

As Passed by the Senate

**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.**

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A B I L L

To amend sections 109.57, 109.572, 109.60, 1347.08, 1
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2
2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3
3107.032, 3107.17, 3109.16, 3109.17, 5101.141, 4
5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5
5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 6
5103.039, 5103.0311, 5103.0312, 5103.0313, 7
5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 8
5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 9
5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 10
5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 11
5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 12
5153.77, and 5153.78; to amend, for the purpose of 13
adopting new section numbers as indicated in 14
parentheses, sections 5153.60 (5103.30), 5153.61 15
(5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 16
5153.64 (5103.363), 5153.65 (5103.37), 5153.66 17
(5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 18
5153.71 (5103.41), 5153.72 (5103.42), 5153.73 19
(5103.421), 5153.74 (5103.422), 5153.75 20
(5153.125), 5153.76 (5153.126), 5153.77 21
(5153.127), and 5153.78 (5103.32); to enact 22
sections 2151.423, 5101.13, 5101.131, 5101.132, 23

5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 24
5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 25
5153.123, 5153.124, and 5153.166; and to repeal 26
sections 5103.037, 5153.68, and 5153.69 of the 27
Revised Code to revise the law governing child 28
welfare and other laws regarding the Department of 29
Job and Family Services. 30

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

Section 1. That sections 109.57, 109.572, 109.60, 1347.08, 31
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 32
3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 3107.17, 33
3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 34
5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 35
5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 36
5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 37
5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 38
5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 39
5153.75, 5153.76, 5153.77, and 5153.78 be amended; sections 40
5153.60 (5103.30), 5153.61 (5103.35), 5153.62 (5103.36), 5153.63 41
(5103.362), 5153.64 (5103.363), 5153.65 (5103.37), 5153.66 42
(5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 5153.71 43
(5103.41), 5153.72 (5103.42), 5153.73 (5103.421), 5153.74 44
(5103.422), 5153.75 (5153.125), 5153.76 (5153.126), 5153.77 45
(5153.127), and 5153.78 (5103.32) be amended for the purpose of 46
adopting new section numbers as indicated in parentheses; and 47
sections 2151.423, 5101.13, 5101.131, 5101.132, 5101.133, 48
5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 5103.33, 5103.34, 49
5103.361, 5103.40, 5153.123, 5153.124, and 5153.166 of the Revised 50
Code be enacted to read as follows: 51

Sec. 109.57. (A)(1) The superintendent of the bureau of 52

criminal identification and investigation shall procure from 53
wherever procurable and file for record photographs, pictures, 54
descriptions, fingerprints, measurements, and other information 55
that may be pertinent of all persons who have been convicted of 56
committing within this state a felony, any crime constituting a 57
misdemeanor on the first offense and a felony on subsequent 58
offenses, or any misdemeanor described in division (A)(1)(a) or 59
(A)(10)(a) of section 109.572 of the Revised Code, of all children 60
under eighteen years of age who have been adjudicated delinquent 61
children for committing within this state an act that would be a 62
felony or an offense of violence if committed by an adult or who 63
have been convicted of or pleaded guilty to committing within this 64
state a felony or an offense of violence, and of all well-known 65
and habitual criminals. The person in charge of any county, 66
multicounty, municipal, municipal-county, or multicounty-municipal 67
jail or workhouse, community-based correctional facility, halfway 68
house, alternative residential facility, or state correctional 69
institution and the person in charge of any state institution 70
having custody of a person suspected of having committed a felony, 71
any crime constituting a misdemeanor on the first offense and a 72
felony on subsequent offenses, or any misdemeanor described in 73
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 74
Code or having custody of a child under eighteen years of age with 75
respect to whom there is probable cause to believe that the child 76
may have committed an act that would be a felony or an offense of 77
violence if committed by an adult shall furnish such material to 78
the superintendent of the bureau. Fingerprints, photographs, or 79
other descriptive information of a child who is under eighteen 80
years of age, has not been arrested or otherwise taken into 81
custody for committing an act that would be a felony or an offense 82
of violence if committed by an adult, has not been adjudicated a 83
delinquent child for committing an act that would be a felony or 84
an offense of violence if committed by an adult, has not been 85

convicted of or pleaded guilty to committing a felony or an 86
offense of violence, and is not a child with respect to whom there 87
is probable cause to believe that the child may have committed an 88
act that would be a felony or an offense of violence if committed 89
by an adult shall not be procured by the superintendent or 90
furnished by any person in charge of any county, multicounty, 91
municipal, municipal-county, or multicounty-municipal jail or 92
workhouse, community-based correctional facility, halfway house, 93
alternative residential facility, or state correctional 94
institution, except as authorized in section 2151.313 of the 95
Revised Code. 96

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

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

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

(c) The date of arrest;	118
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	119 120 121 122 123 124 125 126 127 128 129 130
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	131 132
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	133 134 135 136
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	137 138 139 140 141
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division	142 143 144 145 146 147 148

(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and
of all children under eighteen years of age arrested or otherwise
taken into custody for committing an act that would be a felony or
an offense of violence if committed by an adult. The
superintendent also shall file for record the fingerprint
impressions of all persons confined in a county, multicounty,
municipal, municipal-county, or multicounty-municipal jail or
workhouse, community-based correctional facility, halfway house,
alternative residential facility, or state correctional
institution for the violation of state laws and of all children
under eighteen years of age who are confined in a county,
multicounty, municipal, municipal-county, or multicounty-municipal
jail or workhouse, community-based correctional facility, halfway
house, alternative residential facility, or state correctional
institution or in any facility for delinquent children for
committing an act that would be a felony or an offense of violence
if committed by an adult, and any other information that the
superintendent may receive from law enforcement officials of the
state and its political subdivisions.

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

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

that compact and shall carry out the responsibilities of the 181
compact officer specified in that compact. 182

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

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

national crime prevention and privacy compact as described in 213
division (A)(5) of this section. 214

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

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

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

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

developmental disabilities; the chief administrator of any 244
chartered nonpublic school; the chief administrator of any home 245
health agency; the chief administrator of or person operating any 246
child day-care center, type A family day-care home, or type B 247
family day-care home licensed or certified under Chapter 5104. of 248
the Revised Code; the administrator of any type C family day-care 249
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 250
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 251
general assembly; the chief administrator of any head start 252
agency; or the executive director of a public children services 253
agency may request that the superintendent of the bureau 254
investigate and determine, with respect to any individual who has 255
applied for employment in any position after October 2, 1989, or 256
any individual wishing to apply for employment with a board of 257
education may request, with regard to the individual, whether the 258
bureau has any information gathered under division (A) of this 259
section that pertains to that individual. On receipt of the 260
request, the superintendent shall determine whether that 261
information exists and, upon request of the person, board, or 262
entity requesting information, also shall request from the federal 263
bureau of investigation any criminal records it has pertaining to 264
that individual. The superintendent or the superintendent's 265
designee also may request criminal history records from other 266
states or the federal government pursuant to the national crime 267
prevention and privacy compact set forth in section 109.571 of the 268
Revised Code. Within thirty days of the date that the 269
superintendent receives a request, the superintendent shall send 270
to the board, entity, or person a report of any information that 271
the superintendent determines exists, including information 272
contained in records that have been sealed under section 2953.32 273
of the Revised Code, and, within thirty days of its receipt, shall 274
send the board, entity, or person a report of any information 275
received from the federal bureau of investigation, other than 276

information the dissemination of which is prohibited by federal 277
law. 278

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

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

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

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

any program or service funded in whole or in part by the grant, 308
the information that a school district board of education is 309
authorized to request under division (F)(2)(a) of this section, 310
the superintendent of the bureau shall proceed as if the request 311
has been received from a school district board of education under 312
division (F)(2)(a) of this section. 313

