's best 1746  
interest, the court shall terminate the order. If extension is in 1747  
the child's best interest, the court shall extend the order for 1748  
six months. 1749

(b) If it does not receive a timely request for a hearing, 1750  
the court may extend the order for six months or terminate it 1751  
without a hearing and shall journalize the order of extension or 1752  
termination not later than fourteen days after receiving the 1753  
request for extension or termination or after the date the court 1754  
notifies the parties that it will extend or terminate the order. 1755  
If the court does not extend or terminate the order, it shall 1756  
schedule a hearing to be held no later than thirty days after the 1757  
expiration of the applicable fourteen-day time period and give 1758

notice of the date, time, and location of the hearing to all 1759  
parties and the child's guardian ad litem. At the hearing, the 1760  
court shall determine whether extension or termination of the 1761  
order is in the child's best interest. If termination is in the 1762  
child's best interest, the court shall terminate the order. If 1763  
extension is in the child's best interest, the court shall issue 1764  
an order extending the order for protective supervision six 1765  
months. 1766

(2) If the court grants an extension of the order for 1767  
protective supervision pursuant to division (G)(1) of this 1768  
section, a party may, prior to termination of the extension, file 1769  
with the court a request for an additional extension of six months 1770  
or for termination of the order. The court and the parties shall 1771  
comply with division (G)(1) of this section with respect to 1772  
extending or terminating the order. 1773

(3) If a court grants an extension pursuant to division 1774  
(G)(2) of this section, the court shall terminate the order for 1775  
protective supervision at the end of the extension. 1776

(H) The court shall not issue a dispositional order pursuant 1777  
to division (A) of this section that removes a child from the 1778  
child's home unless the court complies with section 2151.419 of 1779  
the Revised Code and includes in the dispositional order the 1780  
findings of fact required by that section. 1781

(I) If a motion or application for an order described in 1782  
division (A)(6) of this section is made, the court shall not issue 1783  
the order unless, prior to the issuance of the order, it provides 1784  
to the person all of the following: 1785

(1) Notice and a copy of the motion or application; 1786

(2) The grounds for the motion or application; 1787

(3) An opportunity to present evidence and witnesses at a 1788

hearing regarding the motion or application; 1789

(4) An opportunity to be represented by counsel at the 1790  
hearing. 1791

(J) The jurisdiction of the court shall terminate one year 1792  
after the date of the award or, if the court takes any further 1793  
action in the matter subsequent to the award, the date of the 1794  
latest further action subsequent to the award, if the court awards 1795  
legal custody of a child to either of the following: 1796

(1) A legal custodian who, at the time of the award of legal 1797  
custody, resides in a county of this state other than the county 1798  
in which the court is located; 1799

(2) A legal custodian who resides in the county in which the 1800  
court is located at the time of the award of legal custody, but 1801  
moves to a different county of this state prior to one year after 1802  
the date of the award or, if the court takes any further action in 1803  
the matter subsequent to the award, one year after the date of the 1804  
latest further action subsequent to the award. 1805

The court in the county in which the legal custodian resides 1806  
then shall have jurisdiction in the matter. 1807

**Sec. 2151.416.** (A) Each agency that is required by section 1808  
2151.412 of the Revised Code to prepare a case plan for a child 1809  
shall complete a semiannual administrative review of the case plan 1810  
no later than six months after the earlier of the date on which 1811  
the complaint in the case was filed or the child was first placed 1812  
in shelter care. After the first administrative review, the agency 1813  
shall complete semiannual administrative reviews no later than 1814  
every six months. If the court issues an order pursuant to section 1815  
2151.414 or 2151.415 of the Revised Code, the agency shall 1816  
complete an administrative review no later than six months after 1817  
the court's order and continue to complete administrative reviews 1818

no later than every six months after the first review, except that 1819  
the court hearing held pursuant to section 2151.417 of the Revised 1820  
Code may take the place of any administrative review that would 1821  
otherwise be held at the time of the court hearing. When 1822  
conducting a review, the child's health and safety shall be the 1823  
paramount concern. 1824

(B) Each administrative review required by division (A) of 1825  
this section shall be conducted by a review panel of at least 1826  
three persons, including, but not limited to, both of the 1827  
following: 1828

(1) A caseworker with day-to-day responsibility for, or 1829  
familiarity with, the management of the child's case plan; 1830

(2) A person who is not responsible for the management of the 1831  
child's case plan or for the delivery of services to the child or 1832  
the parents, guardian, or custodian of the child. 1833

(C) Each semiannual administrative review shall include, but 1834  
not be limited to, a joint meeting by the review panel with the 1835  
parents, guardian, or custodian of the child, the guardian ad 1836  
litem of the child, and the child's foster care provider and shall 1837  
include an opportunity for those persons to submit any written 1838  
materials to be included in the case record of the child. If a 1839  
parent, guardian, custodian, guardian ad litem, or foster care 1840  
provider of the child cannot be located after reasonable efforts 1841  
to do so or declines to participate in the administrative review 1842  
after being contacted, the agency does not have to include them in 1843  
the joint meeting. 1844

(D) The agency shall prepare a written summary of the 1845  
semiannual administrative review that shall include, but not be 1846  
limited to, all of the following: 1847

(1) A conclusion regarding the safety and appropriateness of 1848  
the child's foster care placement; 1849

(2) The extent of the compliance with the case plan of all 1850  
parties; 1851

(3) The extent of progress that has been made toward 1852  
alleviating the circumstances that required the agency to assume 1853  
temporary custody of the child; 1854

(4) An estimated date by which the child may be returned to 1855  
and safely maintained in the child's home or placed for adoption 1856  
or legal custody; 1857

(5) An updated case plan that includes any changes that the 1858  
agency is proposing in the case plan; 1859

(6) The recommendation of the agency as to which agency or 1860  
person should be given custodial rights over the child for the 1861  
six-month period after the administrative review; 1862

(7) The names of all persons who participated in the 1863  
administrative review. 1864

(E) The agency shall file the summary with the court no later 1865  
than seven days after the completion of the administrative review. 1866  
If the agency proposes a change to the case plan as a result of 1867  
the administrative review, the agency shall file the proposed 1868  
change with the court at the time it files the summary. The agency 1869  
shall give notice of the summary and proposed change in writing 1870  
before the end of the next day after filing them to all parties 1871  
and the child's guardian ad litem. All parties and the guardian ad 1872  
litem shall have seven days after the date the notice is sent to 1873  
object to and request a hearing on the proposed change. 1874

(1) If the court receives a timely request for a hearing, the 1875  
court shall schedule a hearing pursuant to section 2151.417 of the 1876  
Revised Code to be held not later than thirty days after the court 1877  
receives the request. The court shall give notice of the date, 1878  
time, and location of the hearing to all parties and the guardian 1879

ad litem. The agency may implement the proposed change after the  
hearing, if the court approves it. The agency shall not implement  
the proposed change unless it is approved by the court.

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

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

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

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

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

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

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

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

in which the abuse or neglect is occurring or has occurred. In the 1942  
circumstances described in section 5120.173 of the Revised Code, 1943  
the person making the report shall make it to the entity specified 1944  
in that section. 1945

(b) Division (A)(1)(a) of this section applies to any person 1946  
who is an attorney; physician, including a hospital intern or 1947  
resident; dentist; podiatrist; practitioner of a limited branch of 1948  
medicine as specified in section 4731.15 of the Revised Code; 1949  
registered nurse; licensed practical nurse; visiting nurse; other 1950  
health care professional; licensed psychologist; licensed school 1951  
psychologist; independent marriage and family therapist or 1952  
marriage and family therapist; speech pathologist or audiologist; 1953  
coroner; administrator or employee of a child day-care center; 1954  
administrator or employee of a residential camp or child day camp; 1955  
administrator or employee of a certified child care agency or 1956  
other public or private children services agency; school teacher; 1957  
school employee; school authority; person engaged in social work 1958  
or the practice of professional counseling; agent of a county 1959  
humane society; person rendering spiritual treatment through 1960  
prayer in accordance with the tenets of a well-recognized 1961  
religion; superintendent, board member, or employee of a county 1962  
board of mental retardation; investigative agent contracted with 1963  
by a county board of mental retardation; or employee of the 1964  
department of mental retardation and developmental disabilities. 1965

(2) An attorney or a physician is not required to make a 1966  
report pursuant to division (A)(1) of this section concerning any 1967  
communication the attorney or physician receives from a client or 1968  
patient in an attorney-client or physician-patient relationship, 1969  
if, in accordance with division (A) or (B) of section 2317.02 of 1970  
the Revised Code, the attorney or physician could not testify with 1971  
respect to that communication in a civil or criminal proceeding, 1972  
except that the client or patient is deemed to have waived any 1973



testimonial privilege under division (A) or (B) of section 2317.02 1974  
of the Revised Code with respect to that communication and the 1975  
attorney or physician shall make a report pursuant to division 1976  
(A)(1) of this section with respect to that communication, if all 1977  
of the following apply: 1978

(a) The client or patient, at the time of the communication, 1979  
is either a child under eighteen years of age or a mentally 1980  
retarded, developmentally disabled, or physically impaired person 1981  
under twenty-one years of age. 1982

(b) The attorney or physician knows or suspects, as a result 1983  
of the communication or any observations made during that 1984  
communication, that the client or patient has suffered or faces a 1985  
threat of suffering any physical or mental wound, injury, 1986  
disability, or condition of a nature that reasonably indicates 1987  
abuse or neglect of the client or patient. 1988

(c) The attorney-client or physician-patient relationship 1989  
does not arise out of the client's or patient's attempt to have an 1990  
abortion without the notification of her parents, guardian, or 1991  
custodian in accordance with section 2151.85 of the Revised Code. 1992

(B) Anyone, who knows or suspects that a child under eighteen 1993  
years of age or a mentally retarded, developmentally disabled, or 1994  
physically impaired person under twenty-one years of age has 1995  
suffered or faces a threat of suffering any physical or mental 1996  
wound, injury, disability, or other condition of a nature that 1997  
reasonably indicates abuse or neglect of the child may report or 1998  
cause reports to be made of that knowledge or suspicion to the 1999  
entity or persons specified in this division. Except as provided 2000  
in section 5120.173 of the Revised Code, a person making a report 2001  
or causing a report to be made under this division shall make it 2002  
or cause it to be made to the public children services agency or 2003  
to a municipal or county peace officer. In the circumstances 2004

described in section 5120.173 of the Revised Code, a person making  
a report or causing a report to be made under this division shall  
make it or cause it to be made to the entity specified in that  
section.

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

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

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

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

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

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

(1) When a municipal or county peace officer receives a  
report concerning the possible abuse or neglect of a child or the  
possible threat of abuse or neglect of a child, upon receipt of

the report, the municipal or county peace officer who receives the  
report shall refer the report to the appropriate public children  
services agency.

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

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

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

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

(F)(1) Except as provided in section 2151.422 of the Revised

Code or in an interagency agreement entered into under section 2066  
2151.428 of the Revised Code that applies to the particular 2067  
report, the public children services agency shall investigate, 2068  
within twenty-four hours, each report of known or suspected child 2069  
abuse or child neglect and of a known or suspected threat of child 2070  
abuse or child neglect that is referred to it under this section 2071  
to determine the circumstances surrounding the injuries, abuse, or 2072  
neglect or the threat of injury, abuse, or neglect, the cause of 2073  
the injuries, abuse, neglect, or threat, and the person or persons 2074  
responsible. The investigation shall be made in cooperation with 2075  
the law enforcement agency and in accordance with the memorandum 2076  
of understanding prepared under division (J) of this section. A 2077  
representative of the public children services agency shall, at 2078  
the time of initial contact with the person subject to the 2079  
investigation, inform the person of the specific complaints or 2080  
allegations made against the person. The information shall be 2081  
given in a manner that is consistent with division (H)(1) of this 2082  
section and protects the rights of the person making the report 2083  
under this section. 2084

A failure to make the investigation in accordance with the 2085  
memorandum is not grounds for, and shall not result in, the 2086  
dismissal of any charges or complaint arising from the report or 2087  
the suppression of any evidence obtained as a result of the report 2088  
and does not give, and shall not be construed as giving, any 2089  
rights or any grounds for appeal or post-conviction relief to any 2090  
person. The public children services agency shall report each case 2091  
~~to a central registry which~~ the uniform statewide automated child 2092  
welfare information system that the department of job and family 2093  
services shall maintain in ~~order to determine whether prior~~ 2094  
~~reports have been made in other counties concerning the child or~~ 2095  
~~other principals in the case~~ accordance with section 5101.13 of 2096  
the Revised Code. The public children services agency shall submit 2097

a report of its investigation, in writing, to the law enforcement 2098  
agency. 2099

(2) The public children services agency shall make any 2100  
recommendations to the county prosecuting attorney or city 2101  
director of law that it considers necessary to protect any 2102  
children that are brought to its attention. 2103

(G)(1)(a) Except as provided in division (H)(3) of this 2104  
section, anyone or any hospital, institution, school, health 2105  
department, or agency participating in the making of reports under 2106  
division (A) of this section, anyone or any hospital, institution, 2107  
school, health department, or agency participating in good faith 2108  
in the making of reports under division (B) of this section, and 2109  
anyone participating in good faith in a judicial proceeding 2110  
resulting from the reports, shall be immune from any civil or 2111  
criminal liability for injury, death, or loss to person or 2112  
property that otherwise might be incurred or imposed as a result 2113  
of the making of the reports or the participation in the judicial 2114  
proceeding. 2115

(b) Notwithstanding section 4731.22 of the Revised Code, the 2116  
physician-patient privilege shall not be a ground for excluding 2117  
evidence regarding a child's injuries, abuse, or neglect, or the 2118  
cause of the injuries, abuse, or neglect in any judicial 2119  
proceeding resulting from a report submitted pursuant to this 2120  
section. 2121

(2) In any civil or criminal action or proceeding in which it 2122  
is alleged and proved that participation in the making of a report 2123  
under this section was not in good faith or participation in a 2124  
judicial proceeding resulting from a report made under this 2125  
section was not in good faith, the court shall award the 2126  
prevailing party reasonable attorney's fees and costs and, if a 2127  
civil action or proceeding is voluntarily dismissed, may award 2128  
reasonable attorney's fees and costs to the party against whom the 2129

civil action or proceeding is brought. 2130

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2131  
section, a report made under this section is confidential. The 2132  
information provided in a report made pursuant to this section and 2133  
the name of the person who made the report shall not be released 2134  
for use, and shall not be used, as evidence in any civil action or 2135  
proceeding brought against the person who made the report. In a 2136  
criminal proceeding, the report is admissible in evidence in 2137  
accordance with the Rules of Evidence and is subject to discovery 2138  
in accordance with the Rules of Criminal Procedure. 2139

(2) No person shall permit or encourage the unauthorized 2140  
dissemination of the contents of any report made under this 2141  
section. 2142

(3) A person who knowingly makes or causes another person to 2143  
make a false report under division (B) of this section that 2144  
alleges that any person has committed an act or omission that 2145  
resulted in a child being an abused child or a neglected child is 2146  
guilty of a violation of section 2921.14 of the Revised Code. 2147

(4) If a report is made pursuant to division (A) or (B) of 2148  
this section and the child who is the subject of the report dies 2149  
for any reason at any time after the report is made, but before 2150  
the child attains eighteen years of age, the public children 2151  
services agency or municipal or county peace officer to which the 2152  
report was made or referred, on the request of the child fatality 2153  
review board, shall submit a summary sheet of information 2154  
providing a summary of the report to the review board of the 2155  
county in which the deceased child resided at the time of death. 2156  
On the request of the review board, the agency or peace officer 2157  
may, at its discretion, make the report available to the review 2158  
board. If the county served by the public children services agency 2159  
is also served by a children's advocacy center and the report of 2160

alleged sexual abuse of a child or another type of abuse of a  
child is specified in the memorandum of understanding that creates  
the center as being within the center's jurisdiction, the agency  
or center shall perform the duties and functions specified in this  
division in accordance with the interagency agreement entered into  
under section 2151.428 of the Revised Code relative to that  
advocacy center.

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

(I) Any report that is required by this section, other than a  
report that is made to the state highway patrol as described in  
section 5120.173 of the Revised Code, shall result in protective  
services and emergency supportive services being made available by  
the public children services agency on behalf of the children  
about whom the report is made, in an effort to prevent further  
neglect or abuse, to enhance their welfare, and, whenever  
possible, to preserve the family unit intact. The agency required  
to provide the services shall be the agency conducting the  
investigation of the report pursuant to section 2151.422 of the  
Revised Code.

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

(a) If there is only one juvenile judge in the county, the 2192  
juvenile judge of the county or the juvenile judge's 2193  
representative; 2194

(b) If there is more than one juvenile judge in the county, a 2195  
juvenile judge or the juvenile judges' representative selected by 2196  
the juvenile judges or, if they are unable to do so for any 2197  
reason, the juvenile judge who is senior in point of service or 2198  
the senior juvenile judge's representative; 2199

(c) The county peace officer; 2200

(d) All chief municipal peace officers within the county; 2201

(e) Other law enforcement officers handling child abuse and 2202  
neglect cases in the county; 2203

(f) The prosecuting attorney of the county; 2204

(g) If the public children services agency is not the county 2205  
department of job and family services, the county department of 2206  
job and family services; 2207

(h) The county humane society; 2208

(i) If the public children services agency participated in 2209  
the execution of a memorandum of understanding under section 2210  
2151.426 of the Revised Code establishing a children's advocacy 2211  
center, each participating member of the children's advocacy 2212  
center established by the memorandum. 2213

(2) A memorandum of understanding shall set forth the normal 2214  
operating procedure to be employed by all concerned officials in 2215  
the execution of their respective responsibilities under this 2216  
section and division (C) of section 2919.21, division (B)(1) of 2217  
section 2919.22, division (B) of section 2919.23, and section 2218  
2919.24 of the Revised Code and shall have as two of its primary 2219  
goals the elimination of all unnecessary interviews of children 2220  
who are the subject of reports made pursuant to division (A) or 2221



(B) of this section and, when feasible, providing for only one 2222  
interview of a child who is the subject of any report made 2223  
pursuant to division (A) or (B) of this section. A failure to 2224  
follow the procedure set forth in the memorandum by the concerned 2225  
officials is not grounds for, and shall not result in, the 2226  
dismissal of any charges or complaint arising from any reported 2227  
case of abuse or neglect or the suppression of any evidence 2228  
obtained as a result of any reported child abuse or child neglect 2229  
and does not give, and shall not be construed as giving, any 2230  
rights or any grounds for appeal or post-conviction relief to any 2231  
person. 2232

(3) A memorandum of understanding shall include all of the 2233  
following: 2234

(a) The roles and responsibilities for handling emergency and 2235  
nonemergency cases of abuse and neglect; 2236

(b) Standards and procedures to be used in handling and 2237  
coordinating investigations of reported cases of child abuse and 2238  
reported cases of child neglect, methods to be used in 2239  
interviewing the child who is the subject of the report and who 2240  
allegedly was abused or neglected, and standards and procedures 2241  
addressing the categories of persons who may interview the child 2242  
who is the subject of the report and who allegedly was abused or 2243  
neglected. 2244

(4) If a public children services agency participated in the 2245  
execution of a memorandum of understanding under section 2151.426 2246  
of the Revised Code establishing a children's advocacy center, the 2247  
agency shall incorporate the contents of that memorandum in the 2248  
memorandum prepared pursuant to this section. 2249

(K)(1) Except as provided in division (K)(4) of this section, 2250  
a person who is required to make a report pursuant to division (A) 2251  
of this section may make a reasonable number of requests of the 2252

public children services agency that receives or is referred the 2253  
report, or of the children's advocacy center that is referred the 2254  
report if the report is referred to a children's advocacy center 2255  
pursuant to an interagency agreement entered into under section 2256  
2151.428 of the Revised Code, to be provided with the following 2257  
information: 2258

(a) Whether the agency or center has initiated an 2259  
investigation of the report; 2260

(b) Whether the agency or center is continuing to investigate 2261  
the report; 2262

(c) Whether the agency or center is otherwise involved with 2263  
the child who is the subject of the report; 2264

(d) The general status of the health and safety of the child 2265  
who is the subject of the report; 2266

(e) Whether the report has resulted in the filing of a 2267  
complaint in juvenile court or of criminal charges in another 2268  
court. 2269

(2) A person may request the information specified in 2270  
division (K)(1) of this section only if, at the time the report is 2271  
made, the person's name, address, and telephone number are 2272  
provided to the person who receives the report. 2273

When a municipal or county peace officer or employee of a 2274  
public children services agency receives a report pursuant to 2275  
division (A) or (B) of this section the recipient of the report 2276  
shall inform the person of the right to request the information 2277  
described in division (K)(1) of this section. The recipient of the 2278  
report shall include in the initial child abuse or child neglect 2279  
report that the person making the report was so informed and, if 2280  
provided at the time of the making of the report, shall include 2281  
the person's name, address, and telephone number in the report. 2282

Each request is subject to verification of the identity of 2283  
the person making the report. If that person's identity is 2284  
verified, the agency shall provide the person with the information 2285  
described in division (K)(1) of this section a reasonable number 2286  
of times, except that the agency shall not disclose any 2287  
confidential information regarding the child who is the subject of 2288  
the report other than the information described in those 2289  
divisions. 2290

(3) A request made pursuant to division (K)(1) of this 2291  
section is not a substitute for any report required to be made 2292  
pursuant to division (A) of this section. 2293

(4) If an agency other than the agency that received or was 2294  
referred the report is conducting the investigation of the report 2295  
pursuant to section 2151.422 of the Revised Code, the agency 2296  
conducting the investigation shall comply with the requirements of 2297  
division (K) of this section. 2298

(L) The director of job and family services shall adopt rules 2299  
in accordance with Chapter 119. of the Revised Code to implement 2300  
this section. The department of job and family services may enter 2301  
into a plan of cooperation with any other governmental entity to 2302  
aid in ensuring that children are protected from abuse and 2303  
neglect. The department shall make recommendations to the attorney 2304  
general that the department determines are necessary to protect 2305  
children from child abuse and child neglect. 2306

(M)(1) As used in this division: 2307

(a) "Out-of-home care" includes a nonchartered nonpublic 2308  
school if the alleged child abuse or child neglect, or alleged 2309  
threat of child abuse or child neglect, described in a report 2310  
received by a public children services agency allegedly occurred 2311  
in or involved the nonchartered nonpublic school and the alleged 2312  
perpetrator named in the report holds a certificate, permit, or 2313

license issued by the state board of education under section 2314  
3301.071 or Chapter 3319. of the Revised Code. 2315

(b) "Administrator, director, or other chief administrative 2316  
officer" means the superintendent of the school district if the 2317  
out-of-home care entity subject to a report made pursuant to this 2318  
section is a school operated by the district. 2319

(2) No later than the end of the day following the day on 2320  
which a public children services agency receives a report of 2321  
alleged child abuse or child neglect, or a report of an alleged 2322  
threat of child abuse or child neglect, that allegedly occurred in 2323  
or involved an out-of-home care entity, the agency shall provide 2324  
written notice of the allegations contained in and the person 2325  
named as the alleged perpetrator in the report to the 2326  
administrator, director, or other chief administrative officer of 2327  
the out-of-home care entity that is the subject of the report 2328  
unless the administrator, director, or other chief administrative 2329  
officer is named as an alleged perpetrator in the report. If the 2330  
administrator, director, or other chief administrative officer of 2331  
an out-of-home care entity is named as an alleged perpetrator in a 2332  
report of alleged child abuse or child neglect, or a report of an 2333  
alleged threat of child abuse or child neglect, that allegedly 2334  
occurred in or involved the out-of-home care entity, the agency 2335  
shall provide the written notice to the owner or governing board 2336  
of the out-of-home care entity that is the subject of the report. 2337  
The agency shall not provide witness statements or police or other 2338  
investigative reports. 2339

(3) No later than three days after the day on which a public 2340  
children services agency that conducted the investigation as 2341  
determined pursuant to section 2151.422 of the Revised Code makes 2342  
a disposition of an investigation involving a report of alleged 2343  
child abuse or child neglect, or a report of an alleged threat of 2344  
child abuse or child neglect, that allegedly occurred in or 2345

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, or marriage  
and family therapist licensed under Chapter 4757. of the Revised  
Code;

(b) A psychologist licensed under Chapter 4732. of the 2376  
Revised Code; 2377

(c) A student working to earn a four-year, post-secondary 2378  
degree, or higher, in a social or behavior science, or both, who 2379  
conducts assessor's duties under the supervision of a professional 2380  
counselor ~~or,~~ social worker, or marriage and family therapist 2381  
licensed under Chapter 4757. of the Revised Code or a psychologist 2382  
licensed under Chapter 4732. of the Revised Code~~+~~. Beginning July 2383  
1, 2009, a student is eligible under this division only if the 2384  
supervising professional counselor, social worker, marriage and 2385  
family therapist, or psychologist has completed training in 2386  
accordance with rules adopted under section 3107.015 of the 2387  
Revised Code. 2388

(d) A civil service employee engaging in social work without 2389  
a license under Chapter 4757. of the Revised Code, as permitted by 2390  
division (A)(5) of section 4757.41 of the Revised Code; 2391

(e) A former employee of a public children services agency 2392  
who, while so employed, conducted the duties of an assessor. 2393

(3) The individual must complete ~~education programs~~ training 2394  
in accordance with rules adopted under section 3107.015 of the 2395  
Revised Code. 2396

(B) An individual in the employ of, appointed by, or under 2397  
contract with a court prior to September 18, 1996, to conduct 2398  
adoption investigations of prospective adoptive parents may 2399  
perform the duties of an assessor under sections 3107.031, 2400  
3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of the Revised 2401  
Code if the individual complies with division (A)(3) of this 2402  
section regardless of whether the individual meets the requirement 2403  
of division (A)(2) of this section. 2404

(C) A court, public children services agency, private child 2405  
placing agency, or private noncustodial agency may employ, 2406

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.

**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.

**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  
the ~~programs~~ training. The department shall distribute the  
schedule to all agencies.

**Sec. 3107.17.** (A) All hearings held under sections 3107.01 to  
3107.19 of the Revised Code shall be held in closed court without  
the admittance of any person other than essential officers of the  
court, the parties, the witnesses of the parties, counsel, persons  
who have not previously consented to an adoption but who are  
required to consent, and representatives of the agencies present  
to perform their official duties.

(B)(1) Except as provided in divisions (B)(2) and (D) of this  
section and sections 3107.39 to 3107.44 and 3107.60 to 3107.68 of  
the Revised Code, no person or governmental entity shall knowingly

reveal any information contained in a paper, book, or record 2437  
pertaining to ~~a placement under section 5103.16 of the Revised~~ 2438  
~~Code or to~~ an adoption that is part of the permanent record of a 2439  
court or maintained by the department of job and family services, 2440  
an agency, or attorney without the consent of a court. 2441

(2) An agency or attorney may examine the agency's or 2442  
attorney's own papers, books, and records pertaining to a 2443  
~~placement or~~ an adoption without a court's consent for official 2444  
administrative purposes. The department of job and family services 2445  
may examine its own papers, books, and records pertaining to a 2446  
~~placement or~~ an adoption, or such papers, books, and records of an 2447  
agency, without a court's consent for official administrative, 2448  
certification, and eligibility determination purposes. 2449

(C) The petition, the interlocutory order, the final decree 2450  
of adoption, and other adoption proceedings shall be recorded in a 2451  
book kept for such purposes and shall be separately indexed. The 2452  
book shall be a part of the records of the court, and all 2453  
consents, affidavits, and other papers shall be properly filed. 2454

(D) All forms that pertain to the social or medical histories 2455  
of the biological parents of an adopted person and that were 2456  
completed pursuant to section 3107.09 or 3107.091 of the Revised 2457  
Code shall be filed only in the permanent record kept by the 2458  
court. During the minority of the adopted person, only the 2459  
adoptive parents of the person may inspect the forms. When an 2460  
adopted person reaches majority, only the adopted person may 2461  
inspect the forms. Under the circumstances described in this 2462  
division, an adopted person or the adoptive parents are entitled 2463  
to inspect the forms upon requesting the clerk of the court to 2464  
produce them. 2465

(E)(1) The department of job and family services shall 2466  
prescribe a form that permits any person who is authorized by 2467



division (D) of this section to inspect forms that pertain to the  
social or medical histories of the biological parents and that  
were completed pursuant to section 3107.09 or 3107.091 of the  
Revised Code to request notice if any correction or expansion of  
either such history, made pursuant to division (D) of section  
3107.09 of the Revised Code, is made a part of the permanent  
record kept by the court. The form shall be designed to facilitate  
the provision of the information and statements described in  
division (E)(3) of this section. The department shall provide  
copies of the form to each court. A court shall provide a copy of  
the request form to each adoptive parent when a final decree of  
adoption is entered and shall explain to each adoptive parent at  
that time that an adoptive parent who completes and files the form  
will be notified of any correction or expansion of either the  
social or medical history of the biological parents of the adopted  
person made during the minority of the adopted person that is made  
a part of the permanent record kept by the court, and that, during  
the adopted person's minority, the adopted person may inspect the  
forms that pertain to those histories. Upon request, the court  
also shall provide a copy of the request form to any adoptive  
parent during the minority of the adopted person and to an adopted  
person who has reached the age of majority.