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

administrator a report of any information determined to exist, 340
including information contained in records that have been sealed 341
under section 2953.32 of the Revised Code, and, within thirty days 342
of its receipt, shall send the administrator a report of any 343
information received from the federal bureau of investigation, 344
other than information the dissemination of which is prohibited by 345
federal law. 346

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

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

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 353
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013~~7~~ 354
~~or 5153.111~~ of the Revised Code, a completed form prescribed 355
pursuant to division (C)(1) of this section, and a set of 356
fingerprint impressions obtained in the manner described in 357
division (C)(2) of this section, the superintendent of the bureau 358
of criminal identification and investigation shall conduct a 359
criminal records check in the manner described in division (B) of 360
this section to determine whether any information exists that 361
indicates that the person who is the subject of the request 362
previously has been convicted of or pleaded guilty to any of the 363
following: 364

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

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,
2925.06, or 3716.11 of the Revised Code, felonious sexual
penetration in violation of former section 2907.12 of the Revised
Code, a violation of section 2905.04 of the Revised Code as it
existed prior to July 1, 1996, a violation of section 2919.23 of
the Revised Code that would have been a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996,
had the violation been committed prior to that date, or a
violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense;

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

(2) On receipt of a request pursuant to section 5123.081 of
the Revised Code with respect to an applicant for employment in
any position with the department of mental retardation and
developmental disabilities, pursuant to section 5126.28 of the
Revised Code with respect to an applicant for employment in any
position with a county board of mental retardation and
developmental disabilities, or pursuant to section 5126.281 of the
Revised Code with respect to an applicant for employment in a
direct services position with an entity contracting with a county
board for employment, 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 has been convicted of or

pleaded guilty to any of the following:

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(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2903.341, 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, or 3716.11 of the Revised Code;

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

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(3) On receipt of a request pursuant to section 173.41,
3712.09, 3721.121, or 3722.151 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 with respect to any person who has applied
for employment in a position that involves providing direct care
to an older adult. 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:

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(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,

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2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 434
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 435
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 436
2925.22, 2925.23, or 3716.11 of the Revised Code; 437

(b) An existing or former law of this state, any other state, 438
or the United States that is substantially equivalent to any of 439
the offenses listed in division (A)(3)(a) of this section. 440

(4) On receipt of a request pursuant to section 3701.881 of 441
the Revised Code with respect to an applicant for employment with 442
a home health agency as a person responsible for the care, 443
custody, or control of a child, a completed form prescribed 444
pursuant to division (C)(1) of this section, and a set of 445
fingerprint impressions obtained in the manner described in 446
division (C)(2) of this section, the superintendent of the bureau 447
of criminal identification and investigation shall conduct a 448
criminal records check. The superintendent shall conduct the 449
criminal records check in the manner described in division (B) of 450
this section to determine whether any information exists that 451
indicates that the person who is the subject of the request 452
previously has been convicted of or pleaded guilty to any of the 453
following: 454

(a) A violation of section 2903.01, 2903.02, 2903.03, 455
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 456
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 457
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 458
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 459
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 460
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 461
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 462
violation of section 2925.11 of the Revised Code that is not a 463
minor drug possession offense; 464

(b) An existing or former law of this state, any other state, 465
or the United States that is substantially equivalent to any of 466
the offenses listed in division (A)(4)(a) of this section. 467

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

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

section 2907.12 of the Revised Code, a violation of section 497
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 498
violation of section 2919.23 of the Revised Code that would have 499
been a violation of section 2905.04 of the Revised Code as it 500
existed prior to July 1, 1996, had the violation been committed 501
prior to that date; 502

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

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

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

(b) An existing or former law of this state, any other state, 528
or the United States that is substantially equivalent to any of 529
the offenses listed in division (A)(6)(a) of this section. 530

(7) When conducting a criminal records check upon a request 531
pursuant to section 3319.39 of the Revised Code for an applicant 532
who is a teacher, in addition to the determination made under 533
division (A)(1) of this section, the superintendent shall 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 offense specified in section 537
3319.31 of the Revised Code. 538

(8) On a request pursuant to section 2151.86 of the Revised 539
Code, a completed form prescribed pursuant to division (C)(1) of 540
this section, and a set of fingerprint impressions obtained in the 541
manner described in division (C)(2) of this section, the 542
superintendent of the bureau of criminal identification and 543
investigation shall conduct a criminal records check in the manner 544
described in division (B) of this section to determine whether any 545
information exists that indicates that the person who is the 546
subject of the request previously has been convicted of or pleaded 547
guilty to any of the following: 548

(a) A violation of section 2903.01, 2903.02, 2903.03, 549
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 550
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 551
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 552
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 553
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 554
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 555
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 556
violation of section 2905.04 of the Revised Code as it existed 557
prior to July 1, 1996, a violation of section 2919.23 of the 558
Revised Code that would have been a violation of section 2905.04 559

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

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

(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:

(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.

(b) A violation of an existing or former law of this state, 592
any other state, or the United States that is substantially 593
equivalent to any of the offenses or violations described in 594
division (A)(9)(a) of this section. 595

(10) Upon receipt of a request pursuant to section 5153.111 596
of the Revised Code, a completed form prescribed pursuant to 597
division (C)(1) of this section, and a set of fingerprint 598
impressions obtained in the manner described in division (C)(2) of 599
this section, the superintendent of the bureau of criminal 600
identification and investigation shall conduct a criminal records 601
check in the manner described in division (B) of this section to 602
determine whether any information exists that indicates that the 603
person who is the subject of the request previously has been 604
convicted of or pleaded guilty to any of the following: 605

(a) A violation of section 2903.01, 2903.02, 2903.03, 606
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 607
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 608
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 609
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 610
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 611
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 612
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 613
felonious sexual penetration in violation of former section 614
2907.12 of the Revised Code, a violation of section 2905.04 of the 615
Revised Code as it existed prior to July 1, 1996, a violation of 616
section 2919.23 of the Revised Code that would have been a 617
violation of section 2905.04 of the Revised Code as it existed 618
prior to July 1, 1996, had the violation been committed prior to 619
that date, or a violation of section 2925.11 of the Revised Code 620
that is not a minor drug possession offense; 621

(b) A violation of an existing or former law of this state, 622
any other state, or the United States that is substantially 623

equivalent to any of the offenses listed in division (A)(10)(a) of this section.