(2) Any person who is authorized to inspect forms pursuant to  
division (D) of this section who wishes to be notified of  
corrections or expansions pursuant to division (D) of section  
3107.09 of the Revised Code that are made a part of the permanent  
record kept by the court shall file with the court, on a copy of  
the form prescribed by the department of job and family services  
pursuant to division (E)(1) of this section, a request for such  
notification that contains the information and statements required  
by division (E)(3) of this section. A request may be filed at any  
time if the person who files the request is authorized at that

time to inspect forms that pertain to the social or medical 2500  
histories. 2501

(3) A request for notification as described in division 2502  
(E)(2) of this section shall contain all of the following 2503  
information: 2504

(a) The adopted person's name and mailing address at that 2505  
time; 2506

(b) The name of each adoptive parent, and if the adoptive 2507  
person is a minor at the time of the filing of the request, the 2508  
mailing address of each adoptive parent at that time; 2509

(c) The adopted person's date of birth; 2510

(d) The date of entry of the final decree of adoption; 2511

(e) A statement requesting the court to notify the person who 2512  
files the request, at the address provided in the request, if any 2513  
correction or expansion of either the social or medical history of 2514  
the biological parents is made a part of the permanent record kept 2515  
by the court; 2516

(f) A statement that the person who files the request is 2517  
authorized, at the time of the filing, to inspect the forms that 2518  
pertain to the social and medical histories of the biological 2519  
parents; 2520

(g) The signature of the person who files the request. 2521

(4) Upon the filing of a request for notification in 2522  
accordance with division (E)(2) of this section, the clerk of the 2523  
court in which it is filed immediately shall insert the request in 2524  
the permanent record of the case. A person who has filed the 2525  
request and who wishes to update it with respect to a new mailing 2526  
address may inform the court in writing of the new address. Upon 2527  
its receipt, the court promptly shall insert the new address into 2528  
the permanent record by attaching it to the request. Thereafter, 2529

any notification described in this division shall be sent to the 2530  
new address. 2531

(5) Whenever a social or medical history of a biological 2532  
parent is corrected or expanded and the correction or expansion is 2533  
made a part of the permanent record kept by the court, the court 2534  
shall ascertain whether a request for notification has been filed 2535  
in accordance with division (E)(2) of this section. If such a 2536  
request has been filed, the court shall determine whether, at that 2537  
time, the person who filed the request is authorized, under 2538  
division (D) of this section, to inspect the forms that pertain to 2539  
the social or medical history of the biological parents. If the 2540  
court determines that the person who filed the request is so 2541  
authorized, it immediately shall notify the person that the social 2542  
or medical history has been corrected or expanded, that it has 2543  
been made a part of the permanent record kept by the court, and 2544  
that the forms that pertain to the records may be inspected in 2545  
accordance with division (D) of this section. 2546

**Sec. 3109.16.** The children's trust fund board, upon the 2547  
recommendation of the director of job and family services, shall 2548  
approve the employment of an executive director who will 2549  
administer the programs of the board. The department of job and 2550  
family services shall provide budgetary, procurement, accounting, 2551  
and other related management functions for the board and may adopt 2552  
rules in accordance with Chapter 119. of the Revised Code for 2553  
these purposes. An amount not to exceed three per cent of the 2554  
total amount of fees deposited in the children's trust fund in 2555  
each fiscal year may be used for costs directly related to these 2556  
administrative functions of the department. Each fiscal year, the 2557  
board shall approve a budget for administrative expenditures for 2558  
the next fiscal year. 2559

The board shall meet at least quarterly at the call of the 2560

chairperson to conduct its official business. All business 2561  
transactions of the board shall be conducted in public meetings. 2562  
Eight members of the board constitute a quorum. A majority of the 2563  
board members is required to adopt the state plan for the 2564  
allocation of funds from the children's trust fund. A majority of 2565  
the quorum is required to make all other decisions of the board. 2566

The board may apply for and accept federal and other funds 2567  
for the purpose of funding child abuse and child neglect 2568  
prevention programs. In addition, the board may accept gifts and 2569  
donations from any source, including individuals, philanthropic 2570  
foundations or organizations, corporations, or corporation 2571  
endowments. The acceptance and use of federal funds shall not 2572  
entail any commitment or pledge of state funds, nor obligate the 2573  
general assembly to continue the programs or activities for which 2574  
the federal funds are made available. All funds received in the 2575  
manner described in this section shall be transmitted to the 2576  
treasurer of state, who shall credit them to the children's trust 2577  
fund created in section 3109.14 of the Revised Code. 2578

**Sec. 3109.17.** (A) For each fiscal biennium, the children's 2579  
trust fund board shall establish a biennial state plan for 2580  
comprehensive child abuse and child neglect prevention. The plan 2581  
shall be transmitted to the governor, the president and minority 2582  
leader of the senate, and the speaker and minority leader of the 2583  
house of representatives and shall be made available to the 2584  
general public. The board may define in the state plan the term 2585  
"effective public notice." If the board does not define that term 2586  
in the state plan, the board shall include in the state plan the 2587  
definition of "effective public notice" specified in rules adopted 2588  
by the department of job and family services. 2589

(B) In developing and carrying out the state plan, the 2590  
children's trust fund board shall, in accordance with rules 2591

adopted by the department pursuant to Chapter 119. of the Revised 2592  
Code, do all of the following: 2593

(1) Ensure that an opportunity exists for assistance through 2594  
child abuse and child neglect prevention programs to persons 2595  
throughout the state of various social and economic backgrounds; 2596

(2) Before the thirtieth day of October of each year, notify 2597  
each child abuse and child neglect prevention advisory board of 2598  
the amount estimated to be allocated to that advisory board for 2599  
the following fiscal year; 2600

(3) Develop criteria for county or district local allocation 2601  
plans, including criteria for determining the plans' 2602  
effectiveness; 2603

(4) Review, and approve or disapprove, county or district 2604  
local allocation plans, as described in section 3109.171 of the 2605  
Revised Code; 2606

(5) Allocate funds to each child abuse and child neglect 2607  
prevention advisory board for the purpose of funding child abuse 2608  
and child neglect prevention programs. Funds shall be allocated 2609  
among advisory boards according to a formula based on the ratio of 2610  
the number of children under age eighteen in the county or 2611  
multicounty district to the number of children under age eighteen 2612  
in the state, as shown in the most recent federal decennial census 2613  
of population. Subject to the availability of funds and except as 2614  
provided in section 3109.171 of the Revised Code, each advisory 2615  
board shall receive a minimum of ten thousand dollars per fiscal 2616  
year. In the case of an advisory board that serves a multicounty 2617  
district, the advisory board shall receive, subject to available 2618  
funds and except as provided in section 3109.171 of the Revised 2619  
Code, a minimum of ten thousand dollars per fiscal year for each 2620  
county in the district. Funds shall be disbursed to the advisory 2621  
boards twice annually. At least fifty per cent of the funds 2622

allocated to an advisory board for a fiscal year shall be 2623  
disbursed to the advisory board not later than the thirtieth day 2624  
of September. The remainder of the funds allocated to the advisory 2625  
board for that fiscal year shall be disbursed before the 2626  
thirty-first day of March. 2627

The board shall specify the criteria child abuse and child 2628  
neglect prevention advisory boards are to use in reviewing 2629  
applications under division (F)(3) of section 3109.18 of the 2630  
Revised Code. 2631

(6) Allocate funds to entities other than child abuse and 2632  
child neglect prevention advisory boards for the purpose of 2633  
funding child abuse and child neglect prevention programs that 2634  
have statewide significance and that have been approved by the 2635  
children's trust fund board; 2636

(7) Provide for the monitoring of expenditures from the 2637  
children's trust fund and of programs that receive money from the 2638  
children's trust fund; 2639

(8) Establish reporting requirements for advisory boards; 2640

(9) Collaborate with appropriate persons and government 2641  
entities and facilitate the exchange of information among those 2642  
persons and entities for the purpose of child abuse and child 2643  
neglect prevention; 2644

(10) Provide for the education of the public and 2645  
professionals for the purpose of child abuse and child neglect 2646  
prevention; 2647

(11) Create and provide to each advisory board a children's 2648  
trust fund grant application form; 2649

(12) Specify the information to be included in a ~~semi-annual~~ 2650  
semiannual and an annual report completed by a children's advocacy 2651  
center for which a child abuse and child neglect prevention 2652

advisory board uses funds allocated to the advisory board under 2653  
section 3109.172 of the Revised Code, and each other person or 2654  
entity that is a recipient of a children's trust fund grant under 2655  
division (K)(1) of section 3109.18 of the Revised Code. 2656

(C) The children's trust fund board shall prepare a report 2657  
for each fiscal biennium that delineates the expenditure of money 2658  
from the children's trust fund. On or before January 1, 2002, and 2659  
on or before the first day of January of a year that follows the 2660  
end of a fiscal biennium of this state, the board shall file a 2661  
copy of the report with the governor, the president and minority 2662  
leader of the senate, and the speaker and minority leader of the 2663  
house of representatives. 2664

(D) The children's trust fund board shall develop a list of 2665  
all state and federal sources of funding that might be available 2666  
for establishing, operating, or establishing and operating a 2667  
children's advocacy center under sections 2151.425 to 2151.428 of 2668  
the Revised Code. The board periodically shall update the list as 2669  
necessary. The board shall maintain, or provide for the 2670  
maintenance of, the list at an appropriate location. That location 2671  
may be the offices of the department of job and family services. 2672  
The board shall provide the list upon request to any children's 2673  
advocacy center or to any person or entity identified in section 2674  
2151.426 of the Revised Code as a person or entity that may 2675  
participate in the establishment of a children's advocacy center. 2676

Sec. 5101.13. (A) The department of job and family services 2677  
shall establish and maintain a uniform statewide automated child 2678  
welfare information system in accordance with the requirements of 2679  
42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 2680  
guidelines. The information system shall contain records regarding 2681  
any of the following: 2682

(1) Investigations of children and families, and children's 2683

care in out-of-home care, in accordance with sections 2151.421 and 2684  
5153.16 of the Revised Code; 2685

(2) Care and treatment provided to children and families; 2686

(3) Any other information related to children and families 2687  
that state or federal law, regulation, or rule requires the 2688  
department or a public children services agency to maintain. 2689

(B) The department shall plan implementation of the 2690  
information system on a county by county basis and shall finalize 2691  
statewide implementation not later than January 1, 2008. 2692

(C) The department shall promptly notify all public children 2693  
services agencies of the initiation and completion of statewide 2694  
implementation of the statewide information system established 2695  
under division (A) of this section. 2696

(D) "Out-of-home care" has the same meaning as in section 2697  
2151.011 of the Revised Code. 2698

**Sec. 5101.131.** Except as provided in section 5101.132 of the 2699  
Revised Code, information contained in or obtained from the 2700  
information system established and maintained under section 2701  
5101.13 of the Revised Code is confidential and is not subject to 2702  
disclosure pursuant to section 149.43 or 1347.08 of the Revised 2703  
Code. 2704

**Sec. 5101.132.** Information contained in the information 2705  
system established and maintained under section 5101.13 of the 2706  
Revised Code may be accessed only as follows: 2707

(A) The department of job and family services and a public 2708  
children services agency may access the information when either of 2709  
the following is the case: 2710

(1) The access is directly connected with assessment, 2711  
investigation, or services regarding a child or family; 2712



(2) The access is permitted by state or federal law, rule, or 2713  
regulation. 2714

(B) A person may access the information in a manner, to the 2715  
extent, and for the purposes authorized by rules adopted by the 2716  
department. 2717

**Sec. 5101.133.** No person shall access or use information 2718  
contained in the information system established and maintained 2719  
under section 5101.13 of the Revised Code other than in accordance 2720  
with section 5101.132 of the Revised Code or rules authorized by 2721  
that section. 2722

No person shall disclose information obtained from the 2723  
information system established and maintained under section 2724  
5101.13 of the Revised Code in a manner not specified by rules 2725  
authorized by section 5101.134 of the Revised Code. 2726

**Sec. 5101.134.** (A)(1) The department of job and family 2727  
services may adopt rules in accordance with section 111.15 of the 2728  
Revised Code, as if they were internal management rules, as 2729  
necessary to carry out the purposes of sections 5101.13 to 2730  
5101.133 of the Revised Code. 2731

(2) The department may adopt rules in accordance with Chapter 2732  
119. of the Revised Code as necessary to carry out the purposes of 2733  
division (B) of section 5101.132 of the Revised Code. 2734

(B) Public children services agencies shall implement and use 2735  
the information system established pursuant to section 5101.13 of 2736  
the Revised Code in accordance with rules adopted by the 2737  
department. 2738

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1410 2739  
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 2740  
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 2741

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

(C)(1) The county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(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:

(a) Liability insurance with respect to the child;

(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. 2772

(3) With respect to a child who is in a child-care 2773  
institution, including any type of group home designed for the 2774  
care of children or any privately operated program consisting of 2775  
two or more certified foster homes operated by a common 2776  
administrative unit, the foster care maintenance payments made by 2777  
the county on behalf of the child shall include the reasonable 2778  
cost of the administration and operation of the institution, group 2779  
home, or program, as necessary to provide the items described in 2780  
divisions (C)(1) and (2) of this section. 2781

(D) To the extent that either foster care maintenance 2782  
payments under division (C) of this section or Title IV-E adoption 2783  
assistance payments for maintenance costs require the expenditure 2784  
of county funds, the board of county commissioners shall report 2785  
the nature and amount of each expenditure of county funds to the 2786  
department. 2787

(E) The department shall distribute to public children 2788  
services agencies that incur and report such expenditures federal 2789  
financial participation received for administrative and training 2790  
costs incurred in the operation of foster care maintenance and 2791  
adoption assistance programs. The department may withhold not more 2792  
than three per cent of the federal financial participation 2793  
received. The funds withheld may be used only to fund the Ohio 2794  
child welfare training program established under section ~~5153.60~~ 2795  
5103.30 of the Revised Code and the university partnership program 2796  
for college and university students majoring in social work who 2797  
have committed to work for a public children services agency upon 2798  
graduation. The funds withheld shall be in addition to any 2799  
administration and training cost for which the department is 2800  
reimbursed through its own cost allocation plan. 2801

(F) All federal financial participation funds received by a 2802

county pursuant to this section shall be deposited into the 2803  
county's children services fund created pursuant to section 2804  
5101.144 of the Revised Code. 2805

(G) The department shall periodically publish and distribute 2806  
the maximum amounts that the department will reimburse public 2807  
children services agencies for making payments on behalf of 2808  
children eligible for foster care maintenance payments. 2809

(H) The department, by and through its director, is hereby 2810  
authorized to develop, participate in the development of, 2811  
negotiate, and enter into one or more interstate compacts on 2812  
behalf of this state with agencies of any other states, for the 2813  
provision of medical assistance and other social services to 2814  
children in relation to whom all of the following apply: 2815

(1) They have special needs. 2816

(2) This state or another state that is a party to the 2817  
interstate compact is providing adoption assistance on their 2818  
behalf. 2819

(3) They move into this state from another state or move out 2820  
of this state to another state. 2821

**Sec. 5101.29.** When contained in a record held by the 2822  
department of job and family services or a county agency, the 2823  
following are not public records for purposes of section 149.43 of 2824  
the Revised Code: 2825

(A) Names and other identifying information regarding 2826  
children enrolled in or attending a child day-care center or home 2827  
subject to licensure, certification, or registration under Chapter 2828  
5104. of the Revised Code; 2829

(B) Names and other identifying information regarding 2830  
children placed with an institution or association certified under 2831  
section 5103.03 of the Revised Code; 2832

(C) Names and other identifying information regarding a 2833  
person who makes an oral or written complaint regarding a an 2834  
institution, association, child day-care center, or home subject 2835  
to licensure, certification, or registration to the department or 2836  
other state or county entity responsible for enforcing Chapter 2837  
5103. or 5104. of the Revised Code. 2838

**Sec. 5101.35.** (A) As used in this section: 2839

(1) "Agency" means the following entities that administer a 2840  
family services program: 2841

(a) The department of job and family services; 2842

(b) A county department of job and family services; 2843

(c) A public children services agency; 2844

(d) A private or government entity administering, in whole or 2845  
in part, a family services program for or on behalf of the 2846  
department of job and family services or a county department of 2847  
job and family services or public children services agency. 2848

(2) "Appellant" means an applicant, participant, former 2849  
participant, recipient, or former recipient of a family services 2850  
program who is entitled by federal or state law to a hearing 2851  
regarding a decision or order of the agency that administers the 2852  
program. 2853

(3) "Family services program" means assistance provided under 2854  
a Title IV-A program as defined in section 5101.80 of the Revised 2855  
Code or under Chapter 5104., 5111., or 5115. or section 173.35, 2856  
5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the 2857  
Revised Code, other than assistance provided under section 5101.46 2858  
of the Revised Code by the department of mental health, the 2859  
department of mental retardation and developmental disabilities, a 2860  
board of alcohol, drug addiction, and mental health services, or a 2861  
county board of mental retardation and developmental disabilities. 2862

(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, or reverse the state hearing decision. Any person designated to make an administrative appeal decision on behalf of the director shall have been admitted to the practice of law in this state. An administrative appeal decision is the final decision of the department and is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency fails to comply within the time

limits, the department may force compliance by withholding funds 2895  
due the agency or imposing another sanction established by rules 2896  
adopted under this section. 2897

(E) An appellant who disagrees with an administrative appeal 2898  
decision of the director of job and family services or the 2899  
director's designee issued under division (C) of this section may 2900  
appeal from the decision to the court of common pleas pursuant to 2901  
section 119.12 of the Revised Code. The appeal shall be governed 2902  
by section 119.12 of the Revised Code except that: 2903

(1) The person may appeal to the court of common pleas of the 2904  
county in which the person resides, or to the court of common 2905  
pleas of Franklin county if the person does not reside in this 2906  
state. 2907

(2) The person may apply to the court for designation as an 2908  
indigent and, if the court grants this application, the appellant 2909  
shall not be required to furnish the costs of the appeal. 2910

(3) The appellant shall mail the notice of appeal to the 2911  
department of job and family services and file notice of appeal 2912  
with the court within thirty days after the department mails the 2913  
administrative appeal decision to the appellant. For good cause 2914  
shown, the court may extend the time for mailing and filing notice 2915  
of appeal, but such time shall not exceed six months from the date 2916  
the department mails the administrative appeal decision. Filing 2917  
notice of appeal with the court shall be the only act necessary to 2918  
vest jurisdiction in the court. 2919

(4) The department shall be required to file a transcript of 2920  
the testimony of the state hearing with the court only if the 2921  
court orders the department to file the transcript. The court 2922  
shall make such an order only if it finds that the department and 2923  
the appellant are unable to stipulate to the facts of the case and 2924  
that the transcript is essential to a determination of the appeal. 2925

The department shall file the transcript not later than thirty 2926  
days after the day such an order is issued. 2927

(F) The department of job and family services shall adopt 2928  
rules in accordance with Chapter 119. of the Revised Code to 2929  
implement this section, including rules governing the following: 2930

(1) State hearings under division (B) of this section. The 2931  
rules shall include provisions regarding notice of eligibility 2932  
termination and the opportunity of an appellant appealing a 2933  
decision or order of a county department of job and family 2934  
services to request a county conference with the county department 2935  
before the state hearing is held. 2936

(2) Administrative appeals under division (C) of this 2937  
section; 2938

(3) Time limits for complying with a decision issued under 2939  
division (B) or (C) of this section; 2940

(4) Sanctions that may be applied against an agency under 2941  
division (D) of this section. 2942

(G) The department of job and family services may adopt rules 2943  
in accordance with Chapter 119. of the Revised Code establishing 2944  
an appeals process for an appellant who appeals a decision or 2945  
order regarding a Title IV-A program identified under division 2946  
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code 2947  
that is different from the appeals process established by this 2948  
section. The different appeals process may include having a state 2949  
agency that administers the Title IV-A program pursuant to an 2950  
interagency agreement entered into under section 5101.801 of the 2951  
Revised Code administer the appeals process. 2952

(H) If an appellant receiving medicaid through a health 2953  
insuring corporation that holds a certificate of authority under 2954  
Chapter 1751. of the Revised Code is appealing a denial of 2955



medicaid services based on lack of medical necessity or other  
clinical issues regarding coverage by the health insuring  
corporation, the person hearing the appeal may order an  
independent medical review if that person determines that a review  
is necessary. The review shall be performed by a health care  
professional with appropriate clinical expertise in treating the  
recipient's condition or disease. The department shall pay the  
costs associated with the review.

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

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

**Sec. 5101.72.** The department of job and family services, to  
the extent of available funds, may reimburse county departments of  
job and family services for all or part of the costs they incur in  
implementing sections 5101.60 to 5101.71 of the Revised Code. The  
director of job and family services shall adopt, ~~and may amend or~~  
~~rescind,~~ internal management rules under in accordance with  
section 111.15 of the Revised Code that provide for reimbursement  
of county departments of job and family services under this  
section.

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

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

(B) Require the county departments to collect and submit to

the department, or ensure that a designated agency collects and  
submits to the department, data concerning the implementation of  
sections 5101.60 to 5101.71 of the Revised Code.

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

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

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

**Sec. 5103.031.** Except as provided in section 5103.033 of the  
Revised Code, the department of job and family services may not  
issue a certificate under section 5103.03 of the Revised Code to a  
foster home unless the prospective foster caregiver successfully  
completes the following amount of preplacement training through a  
preplacement training program ~~operated~~ approved by the department  
of job and family services under section ~~5103.034~~ 5103.038 of the  
Revised Code or ~~5153.60~~ preplacement training provided under  
division (B) of section 5103.30 of the Revised Code:

(A) If the foster home is a family foster home, at least  
twenty-four hours;

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

**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 3015  
prospective foster caregiver or foster caregiver successfully 3016  
completes the following amount of training: 3017

(1) For an initial certificate, at least twelve hours of 3018  
preplacement training through a preplacement training program 3019  
~~operated~~ approved by the department of job and family services 3020  
under section ~~5103.034~~ 5103.038 of the Revised Code or ~~5153.60~~ 3021  
preplacement training provided under division (B) of section 3022  
5103.30 of the Revised Code; 3023

(2) For renewal of a certificate, at least twenty-four hours 3024  
of continuing training in the preceding two-year period in 3025  
accordance with the foster caregiver's needs assessment and 3026  
continuing training plan developed and implemented under section 3027  
5103.035 of the Revised Code. 3028

(B) A foster caregiver to whom either division (B)(1) or (2) 3029  
of this section applies shall be given an additional amount of 3030  
time within which to complete the continuing training required 3031  
under division (A)(2) of this section in accordance with rules 3032  
adopted by the department of job and family services: 3033

(1) The foster caregiver has served in active duty outside 3034  
this state with a branch of the armed forces of the United States 3035  
for more than thirty days in the preceding two-year period. 3036

(2) The foster caregiver has served in active duty as a 3037  
member of the Ohio organized militia, as defined in section 3038  
5923.01 of the Revised Code, for more than thirty days in the 3039  
preceding two-year period and that active duty relates to either 3040  
an emergency in or outside of this state or to military duty in or 3041  
outside of this state. 3042

**Sec. 5103.034.** (A) ~~A private~~ Private child placing ~~agency or~~ 3043  
agencies and private noncustodial ~~agency~~ agencies operating a 3044

preplacement ~~training program~~ or continuing training program 3045  
approved by the department of job and family services under 3046  
section 5103.038 of the Revised Code ~~or the Ohio child welfare~~ 3047  
~~training program operating a preplacement training program or~~ 3048  
~~continuing training program pursuant to section 5153.60 of the~~ 3049  
Revised Code shall make the program available to a prospective 3050  
foster caregiver or foster caregivers. ~~The agency or program shall~~ 3051  
~~make the programs available~~ caregiver without regard to the type 3052  
of recommending agency from which ~~a~~ the prospective foster 3053  
caregiver or foster caregiver seeks a recommendation. 3054

(B) A private child placing agency or private noncustodial 3055  
agency operating a preplacement ~~training program~~ or continuing 3056  
training program approved by the department of job and family 3057  
services under section 5103.038 of the Revised Code may condition 3058  
the enrollment of a prospective foster caregiver or foster 3059  
caregiver in ~~a~~ the program on either or both of the following: 3060

(1) Availability of space in the training program; 3061

(2) ~~If applicable, payment~~ Payment of an instruction or 3062  
registration fee, if any, by the prospective foster caregiver or 3063  
foster caregiver's recommending agency. 3064

(C) ~~The Ohio child welfare training program operating a~~ 3065  
~~preplacement training program or continuing training program~~ 3066  
~~pursuant to section 5153.60 of the Revised Code may condition the~~ 3067  
~~enrollment in a preplacement training program or continuing~~ 3068  
~~training program of a foster caregiver whose recommending agency~~ 3069  
~~is a private child placing agency or private noncustodial agency~~ 3070  
~~on either or both of the following:~~ 3071

~~(1) Availability of space in the training program;~~ 3072

~~(2) Assignment to the program by the foster caregiver's~~ 3073  
~~recommending agency of the allowance payable under section~~ 3074  
~~5103.0313 of the Revised Code.~~ 3075

~~(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.

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

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

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

(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~~ 3106  
~~to division (B) of section 5103.032 of the Revised Code to~~ 3107  
~~complete if the foster caregiver satisfies the conditions for the~~ 3108  
~~agency to issue a waiver. If the agency will issue a waiver, the~~ 3109  
~~agency shall state in the needs assessment and continuing training~~ 3110  
~~plan the number of hours of continuing training, not to exceed~~ 3111  
~~eight, that the agency will waive.~~ 3112

**Sec. 5103.036.** (A) For the purpose of determining whether a 3113  
prospective foster caregiver or foster caregiver has satisfied the 3114  
requirement of section 5103.031 or 5103.032 of the Revised Code, a 3115  
recommending agency shall accept training obtained from ~~a~~ either 3116  
of the following: 3117

(1) Any preplacement training program or continuing training 3118  
program ~~operated~~ approved by the department of job and family 3119  
services under section ~~5103.034 or 5153.60~~ 5103.038 of the Revised 3120  
Code; 3121

(2) The Ohio child welfare training program pursuant to 3122  
divisions (B) and (C) of section 5103.30 of the Revised Code 3123  
~~regardless of whether the program is operated by the recommending~~ 3124  
~~agency. The~~ 3125

(B) A recommending agency may require that the a prospective 3126  
foster caregiver or foster caregiver successfully complete 3127  
additional training as a condition of the agency recommending that 3128  
the department of job and family services certify or recertify the 3129  
prospective foster caregiver or foster caregiver's foster home 3130  
under section 5103.03 of the Revised Code. 3131

**Sec. 5103.038.** (A) Every other year by a date specified in 3132  
rules adopted under section 5103.0316 of the Revised Code, each 3133  
private child placing agency and private noncustodial agency that 3134  
seeks to operate a preplacement training program or continuing 3135

training program under section 5103.034 of the Revised Code shall 3136  
submit to the department of job and family services a proposal 3137  
outlining the program. The proposal may be the same as, a 3138  
modification of, or different from, a model design developed ~~under~~ 3139  
~~section 5103.037 of the Revised Code by the department.~~ 3140

(B) Not later than thirty days after receiving a proposal 3141  
under division (A) of this section, the department shall either 3142  
approve or disapprove the proposed program. The department shall 3143  
approve a proposed preplacement training program if it complies 3144  
with section 5103.039 or 5103.0311 of the Revised Code, as 3145  
appropriate, and, in the case of a proposal submitted by an agency 3146  
operating a preplacement training program at the time the proposal 3147  
is submitted, the department is satisfied with the agency's 3148  
operation of the program. The department shall approve a proposed 3149  
continuing training program if it complies with rules adopted 3150  
pursuant to division (C) of section 5103.0316 of the Revised Code 3151  
and, in the case of a proposal submitted by an agency operating a 3152  
continuing training program at the time the proposal is submitted, 3153  
the department is satisfied with the agency's operation of the 3154  
program. If the department disapproves a proposal, it shall 3155  
provide the reason for disapproval to the agency that submitted 3156  
the proposal and advise the agency of how to revise the proposal 3157  
so that the department can approve it. 3158

(C) The department's approval under division (B) of this 3159  
section of a proposed preplacement training program or continuing 3160  
training program is valid only for two years following the year 3161  
the proposal for the program is submitted to the department under 3162  
division (A) of this section. 3163

**Sec. 5103.039.** Except for preplacement training programs 3164  
described in section 5103.0311 of the Revised Code, a preplacement 3165  
training program shall consist of courses in the role of foster 3166

caregivers as a part of the care and treatment of foster children. 3167  
A prospective foster caregiver shall complete all of the courses, 3168  
which shall address all of the following: 3169

(A) The legal rights and responsibilities of foster 3170  
caregivers; 3171

(B) Public children services agencies, private child placing 3172  
agencies, and private noncustodial agencies' policies and 3173  
procedures regarding foster caregivers; 3174

(C) The department of job and family services' requirements 3175  
for certifying foster homes; 3176

(D) The effects placement, separation, and attachment issues 3177  
have on children, their families, and foster caregivers; 3178

(E) Foster caregivers' involvement in permanency planning for 3179  
children and their families; 3180

(F) The effects of physical abuse, sexual abuse, emotional 3181  
abuse, neglect, and substance abuse on normal human growth and 3182  
development; 3183

(G) Behavior management techniques; 3184

(H) Effects of caregiving on children's families; 3185

(I) Cultural issues in placement; 3186

(J) Prevention, recognition, and management of communicable 3187  
diseases; 3188

(K) Community health and social services available to 3189  
children and their families; 3190

(L) The substance of section 2152.72 of the Revised Code. A 3191  
course addressing section 2152.72 of the Revised Code shall be not 3192  
less than one hour long. 3193

(M) In the case of a preplacement training program for a 3194  
prospective foster caregiver seeking certification for a 3195



specialized foster home, additional issues specific to the types 3196  
of children placed in specialized foster homes, including 3197  
cardiopulmonary resuscitation and first aid, appropriate 3198  
behavioral intervention techniques, such as de-escalation, 3199  
self-defense, and physical restraint techniques and the 3200  
appropriate use of such techniques. 3201

**Sec. 5103.0311.** (A) A preplacement training program for 3202  
prospective foster caregivers described in section 5103.033 of the 3203  
Revised Code shall consist of courses that address all of the 3204  
following: 3205

(1) The legal rights and responsibilities of foster 3206  
caregivers; 3207

(2) The policies and procedures of public children services 3208  
agencies, private child placing agencies, and private noncustodial 3209  
agencies regarding foster caregivers; 3210

(3) The department of job and family services' requirements 3211  
for certifying foster homes; 3212

(4) Infant care; 3213

(5) Early childhood development. 3214

(B) A continuing training program for foster caregivers 3215  
described in section 5103.033 of the Revised Code shall meet the 3216  
requirements of rules adopted pursuant to section 5103.0316 of the 3217  
Revised Code. 3218

**Sec. 5103.0312.** A public children services agency, private 3219  
child placing agency, or private noncustodial agency acting as a 3220  
recommending agency for a foster caregiver ~~who hold certificates~~ 3221  
~~issued under section 5103.03 of the Revised Code~~ caregiver shall 3222  
pay ~~those~~ the foster ~~caregivers~~ caregiver a stipend to reimburse 3223  
~~them~~ the foster caregiver for attending a preplacement ~~training~~ 3224