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

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~~(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

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specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 656
(9), ~~(10)~~, or (11) of this section, as appropriate. If the 657
request was made under section 3701.881 of the Revised Code with 658
regard to an applicant who may be both responsible for the care, 659
custody, or control of a child and involved in providing direct 660
care to an older adult, the superintendent shall provide a list of 661
the offenses specified in divisions (A)(4) and (6) of this 662
section. 663

(B) The superintendent shall conduct any criminal records 664
check requested under section 121.08, 173.41, 2151.86, 3301.32, 665
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 666
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 667
5126.281, or 5153.111 of the Revised Code as follows: 668

(1) The superintendent shall review or cause to be reviewed 669
any relevant information gathered and compiled by the bureau under 670
division (A) of section 109.57 of the Revised Code that relates to 671
the person who is the subject of the request, including any 672
relevant information contained in records that have been sealed 673
under section 2953.32 of the Revised Code; 674

(2) If the request received by the superintendent asks for 675
information from the federal bureau of investigation, the 676
superintendent shall request from the federal bureau of 677
investigation any information it has with respect to the person 678
who is the subject of the request and shall review or cause to be 679
reviewed any information the superintendent receives from that 680
bureau. 681

(3) The superintendent or the superintendent's designee may 682
request criminal history records from other states or the federal 683
government pursuant to the national crime prevention and privacy 684
compact set forth in section 109.571 of the Revised Code. 685

(C)(1) The superintendent shall prescribe a form to obtain 686

the information necessary to conduct a criminal records check from 687
any person for whom a criminal records check is required by 688
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 689
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 690
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 691
5153.111 of the Revised Code. The form that the superintendent 692
prescribes pursuant to this division may be in a tangible format, 693
in an electronic format, or in both tangible and electronic 694
formats. 695

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

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

121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 719
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 720
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 721
Revised Code shall pay the fee prescribed pursuant to this 722
division. A person making a request under section 3701.881 of the 723
Revised Code for a criminal records check for an applicant who may 724
be both responsible for the care, custody, or control of a child 725
and involved in providing direct care to an older adult shall pay 726
one fee for the request. 727

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

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

(E) As used in this section: 750

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

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

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

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

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

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

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

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

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

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

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

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

accused upon the accused's request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A congenital orthopedic impairment; 1237

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 1330
between the child and the child's parent, guardian, or legal 1331
custodian. 1332

(B)(1) The court shall appoint a guardian ad litem, subject 1333
to rules adopted by the supreme court, to protect the interest of 1334
a child in any proceeding concerning an alleged abused or 1335
neglected child and in any proceeding held pursuant to section 1336
2151.414 of the Revised Code. The guardian ad litem so appointed 1337
shall not be the attorney responsible for presenting the evidence 1338
alleging that the child is an abused or neglected child and shall 1339
not be an employee of any party in the proceeding. 1340

(2) The guardian ad litem appointed for an alleged or 1341
adjudicated abused or neglected child may bring a civil action 1342
against any person, who is required by division (A)(1) of section 1343
2151.421 of the Revised Code to file a report of known or 1344
suspected child abuse or child neglect, if that person knows or 1345
suspects that the child for whom the guardian ad litem is 1346
appointed is the subject of child abuse or child neglect and does 1347
not file the required report and if the child suffers any injury 1348
or harm as a result of the known or suspected child abuse or child 1349
neglect or suffers additional injury or harm after the failure to 1350
file the report. 1351

(C) In any proceeding concerning an alleged or adjudicated 1352
delinquent, unruly, abused, neglected, or dependent child in which 1353
the parent appears to be mentally incompetent or is under eighteen 1354
years of age, the court shall appoint a guardian ad litem to 1355
protect the interest of that parent. 1356

(D) The court shall require the guardian ad litem to 1357
faithfully discharge the guardian ad litem's duties and, upon the 1358
guardian ad litem's failure to faithfully discharge the guardian 1359
ad litem's duties, shall discharge the guardian ad litem and 1360

appoint another guardian ad litem. The court may fix the 1361
compensation for the service of the guardian ad litem, which 1362
compensation shall be paid from the treasury of the county, 1363
subject to rules adopted by the supreme court. 1364

(E) A parent who is eighteen years of age or older and not 1365
mentally incompetent shall be deemed sui juris for the purpose of 1366
any proceeding relative to a child of the parent who is alleged or 1367
adjudicated to be an abused, neglected, or dependent child. 1368

(F) In any case in which a parent of a child alleged or 1369
adjudicated to be an abused, neglected, or dependent child is 1370
under eighteen years of age, the parents of that parent shall be 1371
summoned to appear at any hearing respecting the child, who is 1372
alleged or adjudicated to be an abused, neglected, or dependent 1373
child. 1374

(G) In any case involving an alleged or adjudicated abused or 1375
neglected child or an agreement for the voluntary surrender of 1376
temporary or permanent custody of a child that is made in 1377
accordance with section 5103.15 of the Revised Code, the court 1378
shall appoint the guardian ad litem in each case as soon as 1379
possible after the complaint is filed, the request for an 1380
extension of the temporary custody agreement is filed with the 1381
court, or the request for court approval of the permanent custody 1382
agreement is filed. In any case involving an alleged dependent 1383
child in which the parent of the child appears to be mentally 1384
incompetent or is under eighteen years of age, there is a conflict 1385
of interest between the child and the child's parents, guardian, 1386
or custodian, or the court believes that the parent of the child 1387
is not capable of representing the best interest of the child, the 1388
court shall appoint a guardian ad litem for the child. The 1389
guardian ad litem or the guardian ad litem's replacement shall 1390
continue to serve until any of the following occur: 1391

(1) The complaint is dismissed or the request for an extension of a temporary custody agreement or for court approval of the permanent custody agreement is withdrawn or denied;	1392 1393 1394
(2) All dispositional orders relative to the child have terminated;	1395 1396
(3) The legal custody of the child is granted to a relative of the child, or to another person;	1397 1398
(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;	1399 1400 1401
(5) The child reaches the age of eighteen if the child is not mentally retarded, developmentally disabled, or physically impaired or the child reaches the age of twenty-one if the child is mentally retarded, developmentally disabled, or physically impaired;	1402 1403 1404 1405 1406
(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.	1407 1408
If a guardian ad litem ceases to serve a child pursuant to 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.	1409 1410 1411 1412 1413 1414 1415 1416 1417
(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 <u>Until the supreme court adopts</u>	1418 1419 1420 1421

rules regarding service as a guardian ad litem that regulate 1422
conflicts between a person's role as guardian ad litem and as 1423
counsel, if a person is serving as guardian ad litem and counsel 1424
for a child and either that person or the court finds that a 1425
conflict may exist between the person's roles as guardian ad litem 1426
and as counsel, the court shall relieve the person of duties as 1427
guardian ad litem and appoint someone else as guardian ad litem 1428
for the child. If the court appoints a person who is not an 1429
attorney admitted to the practice of law in this state to be a 1430
guardian ad litem, the court also may appoint an attorney admitted 1431
to the practice of law in this state to serve as counsel for the 1432
guardian ad litem. 1433

(I) The guardian ad litem for an alleged or adjudicated 1434
abused, neglected, or dependent child shall perform whatever 1435
functions are necessary to protect the best interest of the child, 1436
including, but not limited to, investigation, mediation, 1437
monitoring court proceedings, and monitoring the services provided 1438
the child by the public children services agency or private child 1439
placing agency that has temporary or permanent custody of the 1440
child, and shall file any motions and other court papers that are 1441
in the best interest of the child. 1442

The guardian ad litem shall be given notice of all hearings, 1443
administrative reviews, and other proceedings in the same manner 1444
as notice is given to parties to the action. 1445

(J)(1) When the court appoints a guardian ad litem pursuant 1446
to this section, it shall appoint a qualified volunteer or court 1447
appointed special advocate whenever one is available and the 1448
appointment is appropriate. 1449

(2) Upon request, the department of job and family services 1450
shall provide for the training of volunteer guardians ad litem. 1451

Sec. 2151.353. (A) If a child is adjudicated an abused, 1452

neglected, or dependent child, the court may make any of the 1453
following orders of disposition: 1454

(1) Place the child in protective supervision; 1455

(2) Commit the child to the temporary custody of a public 1456
children services agency, a private child placing agency, either 1457
parent, a relative residing within or outside the state, or a 1458
probation officer for placement in a certified foster home, or in 1459
any other home approved by the court; 1460

(3) Award legal custody of the child to either parent or to 1461
any other person who, prior to the dispositional hearing, files a 1462
motion requesting legal custody of the child; or is identified as 1463
a proposed legal custodian in a complaint or motion filed prior to 1464
the dispositional hearing by any party to the proceedings. A 1465
person identified in a complaint or motion filed by a party to the 1466
proceedings as a proposed legal guardian shall be awarded legal 1467
custody of the child only if the person identified signs a 1468
statement of understanding for legal custody that contains at 1469
least the following provisions: 1470

(a) That it is the intent of the person to become the legal 1471
custodian of the child and the person is able to assume legal 1472
responsibility for the care and supervision of the child; 1473

(b) That the person understands that legal custody of the 1474
child in question is intended to be permanent in nature and that 1475
the person will be responsible as the custodian for the child 1476
until the child reaches the age of majority, unless the person's 1477
duty to see that the child receives an education, in accordance 1478
with the standards prescribed in section 3321.03 of the Revised 1479
Code, has not been excused; 1480

(c) That the parents of the child have residual parental 1481
rights, privileges, and responsibilities, including, but not 1482
limited to, the privilege of reasonable visitation, consent to 1483

adoption, the privilege to determine the child's religious 1484
affiliation, and the responsibility for support; 1485

(d) That the person understands that the person must be 1486
present in court for the dispositional hearing in order to affirm 1487
the person's intention to become legal custodian, to affirm that 1488
the person understands the effect of the custodianship before the 1489
court, and to answer any questions that the court or any parties 1490
to the case may have. 1491

(4) Commit the child to the permanent custody of a public 1492
children services agency or private child placing agency, if the 1493
court determines in accordance with division (E) of section 1494
2151.414 of the Revised Code that the child cannot be placed with 1495
one of the child's parents within a reasonable time or should not 1496
be placed with either parent and determines in accordance with 1497
division (D) of section 2151.414 of the Revised Code that the 1498
permanent commitment is in the best interest of the child. If the 1499
court grants permanent custody under this division, the court, 1500
upon the request of any party, shall file a written opinion 1501
setting forth its findings of fact and conclusions of law in 1502
relation to the proceeding. 1503

(5) Place the child in a planned permanent living arrangement 1504
with a public children services agency or private child placing 1505
agency, if a public children services agency or private child 1506
placing agency requests the court to place the child in a planned 1507
permanent living arrangement and if the court finds, by clear and 1508
convincing evidence, that a planned permanent living arrangement 1509
is in the best interest of the child and that one of the following 1510
exists: 1511

(a) The child, because of physical, mental, or psychological 1512
problems or needs, is unable to function in a family-like setting 1513
and must remain in residential or institutional care. 1514

(b) The parents of the child have significant physical, 1515
mental, or psychological problems and are unable to care for the 1516
child because of those problems, adoption is not in the best 1517
interest of the child, as determined in accordance with division 1518
(D) of section 2151.414 of the Revised Code, and the child retains 1519
a significant and positive relationship with a parent or relative. 1520

(c) The child is sixteen years of age or older, has been 1521
counseled on the permanent placement options available to the 1522
child, is unwilling to accept or unable to adapt to a permanent 1523
placement, and is in an agency program preparing the child for 1524
independent living. 1525

(6) Order the removal from the child's home until further 1526
order of the court of the person who committed abuse as described 1527
in section 2151.031 of the Revised Code against the child, who 1528
caused or allowed the child to suffer neglect as described in 1529
section 2151.03 of the Revised Code, or who is the parent, 1530
guardian, or custodian of a child who is adjudicated a dependent 1531
child and order any person not to have contact with the child or 1532
the child's siblings. 1533

(B) No order for permanent custody or temporary custody of a 1534
child or the placement of a child in a planned permanent living 1535
arrangement shall be made pursuant to this section unless the 1536
complaint alleging the abuse, neglect, or dependency contains a 1537
prayer requesting permanent custody, temporary custody, or the 1538
placement of the child in a planned permanent living arrangement 1539
as desired, the summons served on the parents of the child 1540
contains as is appropriate a full explanation that the granting of 1541
an order for permanent custody permanently divests them of their 1542
parental rights, a full explanation that an adjudication that the 1543
child is an abused, neglected, or dependent child may result in an 1544
order of temporary custody that will cause the removal of the 1545
child from their legal custody until the court terminates the 1546

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

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

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

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

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

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

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

Revised Code. 1578

(E)(1) The court shall retain jurisdiction over any child for 1579
whom the court issues an order of disposition pursuant to division 1580
(A) of this section or pursuant to section 2151.414 or 2151.415 of 1581
the Revised Code until the child attains the age of eighteen years 1582
if the child is not mentally retarded, developmentally disabled, 1583
or physically impaired, the child attains the age of twenty-one 1584
years if the child is mentally retarded, developmentally disabled, 1585
or physically impaired, or the child is adopted and a final decree 1586
of adoption is issued, except that the court may retain 1587
jurisdiction over the child and continue any order of disposition 1588
under division (A) of this section or under section 2151.414 or 1589
2151.415 of the Revised Code for a specified period of time to 1590
enable the child to graduate from high school or vocational 1591
school. The court shall make an entry continuing its jurisdiction 1592
under this division in the journal. 1593