~~program~~ or continuing training program operated under section 3225  
5103.034 or ~~5153.60~~ 5103.30 of the Revised Code. The payment shall 3226  
be based on a stipend rate established by the department of job 3227  
and family services. The stipend rate shall be the same regardless 3228  
of the type of recommending agency from which ~~a~~ the foster 3229  
caregiver seeks a recommendation. The department shall, pursuant 3230  
to rules adopted under section 5103.0316 of the Revised Code, 3231  
reimburse the recommending agency for stipend payments it makes in 3232  
accordance with this section. No payment shall be made to an 3233  
individual for attending a preplacement training program if the 3234  
individual fails to obtain a foster home certificate under section 3235  
5103.03 of the Revised Code. 3236

**Sec. 5103.0313.** The Except as provided in section 5103.303 of 3237  
the Revised Code, the department of job and family services shall 3238  
compensate a private child placing agency or private noncustodial 3239  
agency for the cost of procuring or operating preplacement and 3240  
continuing training programs approved by the department of job and 3241  
family services under section ~~5103.034~~ 5103.038 of the Revised 3242  
Code for prospective foster caregivers and foster caregivers who 3243  
are recommended for initial certification or recertification by 3244  
the agency. 3245

The compensation shall be paid to the agency in the form of 3246  
an allowance for each hour of preplacement and continuing training 3247  
provided or received. 3248

**Sec. 5103.0315.** The department of job and family services 3249  
shall seek federal financial participation for the cost of making 3250  
payments under section 5103.0312 of the Revised Code and 3251  
allowances under ~~section~~ sections 5103.0313 and 5103.303 of the 3252  
Revised Code. The department shall notify the governor, president 3253  
of the senate, minority leader of the senate, speaker of the house 3254  
of representatives, and minority leader of the house of 3255

representatives of any proposed federal legislation that endangers 3256  
the federal financial participation. 3257

**Sec. 5103.07.** The department of job and family services shall 3258  
administer funds received under Title IV-B of the "Social Security 3259  
Act," 49 81 Stat. ~~620~~ 821 (~~1935~~ 1967), 42 U.S.C.A. 620, as 3260  
amended, and the "Child Abuse Prevention and Treatment Act," 88 3261  
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 3262  
these funds, the department may establish a child welfare services 3263  
program and a child abuse and neglect prevention and adoption 3264  
reform program. The department has all powers necessary for the 3265  
adequate administration of these funds and programs. The director 3266  
of job and family services may adopt ~~internal management~~ rules ~~in~~ 3267  
~~accordance with section 111.15 of the Revised Code~~ as necessary to 3268  
carry out the purposes of this section. 3269

**Sec. ~~5153.60~~ 5103.30.** ~~(A)~~ The Ohio child welfare training 3270  
program is hereby established in the department of job and family 3271  
services ~~shall establish as~~ a statewide program ~~that provides. The~~ 3272  
program shall provide all of the following: 3273

~~(1)~~ (A) The training that section 3107.014 of the Revised Code 3274  
requires an assessor to complete; 3275

(B) The preplacement training that sections 5103.031 and 3276  
5103.033 of the Revised Code require a prospective foster 3277  
caregiver to complete; 3278

(C) The continuing training that sections 5103.032 and 3279  
5103.033 of the Revised Code require a foster caregiver to 3280  
complete; 3281

(D) The training that section 5153.122 of the Revised Code 3282  
requires ~~public children services agency caseworkers and~~ 3283  
~~supervisors~~ a PCSA caseworker to complete; 3284

~~(2) The preplacement and continuing training described in~~ 3285

sections 5103.034, 5103.039, and 5103.0311 of the Revised Code 3286  
that foster caregivers are required by sections 5103.031, 3287  
5103.032, and 5103.033 of the Revised Code to obtain; 3288

~~(3) The education programs for adoption assessors required by~~ 3289  
~~section 3107.014 of the Revised Code (E) The training that section~~ 3290  
~~5153.123 of the Revised Code requires a PCSA caseworker supervisor~~ 3291  
~~to complete.~~ 3292

~~(B) The program established pursuant to division (A) of this~~ 3293  
~~section shall be called the "Ohio child welfare training program."~~ 3294

Sec. 5103.301. The Ohio child welfare training program shall 3295  
make its preplacement and continuing training provided under 3296  
divisions (B) and (C) of section 5103.30 of the Revised Code 3297  
available to a prospective foster caregiver or foster caregiver 3298  
without regard to the type of recommending agency from which the 3299  
prospective foster caregiver or foster caregiver seeks a 3300  
recommendation. 3301

Sec. 5103.302. The Ohio child welfare training program may 3302  
condition a prospective foster caregiver or foster caregiver's 3303  
enrollment in its preplacement and continuing training provided 3304  
under divisions (B) and (C) of section 5103.30 of the Revised Code 3305  
on the availability of space in the training if the prospective 3306  
foster caregiver or foster caregiver's recommending agency is a 3307  
private child placing agency or private noncustodial agency. 3308

Sec. 5103.303. When the Ohio child welfare training program 3309  
provides preplacement or continuing training to a prospective 3310  
foster caregiver or foster caregiver whose recommending agency is 3311  
a private child placing agency or private noncustodial agency, the 3312  
department of job and family services shall not pay the Ohio child 3313  
welfare training program the allowance the department would 3314

otherwise pay to the private child placing agency or private 3315  
noncustodial agency under section 5103.0313 of the Revised Code 3316  
for the training. 3317

**Sec. 5103.31.** Training provided under section 5103.30 of the 3318  
Revised Code shall provide the knowledge, skill, and ability 3319  
needed to do the jobs that the training is for. The Ohio child 3320  
welfare training program coordinator shall identify the 3321  
competencies needed to do the jobs that the training is for so 3322  
that the training helps the development of those competencies. In 3323  
addition, the training shall do all of the following: 3324

(A) In the case of the training provided under division (A) 3325  
of section 5103.30 of the Revised Code, comply with the rules 3326  
adopted under section 3107.015 of the Revised Code; 3327

(B) In the case of the preplacement training provided under 3328  
division (B) of section 5103.30 of the Revised Code, comply with 3329  
section 5103.039 of the Revised Code and division (A) of section 3330  
5103.0311 of the Revised Code; 3331

(C) In the case of the continuing training provided under 3332  
division (C) of section 5103.30 of the Revised Code, comply with 3333  
rules adopted under division (C) of section 5103.0316 of the 3334  
Revised Code; 3335

(D) In the case of the training provided under divisions (D) 3336  
and (E) of section 5103.30 of the Revised Code, comply with rules 3337  
adopted under section 5153.124 of the Revised Code. 3338

**Sec. ~~5153.78~~ 5103.32.** (A) As used in this section: 3339

(1) "Title IV-B" means Title IV-B of the "Social Security Act 3340  
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 3341

(2) "Title IV-E" means Title IV-E of the "Social Security 3342

Act," 94 Stat. 501, 42 U.S.C. 670(1980). 3343

(3) "Title XX" has the same meaning as in section 5101.46 of 3344  
the Revised Code. 3345

(B) For purposes of adequately funding the Ohio child welfare 3346  
training program, the department of job and family services may 3347  
use any of the following: 3348

(1) The federal financial participation funds withheld 3349  
pursuant to division (E) of section 5101.141 of the Revised Code 3350  
in an amount determined by the department; 3351

(2) Funds available under Title XX, Title IV-B, and Title 3352  
IV-E to pay for training costs; 3353

(3) Other available state or federal funds; 3354

(4) Funds that a person, including a foundation, makes 3355  
available for the program. 3356

Sec. 5103.33. The director of job and family services shall 3357  
adopt rules under Chapter 119. of the Revised Code as necessary to 3358  
implement the Ohio child welfare training program. 3359

Sec. 5103.34. The department of job and family services shall 3360  
monitor and evaluate the Ohio child welfare training program to 3361  
ensure that the program satisfies all of the requirements 3362  
established by law enacted by the general assembly regarding the 3363  
program and rules adopted under section 5103.33 of the Revised 3364  
Code. As part of the monitoring and evaluation, the department 3365  
shall ensure that the training provided under section 5103.30 of 3366  
the Revised Code meets all of the requirements of section 5103.31 3367  
of the Revised Code, including the requirement that the training 3368  
be competency based. 3369

~~Sec. 5153.61~~ 5103.35. Each fiscal biennium, the department of 3370

job and family services shall contract with an entity to serve as 3371  
the ~~training coordinator for the~~ Ohio child welfare training 3372  
program coordinator. ~~The training coordinator shall develop,~~ 3373  
~~implement, and manage the training program.~~ The department shall 3374  
select the entity with which to contract from the ~~candidates~~ 3375  
~~selected pursuant to~~ entities that submit a proposal that meets, 3376  
as determined under section 5103.362 of the Revised Code, the 3377  
requirements of the request for proposals issued under section 3378  
~~5153.63~~ 5103.36 of the Revised Code. ~~A~~ The department may contract 3379  
with the entity the department contracted with the previous fiscal 3380  
biennium even though no request for proposals is issued if, as 3381  
specified in section 5103.361 of the Revised Code, a request for 3382  
proposals is not required for the upcoming fiscal biennium. 3383

A contract entered into under this section shall be effective 3384  
on the first day of the fiscal biennium for which it is entered 3385  
into and terminate on the last day of that fiscal biennium. The 3386  
contract shall require the coordinator to perform the duties 3387  
specified in section 5103.37 of the Revised Code. 3388

**Sec. ~~5153.62~~ 5103.36.** ~~Before the beginning of each fiscal~~ 3389  
~~biennium, the~~ The department of job and family services shall 3390  
develop and issue or cause to be issued a request for proposals 3391  
~~for the development, implementation, and management, as training~~ 3392  
~~coordinator, of~~ an entity to serve as the Ohio child welfare 3393  
training program ~~during the biennium~~ coordinator. The department 3394  
shall develop the request for proposals in consultation with 3395  
individuals ~~designated~~ solicited under section ~~5153.64~~ 5103.365 of 3396  
the Revised Code. The request for proposals shall explain the 3397  
types of duties of the coordinator. 3398

**Sec. 5103.361.** (A) Except as provided in division (B) of this 3399  
section, the request for proposals required by section 5103.36 of 3400  
the Revised Code shall be developed and issued before the 3401

beginning of each fiscal biennium. 3402

(B) The department is not required to develop and issue or 3403  
cause to be issued the request for proposals before the beginning 3404  
of a fiscal biennium if both of the following are the case: 3405

(1) The department developed and issued or caused to be 3406  
issued such a request for proposals before at least one of the 3407  
three previous fiscal biennia; 3408

(2) The department and entity under contract to serve as the 3409  
Ohio child welfare training program coordinator contract for that 3410  
entity to continue serving as the coordinator for the upcoming 3411  
fiscal biennium. 3412

**Sec. ~~5153.63~~ 5103.362.** ~~Before the beginning of each fiscal~~ 3413  
~~biennium,~~ After considering recommendations from the individuals 3414  
~~designated~~ solicited under section ~~5153.64~~ 5103.363 of the Revised 3415  
Code, the department of job and family services shall review all 3416  
~~responses to the~~ determine which of the proposals received in 3417  
response to a request for proposals issued under section ~~5153.62~~ 3418  
5103.36 of the Revised Code ~~for the biennium and recommend to the~~ 3419  
~~department of job and family services those entities that~~ meet the 3420  
requirements of the request. 3421

**Sec. ~~5153.64~~ 5103.363.** The director of job and family 3422  
services shall ~~select~~ solicit representatives from all of the 3423  
following organizations to perform the consultation and 3424  
recommendation duties under sections ~~5153.62~~ 5103.36 and ~~5153.63~~ 3425  
5103.362 of the Revised Code: 3426

(A) Regional training centers established under section 3427  
~~5153.72~~ 5103.42 of the Revised Code; 3428

(B) Staff of public children services agencies; 3429



(C) Staff of the state department of job and family services; 3430

(D) A statewide organization that represents the interests of 3431  
public children services agencies. 3432

**Sec. ~~5153.65~~ 5103.37.** ~~The entity contracted with to serve as~~ 3433  
~~the training coordinator for the~~ Ohio child welfare training 3434  
program coordinator shall do all the following ~~as part of its~~ 3435  
~~duties under~~ pursuant to the contract entered into under section 3436  
5103.35 of the Revised Code: 3437

(A) ~~Administer~~ Manage, coordinate, and evaluate all of the 3438  
program's training ~~program activities under the program~~ provided 3439  
under section 5103.30 of the Revised Code; 3440

(B) Develop ~~training~~ curriculum, resources, and products for 3441  
the training; 3442

(C) Provide fiscal management and technical assistance to 3443  
regional training centers established under section ~~5153.72~~ 3444  
5103.42 of the Revised Code; 3445

(D) Cooperate with the regional training centers to schedule 3446  
~~training~~ sessions for the training, provide notices of the 3447  
training sessions, and provide training materials for the 3448  
sessions; 3449

(E) Employ and compensate ~~training session~~ instructors for 3450  
the training; 3451

(F) Create individual training needs ~~assessment forms~~ 3452  
assessments for use pursuant to sections ~~5153.75~~ 5153.125 and 3453  
~~5153.76~~ 5153.126 of the Revised Code; 3454

(G) Provide staff for the Ohio child welfare training program 3455  
steering committee established under section 5103.39 of the 3456  
Revised Code; 3457

(H) Conduct any other activities necessary for the 3458

development, implementation, and management of the ~~training~~ 3459  
program as specified in the contract. 3460

**Sec. ~~5153.70~~ 5103.38.** The department of job and family 3461  
services shall oversee the ~~operation of the entity contracted with~~ 3462  
~~under section 5153.61 of the Revised Code regarding the~~ Ohio child 3463  
welfare training program coordinator's development, 3464  
implementation, and management of the Ohio child welfare training 3465  
program. 3466

**Sec. ~~5153.66~~ 5103.39.** The director of job and family services 3467  
shall establish the Ohio child welfare training program steering 3468  
committee. Sections 101.82 to 101.87 of the Revised Code do not 3469  
apply to the committee. 3470

**Sec. ~~5153.67~~ 5103.391.** ~~(A)~~ The director of job and family 3471  
services shall appoint all of the following to serve on the Ohio 3472  
child welfare training program steering committee: 3473

~~(1)~~ (A) Employees of the department of job and family 3474  
services; 3475

~~(2)~~ ~~Representatives~~ (B) One representative of each of the 3476  
regional training centers established under section ~~5153.72~~ 3477  
5103.42 of the Revised Code; 3478

~~(3)~~ ~~A~~ (C) One representative of ~~an~~ a statewide organization 3479  
that represents the interests of public children services 3480  
agencies; 3481

~~(4)~~ ~~A~~ (D) One representative of the ~~entity contracted with to~~ 3482  
~~serve as the training coordinator for the~~ Ohio child welfare 3483  
training program coordinator; 3484

~~(5)~~ ~~Two employees~~ (E) Employees of public children services 3485  
agencies. 3486

~~(B) All initial appointments required to be made under this~~ 3487  
~~section shall be made no later than thirty days after the~~ 3488  
~~effective date of this section.~~ 3489

~~The representative of an entity contracted with to serve as~~ 3490  
~~the training coordinator shall serve on the committee until the~~ 3491  
~~department of job and family services contracts with a different~~ 3492  
~~entity to serve as the training coordinator.~~ 3493

~~The entity under contract on the effective date of this~~ 3494  
~~section to coordinate training for caseworkers and supervisors in~~ 3495  
~~the state shall be considered the entity that contracts with the~~ 3496  
~~department to serve as the training coordinator for the Ohio child~~ 3497  
~~welfare training program.~~ 3498