(2) Any public children services agency, any private child 1594
placing agency, the department of job and family services, or any 1595
party, other than any parent whose parental rights with respect to 1596
the child have been terminated pursuant to an order issued under 1597
division (A)(4) of this section, by filing a motion with the 1598
court, may at any time request the court to modify or terminate 1599
any order of disposition issued pursuant to division (A) of this 1600
section or section 2151.414 or 2151.415 of the Revised Code. The 1601
court shall hold a hearing upon the motion as if the hearing were 1602
the original dispositional hearing and shall give all parties to 1603
the action and the guardian ad litem notice of the hearing 1604
pursuant to the Juvenile Rules. If applicable, the court shall 1605
comply with section 2151.42 of the Revised Code. 1606

(F) Any temporary custody order issued pursuant to division 1607
(A) of this section shall terminate one year after the earlier of 1608
the date on which the complaint in the case was filed or the child 1609

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

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

the child's best interest, the court shall extend the order for 1642
six months. 1643

(b) If it does not receive a timely request for a hearing, 1644
the court may extend the order for six months or terminate it 1645
without a hearing and shall journalize the order of extension or 1646
termination not later than fourteen days after receiving the 1647
request for extension or termination or after the date the court 1648
notifies the parties that it will extend or terminate the order. 1649
If the court does not extend or terminate the order, it shall 1650
schedule a hearing to be held no later than thirty days after the 1651
expiration of the applicable fourteen-day time period and give 1652
notice of the date, time, and location of the hearing to all 1653
parties and the child's guardian ad litem. At the hearing, the 1654
court shall determine whether extension or termination of the 1655
order is in the child's best interest. If termination is in the 1656
child's best interest, the court shall terminate the order. If 1657
extension is in the child's best interest, the court shall issue 1658
an order extending the order for protective supervision six 1659
months. 1660

(2) If the court grants an extension of the order for 1661
protective supervision pursuant to division (G)(1) of this 1662
section, a party may, prior to termination of the extension, file 1663
with the court a request for an additional extension of six months 1664
or for termination of the order. The court and the parties shall 1665
comply with division (G)(1) of this section with respect to 1666
extending or terminating the order. 1667

(3) If a court grants an extension pursuant to division 1668
(G)(2) of this section, the court shall terminate the order for 1669
protective supervision at the end of the extension. 1670

(H) The court shall not issue a dispositional order pursuant 1671
to division (A) of this section that removes a child from the 1672

child's home unless the court complies with section 2151.419 of 1673
the Revised Code and includes in the dispositional order the 1674
findings of fact required by that section. 1675

(I) If a motion or application for an order described in 1676
division (A)(6) of this section is made, the court shall not issue 1677
the order unless, prior to the issuance of the order, it provides 1678
to the person all of the following: 1679

(1) Notice and a copy of the motion or application; 1680

(2) The grounds for the motion or application; 1681

(3) An opportunity to present evidence and witnesses at a 1682
hearing regarding the motion or application; 1683

(4) An opportunity to be represented by counsel at the 1684
hearing. 1685

(J) The jurisdiction of the court shall terminate one year 1686
after the date of the award or, if the court takes any further 1687
action in the matter subsequent to the award, the date of the 1688
latest further action subsequent to the award, if the court awards 1689
legal custody of a child to either of the following: 1690

(1) A legal custodian who, at the time of the award of legal 1691
custody, resides in a county of this state other than the county 1692
in which the court is located; 1693

(2) A legal custodian who resides in the county in which the 1694
court is located at the time of the award of legal custody, but 1695
moves to a different county of this state prior to one year after 1696
the date of the award or, if the court takes any further action in 1697
the matter subsequent to the award, one year after the date of the 1698
latest further action subsequent to the award. 1699

The court in the county in which the legal custodian resides 1700
then shall have jurisdiction in the matter. 1701

Sec. 2151.416. (A) Each agency that is required by section 1702
2151.412 of the Revised Code to prepare a case plan for a child 1703
shall complete a semiannual administrative review of the case plan 1704
no later than six months after the earlier of the date on which 1705
the complaint in the case was filed or the child was first placed 1706
in shelter care. After the first administrative review, the agency 1707
shall complete semiannual administrative reviews no later than 1708
every six months. If the court issues an order pursuant to section 1709
2151.414 or 2151.415 of the Revised Code, the agency shall 1710
complete an administrative review no later than six months after 1711
the court's order and continue to complete administrative reviews 1712
no later than every six months after the first review, except that 1713
the court hearing held pursuant to section 2151.417 of the Revised 1714
Code may take the place of any administrative review that would 1715
otherwise be held at the time of the court hearing. When 1716
conducting a review, the child's health and safety shall be the 1717
paramount concern. 1718

(B) Each administrative review required by division (A) of 1719
this section shall be conducted by a review panel of at least 1720
three persons, including, but not limited to, both of the 1721
following: 1722

(1) A caseworker with day-to-day responsibility for, or 1723
familiarity with, the management of the child's case plan; 1724

(2) A person who is not responsible for the management of the 1725
child's case plan or for the delivery of services to the child or 1726
the parents, guardian, or custodian of the child. 1727

(C) Each semiannual administrative review shall include, but 1728
not be limited to, a joint meeting by the review panel with the 1729
parents, guardian, or custodian of the child, the guardian ad 1730
litem of the child, and the child's foster care provider and shall 1731
include an opportunity for those persons to submit any written 1732

materials to be included in the case record of the child. If a 1733
parent, guardian, custodian, guardian ad litem, or foster care 1734
provider of the child cannot be located after reasonable efforts 1735
to do so or declines to participate in the administrative review 1736
after being contacted, the agency does not have to include them in 1737
the joint meeting. 1738

(D) The agency shall prepare a written summary of the 1739
semiannual administrative review that shall include, but not be 1740
limited to, all of the following: 1741

(1) A conclusion regarding the safety and appropriateness of 1742
the child's foster care placement; 1743

(2) The extent of the compliance with the case plan of all 1744
parties; 1745

(3) The extent of progress that has been made toward 1746
alleviating the circumstances that required the agency to assume 1747
temporary custody of the child; 1748

(4) An estimated date by which the child may be returned to 1749
and safely maintained in the child's home or placed for adoption 1750
or legal custody; 1751

(5) An updated case plan that includes any changes that the 1752
agency is proposing in the case plan; 1753

(6) The recommendation of the agency as to which agency or 1754
person should be given custodial rights over the child for the 1755
six-month period after the administrative review; 1756

(7) The names of all persons who participated in the 1757
administrative review. 1758

(E) The agency shall file the summary with the court no later 1759
than seven days after the completion of the administrative review. 1760
If the agency proposes a change to the case plan as a result of 1761
the administrative review, the agency shall file the proposed 1762

change with the court at the time it files the summary. The agency 1763
shall give notice of the summary and proposed change in writing 1764
before the end of the next day after filing them to all parties 1765
and the child's guardian ad litem. All parties and the guardian ad 1766
litem shall have seven days after the date the notice is sent to 1767
object to and request a hearing on the proposed change. 1768