Sec. 5103.40. The Ohio child welfare training program 3499  
steering committee shall do all of the following: 3500

(A) Following procedures the committee shall establish, 3501  
adopt, amend, and rescind by-laws as necessary regarding the 3502  
committee's governance, frequency of meetings, and other matters 3503  
concerning the committee's operation; 3504

(B) Conduct strategic planning activities regarding the Ohio 3505  
child welfare training program; 3506

(C) Provide the department of job and family services and 3507  
Ohio child welfare training program coordinator recommendations 3508  
regarding the program's operation; 3509

(D) After reviewing individual training needs assessments 3510  
completed under sections 5153.125 and 5153.126 of the Revised 3511  
Code, consult with the Ohio child welfare training program 3512  
coordinator on the design and content of the training that the 3513  
program provides pursuant to divisions (D) and (E) of section 3514  
5103.30 of the Revised Code; 3515

(E) Review curricula created for the training provided under 3516

section 5103.30 of the Revised Code; 3517

(F) Provide the department recommendations regarding the 3518  
curricula reviewed under division (E) of this section as the 3519  
committee determines necessary for the training to be relevant to 3520  
the needs of the child welfare field; 3521

(G) Evaluate the training and provide the department 3522  
recommendations as the committee determines necessary for the 3523  
training to be able to enable all of the following: 3524

(1) Assessors to satisfy the training requirement of section 3525  
3107.014 of the Revised Code; 3526

(2) Prospective foster caregivers and foster caregivers to 3527  
satisfy the preplacement and continuing training requirements of 3528  
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 3529

(3) PCSA caseworkers to satisfy the training requirements of 3530  
section 5153.122 of the Revised Code; 3531

(4) PCSA caseworker supervisors to satisfy the training 3532  
requirements of section 5153.123 of the Revised Code. 3533

**Sec. ~~5153.71~~ 5103.41.** Prior to the beginning of the fiscal 3534  
biennium that first follows ~~the effective date of this section~~ 3535  
October 5, 2000, the department of job and family services, in 3536  
consultation with the Ohio child welfare training program steering 3537  
committee, shall designate eight training regions in the state. 3538  
The department, at times it selects, shall review the composition 3539  
of the training regions. The committee, at times it selects, shall 3540  
also review the training regions' composition and provide the 3541  
department recommendations on changes. The department may change 3542  
the composition of the training regions as ~~needed~~ the department 3543  
considers necessary. Each training region shall contain only one 3544  
regional training center established and maintained under section 3545  
~~5153.72~~ 5103.42 of the Revised Code. 3546

**Sec. ~~5153.72~~ 5103.42.** Prior to the beginning of the fiscal 3547  
biennium that first follows October 5, 2000, the public children 3548  
services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 3549  
Hamilton, Lucas, and Summit counties shall each establish and 3550  
maintain a regional training center. At any time after the 3551  
beginning of that biennium, the department of job and family 3552  
services, on the recommendation of the Ohio child welfare training 3553  
program steering committee, may direct a public children services 3554  
agency to establish and maintain a training center to replace the 3555  
center established by an agency under this section. There may be 3556  
no more and no less than eight centers in existence at any time. 3557  
The department may make a grant to a public children services 3558  
agency that establishes and maintains a regional training center 3559  
under this section for the purpose of wholly or partially 3560  
subsidizing the operation of the center. The department shall 3561  
specify in the grant all of the center's duties, including the 3562  
duties specified in section 5103.422 of the Revised Code. 3563

**Sec. ~~5153.73~~ 5103.421.** The executive director of each public 3564  
children services agency required to establish and maintain a 3565  
regional training center shall appoint a manager to operate the 3566  
training center in accordance with section ~~5153.74~~ 5103.422 of the 3567  
Revised Code. 3568

**Sec. ~~5153.74~~ 5103.422.** A regional training center's 3569  
responsibilities shall include all of the following: 3570

(A) ~~Secure~~ Securing facilities suitable for conducting the 3571  
training ~~programs and sessions~~ provided under section 5103.30 of 3572  
the Revised Code; 3573

(B) ~~Provide~~ Providing administrative services and ~~pay~~ paying 3574  
all administrative costs related to the conduct of the training 3575  
~~programs and sessions;~~ 3576

(C) ~~Maintain~~ Maintaining a database of the data contained in 3577  
the individual training needs assessments for each PCSA caseworker 3578  
and PCSA caseworker supervisor employed by a public children 3579  
services agency located in the training region served by the 3580  
center; 3581

(D) ~~Assess~~ Analyzing training needs of PCSA caseworkers and 3582  
PCSA caseworker supervisors employed by a public children services 3583  
agency located in the training region served by the center; 3584

(E) ~~Cooperate with~~ Coordinating the ~~entity contracted with~~ 3585  
~~under section 5153.61 of the Revised Code in coordinating~~ training 3586  
~~programs and sessions~~ at the center with the Ohio child welfare 3587  
training program coordinator. 3588

**Sec. 5104.01.** As used in this chapter: 3589

(A) "Administrator" means the person responsible for the 3590  
daily operation of a center or type A home. The administrator and 3591  
the owner may be the same person. 3592

(B) "Approved child day camp" means a child day camp approved 3593  
pursuant to section 5104.22 of the Revised Code. 3594

(C) "Authorized provider" means a person authorized by a 3595  
county director of job and family services to operate a certified 3596  
type B family day-care home. 3597

(D) "Border state child care provider" means a child care 3598  
provider that is located in a state bordering Ohio and that is 3599  
licensed, certified, or otherwise approved by that state to 3600  
provide child care. 3601

(E) "Caretaker parent" means the father or mother of a child 3602  
whose presence in the home is needed as the caretaker of the 3603  
child, a person who has legal custody of a child and whose 3604  
presence in the home is needed as the caretaker of the child, a 3605  
guardian of a child whose presence in the home is needed as the 3606

caretaker of the child, and any other person who stands in loco 3607  
parentis with respect to the child and whose presence in the home 3608  
is needed as the caretaker of the child. 3609

(F) "Certified type B family day-care home" and "certified 3610  
type B home" mean a type B family day-care home that is certified 3611  
by the director of the county department of job and family 3612  
services pursuant to section 5104.11 of the Revised Code to 3613  
receive public funds for providing child care pursuant to this 3614  
chapter and any rules adopted under it. 3615

(G) "Chartered nonpublic school" means a school that meets 3616  
standards for nonpublic schools prescribed by the state board of 3617  
education for nonpublic schools pursuant to section 3301.07 of the 3618  
Revised Code. 3619

(H) "Child" includes an infant, toddler, preschool child, or 3620  
school child. 3621

(I) "Child care block grant act" means the "Child Care and 3622  
Development Block Grant Act of 1990," established in section 5082 3623  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 3624  
1388-236 (1990), 42 U.S.C. 9858, as amended. 3625

(J) "Child day camp" means a program in which only school 3626  
children attend or participate, that operates for no more than 3627  
seven hours per day, that operates only during one or more public 3628  
school district's regular vacation periods or for no more than 3629  
fifteen weeks during the summer, and that operates outdoor 3630  
activities for each child who attends or participates in the 3631  
program for a minimum of fifty per cent of each day that children 3632  
attend or participate in the program, except for any day when 3633  
hazardous weather conditions prevent the program from operating 3634  
outdoor activities for a minimum of fifty per cent of that day. 3635  
For purposes of this division, the maximum seven hours of 3636  
operation time does not include transportation time from a child's 3637

home to a child day camp and from a child day camp to a child's 3638  
home. 3639

(K) "Child care" means administering to the needs of infants, 3640  
toddlers, preschool children, and school children outside of 3641  
school hours by persons other than their parents or guardians, 3642  
custodians, or relatives by blood, marriage, or adoption for any 3643  
part of the twenty-four-hour day in a place or residence other 3644  
than a child's own home. 3645

(L) "Child day-care center" and "center" mean any place in 3646  
which child care or publicly funded child care is provided for 3647  
thirteen or more children at one time or any place that is not the 3648  
permanent residence of the licensee or administrator in which 3649  
child care or publicly funded child care is provided for seven to 3650  
twelve children at one time. In counting children for the purposes 3651  
of this division, any children under six years of age who are 3652  
related to a licensee, administrator, or employee and who are on 3653  
the premises of the center shall be counted. "Child day-care 3654  
center" and "center" do not include any of the following: 3655

(1) A place located in and operated by a hospital, as defined 3656  
in section 3727.01 of the Revised Code, in which the needs of 3657  
children are administered to, if all the children whose needs are 3658  
being administered to are monitored under the on-site supervision 3659  
of a physician licensed under Chapter 4731. of the Revised Code or 3660  
a registered nurse licensed under Chapter 4723. of the Revised 3661  
Code, and the services are provided only for children who, in the 3662  
opinion of the child's parent, guardian, or custodian, are 3663  
exhibiting symptoms of a communicable disease or other illness or 3664  
are injured; 3665

(2) A child day camp; 3666

(3) A place that provides child care, but not publicly funded 3667  
child care, if all of the following apply: 3668



(a) An organized religious body provides the child care;	3669
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	3670 3671 3672
(c) The child care is not provided for more than thirty days a year;	3673 3674
(d) The child care is provided only for preschool and school children.	3675 3676
(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.	3677 3678 3679
(N) "Child care resource and referral services" means all of the following services:	3680 3681
(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;	3682 3683 3684
(2) Provision of individualized consumer education to families seeking child care;	3685 3686
(3) Provision of timely referrals of available child care providers to families seeking child care;	3687 3688
(4) Recruitment of child care providers;	3689
(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;	3690 3691 3692 3693
(6) Collection and analysis of data on the supply of and demand for child care in the community;	3694 3695
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education	3696 3697

programs;	3698
(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;	3699 3700 3701
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	3702 3703
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	3704 3705 3706 3707
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	3708 3709 3710 3711
(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	3712 3713 3714 3715 3716
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	3717 3718 3719 3720
(Q) "Employee" means a person who either:	3721
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	3722 3723
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	3724 3725
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or	3726 3727

type A family day-care home subject to licensure under this 3728  
chapter. 3729

(S) "Federal poverty line" means the official poverty 3730  
guideline as revised annually in accordance with section 673(2) of 3731  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 3732  
U.S.C. 9902, as amended, for a family size equal to the size of 3733  
the family of the person whose income is being determined. 3734

(T) "Head start program" means a comprehensive child 3735  
development program that receives funds distributed under the 3736  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 3737  
amended, and is licensed as a child day-care center. 3738

(U) "Income" means gross income, as defined in section 3739  
5107.10 of the Revised Code, less any amounts required by federal 3740  
statutes or regulations to be disregarded. 3741

(V) "Indicator checklist" means an inspection tool, used in 3742  
conjunction with an instrument-based program monitoring 3743  
information system, that contains selected licensing requirements 3744  
that are statistically reliable indicators or predictors of a 3745  
child day-care center or type A family day-care home's compliance 3746  
with licensing requirements. 3747

(W) "Infant" means a child who is less than eighteen months 3748  
of age. 3749

(X) "In-home aide" means a person who does not reside with 3750  
the child but provides care in the child's home and is certified 3751  
by a county director of job and family services pursuant to 3752  
section 5104.12 of the Revised Code to provide publicly funded 3753  
child care to a child in a child's own home pursuant to this 3754  
chapter and any rules adopted under it. 3755

(Y) "Instrument-based program monitoring information system" 3756  
means a method to assess compliance with licensing requirements 3757

for child day-care centers and type A family day-care homes in 3758  
which each licensing requirement is assigned a weight indicative 3759  
of the relative importance of the requirement to the health, 3760  
growth, and safety of the children that is used to develop an 3761  
indicator checklist. 3762

(Z) "License capacity" means the maximum number in each age 3763  
category of children who may be cared for in a child day-care 3764  
center or type A family day-care home at one time as determined by 3765  
the director of job and family services considering building 3766  
occupancy limits established by the department of commerce, number 3767  
of available child-care staff members, amount of available indoor 3768  
floor space and outdoor play space, and amount of available play 3769  
equipment, materials, and supplies. 3770

(AA) "Licensed preschool program" or "licensed school child 3771  
program" means a preschool program or school child program, as 3772  
defined in section 3301.52 of the Revised Code, that is licensed 3773  
by the department of education pursuant to sections 3301.52 to 3774  
3301.59 of the Revised Code. 3775

(BB) "Licensee" means the owner of a child day-care center or 3776  
type A family day-care home that is licensed pursuant to this 3777  
chapter and who is responsible for ensuring its compliance with 3778  
this chapter and rules adopted pursuant to this chapter. 3779

(CC) "Operate a child day camp" means to operate, establish, 3780  
manage, conduct, or maintain a child day camp. 3781

(DD) "Owner" includes a person, as defined in section 1.59 of 3782  
the Revised Code, or government entity. 3783

(EE) "Parent cooperative child day-care center," "parent 3784  
cooperative center," "parent cooperative type A family day-care 3785  
home," and "parent cooperative type A home" mean a corporation or 3786  
association organized for providing educational services to the 3787  
children of members of the corporation or association, without 3788

gain to the corporation or association as an entity, in which the 3789  
services of the corporation or association are provided only to 3790  
children of the members of the corporation or association, 3791  
ownership and control of the corporation or association rests 3792  
solely with the members of the corporation or association, and at 3793  
least one parent-member of the corporation or association is on 3794  
the premises of the center or type A home during its hours of 3795  
operation. 3796

(FF) "Part-time child day-care center," "part-time center," 3797  
"part-time type A family day-care home," and "part-time type A 3798  
home" mean a center or type A home that provides child care or 3799  
publicly funded child care for no more than four hours a day for 3800  
any child. 3801

(GG) "Place of worship" means a building where activities of 3802  
an organized religious group are conducted and includes the 3803  
grounds and any other buildings on the grounds used for such 3804  
activities. 3805

(HH) "Preschool child" means a child who is three years old 3806  
or older but is not a school child. 3807

(II) "Protective child care" means publicly funded child care 3808  
for the direct care and protection of a child to whom either of 3809  
the following applies: 3810

(1) A case plan prepared and maintained for the child 3811  
pursuant to section 2151.412 of the Revised Code indicates a need 3812  
for protective care and the child resides with a parent, 3813  
stepparent, guardian, or another person who stands in loco 3814  
parentis as defined in rules adopted under section 5104.38 of the 3815  
Revised Code; 3816

(2) The child and the child's caretaker either temporarily 3817  
reside in a facility providing emergency shelter for homeless 3818  
families or are determined by the county department of job and 3819

family services to be homeless, and are otherwise ineligible for 3820  
publicly funded child care. 3821

(JJ) "Publicly funded child care" means administering to the 3822  
needs of infants, toddlers, preschool children, and school 3823  
children under age thirteen during any part of the 3824  
twenty-four-hour day by persons other than their caretaker parents 3825  
for remuneration wholly or in part with federal or state funds, 3826  
including funds available under the child care block grant act, 3827  
Title IV-A, and Title XX, distributed by the department of job and 3828  
family services. 3829

(KK) "Religious activities" means any of the following: 3830  
worship or other religious services; religious instruction; Sunday 3831  
school classes or other religious classes conducted during or 3832  
prior to worship or other religious services; youth or adult 3833  
fellowship activities; choir or other musical group practices or 3834  
programs; meals; festivals; or meetings conducted by an organized 3835  
religious group. 3836

(LL) "School child" means a child who is enrolled in or is 3837  
eligible to be enrolled in a grade of kindergarten or above but is 3838  
less than fifteen years old. 3839

(MM) "School child day-care center," "school child center," 3840  
"school child type A family day-care home," and "school child type 3841  
A family home" mean a center or type A home that provides child 3842  
care for school children only and that does either or both of the 3843  
following: 3844

(1) Operates only during that part of the day that 3845  
immediately precedes or follows the public school day of the 3846  
school district in which the center or type A home is located; 3847

(2) Operates only when the public schools in the school 3848  
district in which the center or type A home is located are not 3849  
open for instruction with pupils in attendance. 3850

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

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

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

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

(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.

(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~~ 3882  
~~needs of children are administered to, if all of the children~~ 3883  
~~whose needs are being administered to are siblings of the same~~ 3884  
~~immediate family and the residence is the home of the siblings.~~ 3885  
"Type B family day-care home" and "type B home" do not include any 3886  
child day camp. 3887

**Sec. 5104.11.** (A)(1) Every person desiring to receive 3888  
certification for a type B family day-care home to provide 3889  
publicly funded child care shall apply for certification to the 3890  
county director of job and family services on such forms as the 3891  
director of job and family services prescribes. The county 3892  
director shall provide at no charge to each applicant a copy of 3893  
rules for certifying type B family day-care homes adopted pursuant 3894  
to this chapter. 3895

(2) Except as provided in division (G)(1) of section 5104.011 3896  
of the Revised Code, after receipt of an application for 3897  
certification from a type B family day-care home, the county 3898  
director of job and family services shall inspect the home. If it 3899  
complies with this chapter and any applicable rules adopted under 3900  
this chapter, the county department shall certify the type B 3901  
family day-care home to provide publicly funded child care 3902  
pursuant to this chapter and any rules adopted under it. The 3903  
director of job and family services or a county director of job 3904  
and family services may contract with a government entity or a 3905  
private nonprofit entity for that entity to inspect and certify 3906  
type B family day-care homes pursuant to this section. The county 3907  
department of job and family services, government entity, or 3908  
nonprofit entity shall conduct the inspection prior to the 3909  
issuance of a certificate for the type B home and, as part of that 3910  
inspection, ensure that the type B home is safe and sanitary. 3911

(3)(a) On receipt of an application for certification for a 3912



type B family day-care home to provide publicly funded child care 3913  
or for renewal of such certification, the county department shall 3914  
request from ~~the public children services agency~~ both of the 3915  
following information concerning any abuse or neglect report made 3916  
pursuant to section 2151.421 of the Revised Code of which the 3917  
applicant, any other adult residing in the applicant's home, or a 3918  
person designated by the applicant to be an emergency or 3919  
substitute caregiver for the applicant is the subject. ~~The:~~ 3920

(i) The public children services agency, until the county 3921  
department is notified by the department of job and family 3922  
services that the uniform statewide automated child welfare 3923  
information system has been finalized statewide; 3924

(ii) Upon receipt of notification under division (D) of 3925  
section 5101.13 of the Revised Code that the uniform statewide 3926  
automated child welfare information system has been implemented 3927  
statewide, the uniform statewide automated child welfare 3928  
information system via the department. 3929

(b) The county department shall consider any information 3930  
provided by the agency or the department pursuant to section 3931  
5153.175 of the Revised Code. If the county department determines 3932  
that the information, when viewed within the totality of the 3933  
circumstances, reasonably leads to the conclusion that the 3934  
applicant may directly or indirectly endanger the health, safety, 3935  
or welfare of children, the county department shall deny the 3936  
application for certification or renewal of certification, or 3937  
revoke the certification of an authorized provider. 3938

(c) As used in division (A)(3) of this section, "public 3939  
children services agency" means either an entity separate from the 3940  
county department or the part of the county department that serves 3941  
as the county's public children services agency, as appropriate. 3942

(4) Except as provided in division (A)(5) of this section, an 3943

authorized provider of a type B family day-care home that receives 3944  
a certificate pursuant to this section to provide publicly funded 3945  
child care is an independent contractor and is not an employee of 3946  
the county department of job and family services that issues the 3947  
certificate. 3948

(5) For purposes of Chapter 4141. of the Revised Code, 3949  
determinations concerning the employment of an authorized provider 3950  
of a type B family day-care home that receives a certificate 3951  
pursuant to this section shall be determined under Chapter 4141. 3952  
of the Revised Code. 3953

(B) If the county director of job and family services 3954  
determines that the type B family day-care home complies with this 3955  
chapter and any rules adopted under it, the county director shall 3956  
issue to the provider a certificate to provide publicly funded 3957  
child care, which certificate is valid for twelve months, unless 3958  
revoked earlier. The county director may revoke the certificate 3959  
after determining that revocation is necessary. The authorized 3960  
provider shall post the certificate in a conspicuous place in the 3961  
certified type B home that is accessible to parents, custodians, 3962  
or guardians at all times. The certificate shall state the name 3963  
and address of the authorized provider, the maximum number of 3964  
children who may be cared for at any one time in the certified 3965  
type B home, the expiration date of the certification, and the 3966  
name and telephone number of the county director who issued the 3967  
certificate. 3968

(C)(1) The county director shall inspect every certified type 3969  
B family day-care home at least twice within each twelve-month 3970  
period of the operation of the certified type B home. A minimum of 3971  
one inspection shall be unannounced and all inspections may be 3972  
unannounced. Upon receipt of a complaint, the county director 3973  
shall investigate the certified type B home, and division (C)(2) 3974  
of this section applies regarding the complaint. The authorized 3975

provider shall permit the county director to inspect any part of 3976  
the certified type B home. The county director shall prepare a 3977  
written inspection report and furnish one copy to the authorized 3978  
provider within a reasonable time after the inspection. 3979

(2) Upon receipt of a complaint as described in division 3980  
(C)(1) of this section, in addition to the investigation that is 3981  
required under that division, both of the following apply: 3982

(a) If the complaint alleges that a child suffered physical 3983  
harm while receiving child care at the certified type B family 3984  
day-care home or that the noncompliance with law or act alleged in 3985  
the complaint involved, resulted in, or poses a substantial risk 3986  
of physical harm to a child receiving child care at the home, the 3987  
county director shall inspect the home. 3988

(b) If division (C)(2)(a) of this section does not apply 3989  
regarding the complaint, the county director may inspect the 3990  
certified type B family day-care home. 3991

(3) Division (C)(2) of this section does not limit, restrict, 3992  
or negate any duty of the county director to inspect a certified 3993  
type B family day-care home that otherwise is imposed under this 3994  
section, or any authority of the county director to inspect a home 3995  
that otherwise is granted under this section when the county 3996  
director believes the inspection is necessary and it is permitted 3997  
under the grant. 3998

(D) The county director of job and family services, in 3999  
accordance with rules adopted pursuant to section 5104.052 of the 4000  
Revised Code regarding fire safety and fire prevention, shall 4001  
inspect each type B home that applies to be certified that is 4002  
providing or is to provide publicly funded child care. 4003

(E) All materials that are supplied by the department of job 4004  
and family services to type A family day-care home providers, type 4005  
B family day-care home providers, in-home aides, persons who 4006

desire to be type A family day-care home providers, type B family  
day-care home providers, or in-home aides, and caretaker parents  
shall be written at no higher than the sixth grade reading level.  
The department may employ a readability expert to verify its  
compliance with this division.

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

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

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

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

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

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

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

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

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

(B) Publicly funded child day-care may be provided in a 4036  
child's own home only by an in-home aide. 4037

**Sec. 5153.01.** (A) As used in the Revised Code, "public 4038  
children services agency" means an entity specified in section 4039  
5153.02 of the Revised Code that has assumed the powers and duties 4040  
of the children services function prescribed by this chapter for a 4041  
county. 4042

(B) As used in this chapter: 4043

(1) "Certified foster home" means a foster home, as defined 4044  
in section 5103.02 of the Revised Code, certified under section 4045  
5103.03 of the Revised Code. 4046

(2) "Certified organization" means any organization holding a 4047  
certificate issued pursuant to section 5103.03 of the Revised Code 4048  
that is in full force and effect. 4049

(3) "Child" means any person under eighteen years of age or a 4050  
mentally or physically handicapped person, as defined by rule 4051  
adopted by the director of job and family services, under 4052  
twenty-one years of age. 4053

(4) "Executive director" means the person charged with the 4054  
responsibility of administering the powers and duties of a public 4055  
children services agency appointed pursuant to section 5153.10 of 4056  
the Revised Code. 4057

(5) "Organization" means any public, semipublic, or private 4058  
institution, including maternity homes and day nurseries, and any 4059  
private association, society, or agency, located or operating in 4060  
this state, incorporated or unincorporated, having among its 4061  
functions the furnishing of protective services or care for 4062  
children or the placement of children in certified foster homes or 4063  
elsewhere. 4064

(6) "PCSA caseworker" means an individual employed by a 4065

public children services agency as a caseworker. 4066

(7) "PCSA caseworker supervisor" means an individual employed 4067  
by a public children services agency to supervise PCSA 4068  
caseworkers. 4069

**Sec. 5153.111.** (A)(1) The executive director of a public 4070  
children services agency shall request the superintendent of the 4071  
bureau of criminal identification and investigation to conduct a 4072  
criminal records check with respect to any applicant who has 4073  
applied to the agency for employment as a person responsible for 4074  
the care, custody, or control of a child. If the applicant does 4075  
not present proof that the applicant has been a resident of this 4076  
state for the five-year period immediately prior to the date upon 4077  
which the criminal records check is requested or does not provide 4078  
evidence that within that five-year period the superintendent has 4079  
requested information about the applicant from the federal bureau 4080  
of investigation in a criminal records check, the executive 4081  
director shall request that the superintendent obtain information 4082  
from the federal bureau of investigation as a part of the criminal 4083  
records check for the applicant. If the applicant presents proof 4084  
that the applicant has been a resident of this state for that 4085  
five-year period, the executive director may request that the 4086  
superintendent include information from the federal bureau of 4087  
investigation in the criminal records check. 4088

(2) Any person required by division (A)(1) of this section to 4089  
request a criminal records check shall provide to each applicant a 4090  
copy of the form prescribed pursuant to division (C)(1) of section 4091  
109.572 of the Revised Code, provide to each applicant a standard 4092  
impression sheet to obtain fingerprint impressions prescribed 4093  
pursuant to division (C)(2) of section 109.572 of the Revised 4094  
Code, obtain the completed form and impression sheet from each 4095  
applicant, and forward the completed form and impression sheet to 4096

the superintendent of the bureau of criminal identification and 4097  
investigation at the time the person requests a criminal records 4098  
check pursuant to division (A)(1) of this section. 4099

(3) Any applicant who receives pursuant to division (A)(2) of 4100  
this section a copy of the form prescribed pursuant to division 4101  
(C)(1) of section 109.572 of the Revised Code and a copy of an 4102  
impression sheet prescribed pursuant to division (C)(2) of that 4103  
section and who is requested to complete the form and provide a 4104  
set of fingerprint impressions shall complete the form or provide 4105  
all the information necessary to complete the form and shall 4106  
provide the impression sheet with the impressions of the 4107  
applicant's fingerprints. If an applicant, upon request, fails to 4108  
provide the information necessary to complete the form or fails to 4109  
provide impressions of the applicant's fingerprints, that agency 4110  
shall not employ that applicant for any position for which a 4111  
criminal records check is required by division (A)(1) of this 4112  
section. 4113

(B)(1) Except as provided in rules adopted by the director of 4114  
job and family services in accordance with division (E) of this 4115  
section, no public children services agency shall employ a person 4116  
as a person responsible for the care, custody, or control of a 4117  
child if the person previously has been convicted of or pleaded 4118  
guilty to any of the following: 4119

(a) A violation of section 2903.01, 2903.02, 2903.03, 4120  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4121  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4122  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4123  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 4124  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 4125  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 4126  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 4127  
violation of section 2905.04 of the Revised Code as it existed 4128

prior to July 1, 1996, a violation of section 2919.23 of the 4129  
Revised Code that would have been a violation of section 2905.04 4130  
of the Revised Code as it existed prior to July 1, 1996, had the 4131  
violation occurred prior to that date, a violation of section 4132  
2925.11 of the Revised Code that is not a minor drug possession 4133  
offense, or felonious sexual penetration in violation of former 4134  
section 2907.12 of the Revised Code; 4135

(b) A violation of an existing or former law of this state, 4136  
any other state, or the United States that is substantially 4137  
equivalent to any of the offenses or violations described in 4138  
division (B)(1)(a) of this section. 4139

(2) A public children services agency may employ an applicant 4140  
conditionally until the criminal records check required by this 4141  
section is completed and the agency receives the results of the 4142  
criminal records check. If the results of the criminal records 4143  
check indicate that, pursuant to division (B)(1) of this section, 4144  
the applicant does not qualify for employment, the agency shall 4145  
release the applicant from employment. 4146

(C)(1) Each public children services agency shall pay to the 4147  
bureau of criminal identification and investigation the fee 4148  
prescribed pursuant to division (C)(3) of section 109.572 of the 4149  
Revised Code for each criminal records check conducted in 4150  
accordance with that section upon the request pursuant to division 4151  
(A)(1) of this section of the executive director of the agency. 4152

(2) A public children services agency may charge an applicant 4153  
a fee for the costs it incurs in obtaining a criminal records 4154  
check under this section. A fee charged under this division shall 4155  
not exceed the amount of fees the agency pays under division 4156  
(C)(1) of this section. If a fee is charged under this division, 4157  
the agency shall notify the applicant at the time of the 4158  
applicant's initial application for employment of the amount of 4159  
the fee and that, unless the fee is paid, the agency will not 4160



consider the applicant for employment. 4161

(D) The report of any criminal records check conducted by the 4162  
bureau of criminal identification and investigation in accordance 4163  
with section 109.572 of the Revised Code and pursuant to a request 4164  
under division (A)(1) of this section is not a public record for 4165  
the purposes of section 149.43 of the Revised Code and shall not 4166  
be made available to any person other than the applicant who is 4167  
the subject of the criminal records check or the applicant's 4168  
representative, the public children services agency requesting the 4169  
criminal records check or its representative, and any court, 4170  
hearing officer, or other necessary individual involved in a case 4171  
dealing with the denial of employment to the applicant. 4172

(E) The director of job and family services shall adopt rules 4173  
pursuant to Chapter 119. of the Revised Code to implement this 4174  
section, including rules specifying circumstances under which a 4175  
public children services agency may hire a person who has been 4176  
convicted of an offense listed in division (B)(1) of this section 4177  
but who meets standards in regard to rehabilitation set by the 4178  
department. 4179

(F) Any person required by division (A)(1) of this section to 4180  
request a criminal records check shall inform each person, at the 4181  
time of the person's initial application for employment, that the 4182  
person is required to provide a set of impressions of the person's 4183  
fingerprints and that a criminal records check is required to be 4184  
conducted and satisfactorily completed in accordance with section 4185  
109.572 of the Revised Code if the person comes under final 4186  
consideration for appointment or employment as a precondition to 4187  
employment for that position. 4188

(G) As used in this section: 4189

(1) "Applicant" means a person who is under final 4190  
consideration for appointment or employment in a position with the 4191

agency as a person responsible for the care, custody, or control  
of a child.

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

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

**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.

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.