(1) If the court receives a timely request for a hearing, the 1769
court shall schedule a hearing pursuant to section 2151.417 of the 1770
Revised Code to be held not later than thirty days after the court 1771
receives the request. The court shall give notice of the date, 1772
time, and location of the hearing to all parties and the guardian 1773
ad litem. The agency may implement the proposed change after the 1774
hearing, if the court approves it. The agency shall not implement 1775
the proposed change unless it is approved by the court. 1776

(2) If the court does not receive a timely request for a 1777
hearing, the court may approve the proposed change without a 1778
hearing. If the court approves the proposed change without a 1779
hearing, it shall journalize the case plan with the change not 1780
later than fourteen days after the change is filed with the court. 1781
If the court does not approve the proposed change to the case 1782
plan, it shall schedule a review hearing to be held pursuant to 1783
section 2151.417 of the Revised Code no later than thirty days 1784
after the expiration of the fourteen-day time period and give 1785
notice of the date, time, and location of the hearing to all 1786
parties and the guardian ad litem of the child. If, despite the 1787
requirements of this division and division (D) of section 2151.417 1788
of the Revised Code, the court neither approves and journalizes 1789
the proposed change nor conducts a hearing, the agency may 1790
implement the proposed change not earlier than fifteen days after 1791
it is submitted to the court. 1792

(F) The director of job and family services may adopt rules 1793
pursuant to Chapter 119. of the Revised Code for procedures and 1794

standard forms for conducting administrative reviews pursuant to 1795
this section. 1796

(G) The juvenile court that receives the written summary of 1797
the administrative review, upon determining, either from the 1798
written summary, case plan, or otherwise, that the custody or care 1799
arrangement is not in the best interest of the child, may 1800
terminate the custody of an agency and place the child in the 1801
custody of another institution or association certified by the 1802
department of job and family services under section 5103.03 of the 1803
Revised Code. 1804

~~(H) The department of job and family services shall report 1805
annually to the public and to the general assembly on the results 1806
of the review of case plans of each agency. The annual report 1807
shall include any information that is required by the department, 1808
including, but not limited to, all of the following: 1809~~

~~(1) A statistical analysis of the administrative reviews 1810
conducted pursuant to this section and section 2151.417 of the 1811
Revised Code; 1812~~

~~(2) The number of children in temporary or permanent custody 1813
for whom an administrative review was conducted, the number of 1814
children whose custody status changed during the period, the 1815
number of children whose residential placement changed during the 1816
period, and the number of residential placement changes for each 1817
child during the period; 1818~~

~~(3) An analysis of the utilization of public social services 1819
by agencies and parents or guardians, and the utilization of the 1820
adoption listing service of the department pursuant to section 1821
5103.154 of the Revised Code. 1822~~

Sec. 2151.421. (A)(1)(a) No person described in division 1823
(A)(1)(b) of this section who is acting in an official or 1824

professional capacity and knows or suspects that a child under 1825
eighteen years of age or a mentally retarded, developmentally 1826
disabled, or physically impaired child under twenty-one years of 1827
age has suffered or faces a threat of suffering any physical or 1828
mental wound, injury, disability, or condition of a nature that 1829
reasonably indicates abuse or neglect of the child, shall fail to 1830
immediately report that knowledge or suspicion to the entity or 1831
persons specified in this division. Except as provided in section 1832
5120.173 of the Revised Code, the person making the report shall 1833
make it to the public children services agency or a municipal or 1834
county peace officer in the county in which the child resides or 1835
in which the abuse or neglect is occurring or has occurred. In the 1836
circumstances described in section 5120.173 of the Revised Code, 1837
the person making the report shall make it to the entity specified 1838
in that section. 1839

(b) Division (A)(1)(a) of this section applies to any person 1840
who is an attorney; physician, including a hospital intern or 1841
resident; dentist; podiatrist; practitioner of a limited branch of 1842
medicine as specified in section 4731.15 of the Revised Code; 1843
registered nurse; licensed practical nurse; visiting nurse; other 1844
health care professional; licensed psychologist; licensed school 1845
psychologist; independent marriage and family therapist or 1846
marriage and family therapist; speech pathologist or audiologist; 1847
coroner; administrator or employee of a child day-care center; 1848
administrator or employee of a residential camp or child day camp; 1849
administrator or employee of a certified child care agency or 1850
other public or private children services agency; school teacher; 1851
school employee; school authority; person engaged in social work 1852
or the practice of professional counseling; agent of a county 1853
humane society; person rendering spiritual treatment through 1854
prayer in accordance with the tenets of a well-recognized 1855
religion; superintendent, board member, or employee of a county 1856
board of mental retardation; investigative agent contracted with 1857

by a county board of mental retardation; or employee of the 1858
department of mental retardation and developmental disabilities. 1859

(2) An attorney or a physician is not required to make a 1860
report pursuant to division (A)(1) of this section concerning any 1861
communication the attorney or physician receives from a client or 1862
patient in an attorney-client or physician-patient relationship, 1863
if, in accordance with division (A) or (B) of section 2317.02 of 1864
the Revised Code, the attorney or physician could not testify with 1865
respect to that communication in a civil or criminal proceeding, 1866
except that the client or patient is deemed to have waived any 1867
testimonial privilege under division (A) or (B) of section 2317.02 1868
of the Revised Code with respect to that communication and the 1869
attorney or physician shall make a report pursuant to division 1870
(A)(1) of this section with respect to that communication, if all 1871
of the following apply: 1872

(a) The client or patient, at the time of the communication, 1873
is either a child under eighteen years of age or a mentally 1874
retarded, developmentally disabled, or physically impaired person 1875
under twenty-one years of age. 1876

(b) The attorney or physician knows or suspects, as a result 1877
of the communication or any observations made during that 1878
communication, that the client or patient has suffered or faces a 1879
threat of suffering any physical or mental wound, injury, 1880
disability, or condition of a nature that reasonably indicates 1881
abuse or neglect of the client or patient. 1882

(c) The attorney-client or physician-patient relationship 1883
does not arise out of the client's or patient's attempt to have an 1884
abortion without the notification of her parents, guardian, or 1885
custodian in accordance with section 2151.85 of the Revised Code. 1886

(B) Anyone, who knows or suspects that a child under eighteen 1887
years of age or a mentally retarded, developmentally disabled, or 1888

physically impaired person under twenty-one years of age has 1889
suffered or faces a threat of suffering any physical or mental 1890
wound, injury, disability, or other condition of a nature that 1891
reasonably indicates abuse or neglect of the child may report or 1892
cause reports to be made of that knowledge or suspicion to the 1893
entity or persons specified in this division. Except as provided 1894
in section 5120.173 of the Revised Code, a person making a report 1895
or causing a report to be made under this division shall make it 1896
or cause it to be made to the public children services agency or 1897
to a municipal or county peace officer. In the circumstances 1898
described in section 5120.173 of the Revised Code, a person making 1899
a report or causing a report to be made under this division shall 1900
make it or cause it to be made to the entity specified in that 1901
section. 1902

(C) Any report made pursuant to division (A) or (B) of this 1903
section shall be made forthwith either by telephone or in person 1904
and shall be followed by a written report, if requested by the 1905
receiving agency or officer. The written report shall contain: 1906

(1) The names and addresses of the child and the child's 1907
parents or the person or persons having custody of the child, if 1908
known; 1909

(2) The child's age and the nature and extent of the child's 1910
known or suspected injuries, abuse, or neglect or of the known or 1911
suspected threat of injury, abuse, or neglect, including any 1912
evidence of previous injuries, abuse, or neglect; 1913

(3) Any other information that might be helpful in 1914
establishing the cause of the known or suspected injury, abuse, or 1915
neglect or of the known or suspected threat of injury, abuse, or 1916
neglect. 1917

Any person, who is required by division (A) of this section 1918
to report known or suspected child abuse or child neglect, may 1919

take or cause to be taken color photographs of areas of trauma 1920
visible on a child and, if medically indicated, cause to be 1921
performed radiological examinations of the child. 1922

(D) As used in this division, "children's advocacy center" 1923
and "sexual abuse of a child" have the same meanings as in section 1924
2151.425 of the Revised Code. 1925

(1) When a municipal or county peace officer receives a 1926
report concerning the possible abuse or neglect of a child or the 1927
possible threat of abuse or neglect of a child, upon receipt of 1928
the report, the municipal or county peace officer who receives the 1929
report shall refer the report to the appropriate public children 1930
services agency. 1931

(2) When a public children services agency receives a report 1932
pursuant to this division or division (A) or (B) of this section, 1933
upon receipt of the report, the public children services agency 1934
shall do both of the following: 1935

(a) Comply with section 2151.422 of the Revised Code; 1936

(b) If the county served by the agency is also served by a 1937
children's advocacy center and the report alleges sexual abuse of 1938
a child or another type of abuse of a child that is specified in 1939
the memorandum of understanding that creates the center as being 1940
within the center's jurisdiction, comply regarding the report with 1941
the protocol and procedures for referrals and investigations, with 1942
the coordinating activities, and with the authority or 1943
responsibility for performing or providing functions, activities, 1944
and services stipulated in the interagency agreement entered into 1945
under section 2151.428 of the Revised Code relative to that 1946
center. 1947

(E) No township, municipal, or county peace officer shall 1948
remove a child about whom a report is made pursuant to this 1949
section from the child's parents, stepparents, or guardian or any 1950

other persons having custody of the child without consultation 1951
with the public children services agency, unless, in the judgment 1952
of the officer, and, if the report was made by physician, the 1953
physician, immediate removal is considered essential to protect 1954
the child from further abuse or neglect. The agency that must be 1955
consulted shall be the agency conducting the investigation of the 1956
report as determined pursuant to section 2151.422 of the Revised 1957
Code. 1958

(F)(1) Except as provided in section 2151.422 of the Revised 1959
Code or in an interagency agreement entered into under section 1960
2151.428 of the Revised Code that applies to the particular 1961
report, the public children services agency shall investigate, 1962
within twenty-four hours, each report of known or suspected child 1963
abuse or child neglect and of a known or suspected threat of child 1964
abuse or child neglect that is referred to it under this section 1965
to determine the circumstances surrounding the injuries, abuse, or 1966
neglect or the threat of injury, abuse, or neglect, the cause of 1967
the injuries, abuse, neglect, or threat, and the person or persons 1968
responsible. The investigation shall be made in cooperation with 1969
the law enforcement agency and in accordance with the memorandum 1970
of understanding prepared under division (J) of this section. A 1971
representative of the public children services agency shall, at 1972
the time of initial contact with the person subject to the 1973
investigation, inform the person of the specific complaints or 1974
allegations made against the person. The information shall be 1975
given in a manner that is consistent with division (H)(1) of this 1976
section and protects the rights of the person making the report 1977
under this section. 1978

A failure to make the investigation in accordance with the 1979
memorandum is not grounds for, and shall not result in, the 1980
dismissal of any charges or complaint arising from the report or 1981
the suppression of any evidence obtained as a result of the report 1982

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

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

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

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

section. 2015

(2) In any civil or criminal action or proceeding in which it 2016
is alleged and proved that participation in the making of a report 2017
under this section was not in good faith or participation in a 2018
judicial proceeding resulting from a report made under this 2019
section was not in good faith, the court shall award the 2020
prevailing party reasonable attorney's fees and costs and, if a 2021
civil action or proceeding is voluntarily dismissed, may award 2022
reasonable attorney's fees and costs to the party against whom the 2023
civil action or proceeding is brought. 2024

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2025
section, a report made under this section is confidential. The 2026
information provided in a report made pursuant to this section and 2027
the name of the person who made the report shall not be released 2028
for use, and shall not be used, as evidence in any civil action or 2029
proceeding brought against the person who made the report. In a 2030
criminal proceeding, the report is admissible in evidence in 2031
accordance with the Rules of Evidence and is subject to discovery 2032
in accordance with the Rules of Criminal Procedure. 2033

(2) No person shall permit or encourage the unauthorized 2034
dissemination of the contents of any report made under this 2035
section. 2036

(3) A person who knowingly makes or causes another person to 2037
make a false report under division (B) of this section that 2038
alleges that any person has committed an act or omission that 2039
resulted in a child being an abused child or a neglected child is 2040
guilty of a violation of section 2921.14 of the Revised Code. 2041

(4) If a report is made pursuant to division (A) or (B) of 2042
this section and the child who is the subject of the report dies 2043
for any reason at any time after the report is made, but before 2044
the child attains eighteen years of age, the public children 2045

services agency or municipal or county peace officer to which the 2046
report was made or referred, on the request of the child fatality 2047
review board, shall submit a summary sheet of information 2048
providing a summary of the report to the review board of the 2049
county in which the deceased child resided at the time of death. 2050
On the request of the review board, the agency or peace officer 2051
may, at its discretion, make the report available to the review 2052
board. If the county served by the public children services agency 2053
is also served by a children's advocacy center and the report of 2054
alleged sexual abuse of a child or another type of abuse of a 2055
child is specified in the memorandum of understanding that creates 2056
the center as being within the center's jurisdiction, the agency 2057
or center shall perform the duties and functions specified in this 2058
division in accordance with the interagency agreement entered into 2059
under section 2151.428 of the Revised Code relative to that 2060
advocacy center. 2061