~~(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 4254  
during the supervisor's first year of employment or part of the 4255  
thirty hours of training required during the second year of 4256  
employment. 4257

**Sec. 5153.124.** (A) The director of job and family services 4258  
shall adopt rules as necessary to implement the training 4259  
requirements of sections 5153.122 and 5153.123 of the Revised 4260  
Code. 4261

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 4262  
5153.122 to 5153.127 of the Revised Code, the department of job 4263  
and family services may require additional training for PCSA 4264  
caseworkers and PCSA caseworker supervisors as necessary to comply 4265  
with federal requirements. 4266

**Sec. 5153.75 5153.125.** Each PCSA caseworker supervisor 4267  
~~employed by a public children services agency that supervises the~~ 4268  
~~work of a caseworker employed by the agency~~ shall work with the 4269  
each PCSA caseworker the supervisor supervises to determine the 4270  
caseworker's training needs in accordance with, and ensure the 4271  
caseworker's compliance with, the training requirements of section 4272  
5153.122 of the Revised Code. Once every two years, each PCSA 4273  
caseworker and the caseworker's supervisor shall jointly complete 4274  
~~an the caseworker's individual training needs assessment form~~ 4275  
created under section ~~5153.65~~ 5103.37 of the Revised Code ~~for each~~ 4276  
caseworker. 4277

**Sec. 5153.76 5153.126.** The executive director of each public 4278  
children services agency or a person designated by the executive 4279  
director shall work with each PCSA caseworker supervisor employed 4280  
by the agency to determine the supervisor's training needs in 4281  
accordance with, and ensure the supervisor's compliance with, the 4282

training requirements of section ~~5153.122~~ 5153.123 of the Revised 4283  
Code. Once every two years, each PCSA caseworker supervisor and 4284  
the executive director of the public children services agency 4285  
employing the supervisor, or ~~designated the person designated by~~ 4286  
the executive director, shall jointly complete ~~an~~ the supervisor's 4287  
individual training needs assessment ~~form~~ created under section 4288  
~~5153.65~~ 5103.37 of the Revised Code ~~for each supervisor.~~ 4289

**Sec. ~~5153.77~~ 5153.127.** The executive director of each public 4290  
children services agency or a person designated by the executive 4291  
director shall collect and maintain the data from individual 4292  
training needs ~~assessment forms~~ assessments completed under 4293  
sections ~~5153.75~~ 5153.125 and ~~5153.76~~ 5153.126 of the Revised Code 4294  
for each PCSA caseworker and PCSA caseworker supervisor ~~and case~~ 4295  
~~worker~~ employed by the agency. The executive director or 4296  
designated person shall compile and forward the data collected 4297  
from the completed ~~assessment forms~~ assessments to the regional 4298  
training center ~~located in~~ established under section 5103.42 of 4299  
the Revised Code for the ~~same~~ training region ~~as~~ the agency is 4300  
located in. 4301

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of 4302  
the Revised Code, in accordance with rules ~~of the department of~~ 4303  
~~job and family services~~ adopted under section 5153.166 of the 4304  
Revised Code, and on behalf of children in the county whom the 4305  
public children services agency considers to be in need of public 4306  
care or protective services, the public children services agency 4307  
shall do all of the following: 4308

(1) Make an investigation concerning any child alleged to be 4309  
an abused, neglected, or dependent child; 4310

(2) Enter into agreements with the parent, guardian, or other 4311  
person having legal custody of any child, or with the department 4312

of job and family services, department of mental health, 4313  
department of mental retardation and developmental disabilities, 4314  
other department, any certified organization within or outside the 4315  
county, or any agency or institution outside the state, having 4316  
legal custody of any child, with respect to the custody, care, or 4317  
placement of any child, or with respect to any matter, in the 4318  
interests of the child, provided the permanent custody of a child 4319  
shall not be transferred by a parent to the public children 4320  
services agency without the consent of the juvenile court; 4321

(3) Accept custody of children committed to the public 4322  
children services agency by a court exercising juvenile 4323  
jurisdiction; 4324

(4) Provide such care as the public children services agency 4325  
considers to be in the best interests of any child adjudicated to 4326  
be an abused, neglected, or dependent child the agency finds to be 4327  
in need of public care or service; 4328

(5) Provide social services to any unmarried girl adjudicated 4329  
to be an abused, neglected, or dependent child who is pregnant 4330  
with or has been delivered of a child; 4331

(6) Make available to the bureau for children with medical 4332  
handicaps of the department of health at its request any 4333  
information concerning a crippled child found to be in need of 4334  
treatment under sections 3701.021 to 3701.028 of the Revised Code 4335  
who is receiving services from the public children services 4336  
agency; 4337

(7) Provide temporary emergency care for any child considered 4338  
by the public children services agency to be in need of such care, 4339  
without agreement or commitment; 4340

(8) Find certified foster homes, within or outside the 4341  
county, for the care of children, including handicapped children 4342  
from other counties attending special schools in the county; 4343

(9) Subject to the approval of the board of county 4344  
commissioners and the state department of job and family services, 4345  
establish and operate a training school or enter into an agreement 4346  
with any municipal corporation or other political subdivision of 4347  
the county respecting the operation, acquisition, or maintenance 4348  
of any children's home, training school, or other institution for 4349  
the care of children maintained by such municipal corporation or 4350  
political subdivision; 4351

(10) Acquire and operate a county children's home, establish, 4352  
maintain, and operate a receiving home for the temporary care of 4353  
children, or procure certified foster homes for this purpose; 4354

(11) Enter into an agreement with the trustees of any 4355  
district children's home, respecting the operation of the district 4356  
children's home in cooperation with the other county boards in the 4357  
district; 4358

(12) Cooperate with, make its services available to, and act 4359  
as the agent of persons, courts, the department of job and family 4360  
services, the department of health, and other organizations within 4361  
and outside the state, in matters relating to the welfare of 4362  
children, except that the public children services agency shall 4363  
not be required to provide supervision of or other services 4364  
related to the exercise of parenting time rights granted pursuant 4365  
to section 3109.051 or 3109.12 of the Revised Code or 4366  
companionship or visitation rights granted pursuant to section 4367  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 4368  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 4369  
a common pleas court, pursuant to division (E)(6) of section 4370  
3113.31 of the Revised Code, requires the provision of supervision 4371  
or other services related to the exercise of the parenting time 4372  
rights or companionship or visitation rights; 4373

(13) Make investigations at the request of any superintendent 4374

of schools in the county or the principal of any school concerning 4375  
the application of any child adjudicated to be an abused, 4376  
neglected, or dependent child for release from school, where such 4377  
service is not provided through a school attendance department; 4378

(14) Administer funds provided under Title IV-E of the 4379  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 4380  
amended, in accordance with rules adopted under section 5101.141 4381  
of the Revised Code; 4382

(15) In addition to administering Title IV-E adoption 4383  
assistance funds, enter into agreements to make adoption 4384  
assistance payments under section 5153.163 of the Revised Code; 4385

(16) Implement a system of safety and risk assessment, in 4386  
accordance with rules adopted by the director of job and family 4387  
services, to assist the public children services agency in 4388  
determining the risk of abuse or neglect to a child; 4389

(17) Enter into a plan of cooperation with the board of 4390  
county commissioners under section 307.983 of the Revised Code and 4391  
comply with each fiscal agreement the board enters into under 4392  
section 307.98 of the Revised Code that include family services 4393  
duties of public children services agencies and contracts the 4394  
board enters into under sections 307.981 and 307.982 of the 4395  
Revised Code that affect the public children services agency; 4396

(18) Make reasonable efforts to prevent the removal of an 4397  
alleged or adjudicated abused, neglected, or dependent child from 4398  
the child's home, eliminate the continued removal of the child 4399  
from the child's home, or make it possible for the child to return 4400  
home safely, except that reasonable efforts of that nature are not 4401  
required when a court has made a determination under division 4402  
(A)(2) of section 2151.419 of the Revised Code; 4403

(19) Make reasonable efforts to place the child in a timely 4404  
manner in accordance with the permanency plan approved under 4405



division (E) of section 2151.417 of the Revised Code and to 4406  
complete whatever steps are necessary to finalize the permanent 4407  
placement of the child; 4408

(20) Administer a Title IV-A program identified under 4409  
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 4410  
that the department of job and family services provides for the 4411  
public children services agency to administer under the 4412  
department's supervision pursuant to section 5101.801 of the 4413  
Revised Code; 4414

(21) Administer the kinship permanency incentive program 4415  
created under section 5101.802 of the Revised Code under the 4416  
supervision of the director of job and family services; 4417

(22) Provide independent living services pursuant to sections 4418  
2151.81 to 2151.84 of the Revised Code. 4419

(B) The public children services agency shall use the system 4420  
implemented pursuant to division ~~(B)~~(A)(16) of this section in 4421  
connection with an investigation undertaken pursuant to division 4422  
(F)(1) of section 2151.421 of the Revised Code ~~and may use the~~ 4423  
~~system at any other time the agency is involved with any child~~ 4424  
~~when the agency determines that risk assessment is necessary to~~ 4425  
assess both of the following: 4426

(1) The ongoing safety of the child; 4427

(2) The appropriateness of the intensity and duration of the 4428  
services provided to meet child and family needs throughout the 4429  
duration of a case. 4430

(C) Except as provided in section 2151.422 of the Revised 4431  
Code, in accordance with rules of the director of job and family 4432  
services, and on behalf of children in the county whom the public 4433  
children services agency considers to be in need of public care or 4434  
protective services, the public children services agency may do 4435

the following: 4436

(1) Provide or find, with other child serving systems, 4437  
specialized foster care for the care of children in a specialized 4438  
foster home, as defined in section 5103.02 of the Revised Code, 4439  
certified under section 5103.03 of the Revised Code; 4440

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 4441  
this section, contract with the following for the purpose of 4442  
assisting the agency with its duties: 4443

(i) County departments of job and family services; 4444

(ii) Boards of alcohol, drug addiction, and mental health 4445  
services; 4446

(iii) County boards of mental retardation and developmental 4447  
disabilities; 4448

(iv) Regional councils of political subdivisions established 4449  
under Chapter 167. of the Revised Code; 4450

(v) Private and government providers of services; 4451

(vi) Managed care organizations and prepaid health plans. 4452

(b) A public children services agency contract under division 4453  
(C)(2)(a) of this section regarding the agency's duties under 4454  
section 2151.421 of the Revised Code may not provide for the 4455  
entity under contract with the agency to perform any service not 4456  
authorized by the department's rules. 4457

(c) Only a county children services board appointed under 4458  
section 5153.03 of the Revised Code that is a public children 4459  
services agency may contract under division (C)(2)(a) of this 4460  
section. If an entity specified in division (B) or (C) of section 4461  
5153.02 of the Revised Code is the public children services agency 4462  
for a county, the board of county commissioners may enter into 4463  
contracts pursuant to section 307.982 of the Revised Code 4464  
regarding the agency's duties. 4465

**Sec. 5153.166.** In addition to other rules specifically 4466  
authorized by the Revised Code, the director of job and family 4467  
services may adopt rules governing public children services 4468  
agencies' performance of their family services duties, including 4469  
the family services duties that public children services agencies 4470  
have under sections 5153.16 to 5153.19 of the Revised Code. 4471

**Sec. 5153.17.** The public children services agency shall 4472  
prepare and keep written records of investigations of families, 4473  
children, and foster homes, and of the care, training, and 4474  
treatment afforded children, and shall prepare and keep such other 4475  
records as are required by the department of job and family 4476  
services. Such records shall be confidential, but, except as 4477  
provided by division (B) of section 3107.17 of the Revised Code, 4478  
shall be open to inspection by the agency, the director of job and 4479  
family services, and the director of the county department of job 4480  
and family services, and by other persons, upon the written 4481  
permission of the executive ~~secretary~~ director. 4482

**Section 2.** That existing sections 109.57, 109.572, 109.60, 4483  
1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 4484  
2151.421, 3107.014, 3107.015, 3107.016, 3107.17, 3109.16, 3109.17, 4485  
5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 4486  
5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 4487  
5103.0312, 5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 4488  
5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 4489  
5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 4490  
5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 4491  
5153.77, and 5153.78 and sections 5103.037, 5153.68, and 5153.69 4492  
of the Revised Code are hereby repealed. 4493

**Section 3.** The Department of Job and Family Services shall 4494

develop, implement, oversee, and evaluate, on a pilot basis, an 4495  
"Alternative Response" approach to reports of child abuse, 4496  
neglect, and dependency. The pilot program shall be implemented in 4497  
not more than ten counties that are selected by the Department and 4498  
that agree to participate in the pilot program. 4499

The pilot program shall last eighteen months, not including 4500  
time expended in preparation for the implementation of the pilot 4501  
program and any post-pilot program evaluation activity. 4502

The Department shall assure that the Alternative Response 4503  
pilot is independently evaluated with respect to outcomes for 4504  
children and families, costs, worker satisfaction, and any other 4505  
criteria the Department determines will be useful in the 4506  
consideration of statewide implementation of an Alternative 4507  
Response approach to child protection. The measure associated with 4508  
the eighteen-month pilot program shall, for the purposes of the 4509  
evaluation, be compared with those same measures in the pilot 4510  
counties during the eighteen-month period immediately preceding 4511  
the beginning of the pilot-program period. 4512

The Department may adopt rules in accordance with section 4513  
111.15 of the Revised Code, as if they were internal management 4514  
rules, as necessary to carry out the purposes of this section. 4515

**Section 4.** The General Assembly hereby respectfully requests 4516  
that the Supreme Court adopt rules regarding the standards, 4517  
qualifications, and service of guardians ad litem. 4518

**Section 5.** Not later than September 30, 2006, the Director of 4519  
Job and Family Services shall adopt rules as necessary for the 4520  
state to comply with 42 U.S.C. 607(i)(2). If necessary to bring 4521  
the state into compliance with 42 U.S.C. 607(i)(2), the rules may 4522  
deviate from Chapter 5107. of the Revised Code. Rules adopted 4523  
under this section that govern financial and other administrative 4524

requirements applicable to the Department of Job and Family 4525  
Services and county departments of job and family services shall 4526  
be adopted in accordance with section 111.15 of the Revised Code 4527  
as if they were internal management rules. All other rules adopted 4528  
under this section shall be adopted in accordance with Chapter 4529  
119. of the Revised Code. 4530

The Director shall prepare a report that contains 4531  
recommendations for codifying in the Revised Code the substance of 4532  
the rules adopted under this section. The Director shall submit 4533  
the report not later than January 1, 2007, to the Governor, the 4534  
Director of Budget and Management, the Speaker and Minority Leader 4535  
of the House of Representatives, and the President and Minority 4536  
Leader of the Senate. 4537

**Section 6.** Section 2151.011 of the Revised Code is presented 4538  
in this act as a composite of the section as amended by both Am. 4539  
Sub. H.B. 11 and Am. Sub. H.B. 106 of the 125th General Assembly. 4540  
Section 2151.421 of the Revised Code is presented in this act as a 4541  
composite of the section as amended by both Sub. S.B. 66 and Sub. 4542  
S.B. 185 of the 125th General Assembly. The General Assembly, 4543  
applying the principle stated in division (B) of section 1.52 of 4544  
the Revised Code that amendments are to be harmonized if 4545  
reasonably capable of simultaneous operation, finds that the 4546  
composites are the resulting version of the sections in effect 4547  
prior to the effective dates of the sections as presented in this 4548  
act. 4549