(5) A public children services agency shall advise a person 2062
alleged to have inflicted abuse or neglect on a child who is the 2063
subject of a report made pursuant to this section, including a 2064
report alleging sexual abuse of a child or another type of abuse 2065
of a child referred to a children's advocacy center pursuant to an 2066
interagency agreement entered into under section 2151.428 of the 2067
Revised Code, in writing of the disposition of the investigation. 2068
The agency shall not provide to the person any information that 2069
identifies the person who made the report, statements of 2070
witnesses, or police or other investigative reports. 2071

(I) Any report that is required by this section, other than a 2072
report that is made to the state highway patrol as described in 2073
section 5120.173 of the Revised Code, shall result in protective 2074
services and emergency supportive services being made available by 2075
the public children services agency on behalf of the children 2076
about whom the report is made, in an effort to prevent further 2077

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
juvenile judge of the county or the juvenile judge's
representative;

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

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

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

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

(4) If a public children services agency participated in the 2139
execution of a memorandum of understanding under section 2151.426 2140
of the Revised Code establishing a children's advocacy center, the 2141
agency shall incorporate the contents of that memorandum in the 2142
memorandum prepared pursuant to this section. 2143

(K)(1) Except as provided in division (K)(4) of this section, 2144
a person who is required to make a report pursuant to division (A) 2145
of this section may make a reasonable number of requests of the 2146
public children services agency that receives or is referred the 2147
report, or of the children's advocacy center that is referred the 2148
report if the report is referred to a children's advocacy center 2149
pursuant to an interagency agreement entered into under section 2150
2151.428 of the Revised Code, to be provided with the following 2151
information: 2152

(a) Whether the agency or center has initiated an 2153
investigation of the report; 2154

(b) Whether the agency or center is continuing to investigate 2155
the report; 2156

(c) Whether the agency or center is otherwise involved with 2157
the child who is the subject of the report; 2158

(d) The general status of the health and safety of the child 2159
who is the subject of the report; 2160

(e) Whether the report has resulted in the filing of a 2161
complaint in juvenile court or of criminal charges in another 2162
court. 2163

(2) A person may request the information specified in 2164
division (K)(1) of this section only if, at the time the report is 2165
made, the person's name, address, and telephone number are 2166
provided to the person who receives the report. 2167

When a municipal or county peace officer or employee of a 2168

public children services agency receives a report pursuant to 2169
division (A) or (B) of this section the recipient of the report 2170
shall inform the person of the right to request the information 2171
described in division (K)(1) of this section. The recipient of the 2172
report shall include in the initial child abuse or child neglect 2173
report that the person making the report was so informed and, if 2174
provided at the time of the making of the report, shall include 2175
the person's name, address, and telephone number in the report. 2176

Each request is subject to verification of the identity of 2177
the person making the report. If that person's identity is 2178
verified, the agency shall provide the person with the information 2179
described in division (K)(1) of this section a reasonable number 2180
of times, except that the agency shall not disclose any 2181
confidential information regarding the child who is the subject of 2182
the report other than the information described in those 2183
divisions. 2184

(3) A request made pursuant to division (K)(1) of this 2185
section is not a substitute for any report required to be made 2186
pursuant to division (A) of this section. 2187

(4) If an agency other than the agency that received or was 2188
referred the report is conducting the investigation of the report 2189
pursuant to section 2151.422 of the Revised Code, the agency 2190
conducting the investigation shall comply with the requirements of 2191
division (K) of this section. 2192

(L) The director of job and family services shall adopt rules 2193
in accordance with Chapter 119. of the Revised Code to implement 2194
this section. The department of job and family services may enter 2195
into a plan of cooperation with any other governmental entity to 2196
aid in ensuring that children are protected from abuse and 2197
neglect. The department shall make recommendations to the attorney 2198
general that the department determines are necessary to protect 2199

children from child abuse and child neglect. 2200

(M)(1) As used in this division: 2201

(a) "Out-of-home care" includes a nonchartered nonpublic 2202
school if the alleged child abuse or child neglect, or alleged 2203
threat of child abuse or child neglect, described in a report 2204
received by a public children services agency allegedly occurred 2205
in or involved the nonchartered nonpublic school and the alleged 2206
perpetrator named in the report holds a certificate, permit, or 2207
license issued by the state board of education under section 2208
3301.071 or Chapter 3319. of the Revised Code. 2209

(b) "Administrator, director, or other chief administrative 2210
officer" means the superintendent of the school district if the 2211
out-of-home care entity subject to a report made pursuant to this 2212
section is a school operated by the district. 2213

(2) No later than the end of the day following the day on 2214
which a public children services agency receives a report of 2215
alleged child abuse or child neglect, or a report of an alleged 2216
threat of child abuse or child neglect, that allegedly occurred in 2217
or involved an out-of-home care entity, the agency shall provide 2218
written notice of the allegations contained in and the person 2219
named as the alleged perpetrator in the report to the 2220
administrator, director, or other chief administrative officer of 2221
the out-of-home care entity that is the subject of the report 2222
unless the administrator, director, or other chief administrative 2223
officer is named as an alleged perpetrator in the report. If the 2224
administrator, director, or other chief administrative officer of 2225
an out-of-home care entity is named as an alleged perpetrator in a 2226
report of alleged child abuse or child neglect, or a report of an 2227
alleged threat of child abuse or child neglect, that allegedly 2228
occurred in or involved the out-of-home care entity, the agency 2229
shall provide the written notice to the owner or governing board 2230

of the out-of-home care entity that is the subject of the report. 2231
The agency shall not provide witness statements or police or other 2232
investigative reports. 2233

(3) No later than three days after the day on which a public 2234
children services agency that conducted the investigation as 2235
determined pursuant to section 2151.422 of the Revised Code makes 2236
a disposition of an investigation involving a report of alleged 2237
child abuse or child neglect, or a report of an alleged threat of 2238
child abuse or child neglect, that allegedly occurred in or 2239
involved an out-of-home care entity, the agency shall send written 2240
notice of the disposition of the investigation to the 2241
administrator, director, or other chief administrative officer and 2242
the owner or governing board of the out-of-home care entity. The 2243
agency shall not provide witness statements or police or other 2244
investigative reports. 2245

Sec. 2151.423. A public children services agency shall 2246
disclose confidential information discovered during an 2247
investigation conducted pursuant to section 2151.421 or 2151.422 2248
of the Revised Code to any federal, state, or local government 2249
entity that needs the information to carry out its 2250
responsibilities to protect children from abuse or neglect. 2251

Information disclosed pursuant to this section is 2252
confidential and is not subject to disclosure pursuant to section 2253
149.43 or 1347.08 of the Revised Code by the agency to whom the 2254
information was disclosed. The agency receiving the information 2255
shall maintain the confidentiality of information disclosed 2256
pursuant to this section. 2257

Sec. 3107.014. (A) Except as provided in division (B) of this 2258
section, only an individual who meets all of the following 2259
requirements may perform the duties of an assessor under sections 2260

3107.031, 3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of 2261
the Revised Code: 2262

(1) The individual must be in the employ of, appointed by, or 2263
under contract with a court, public children services agency, 2264
private child placing agency, or private noncustodial agency; 2265

(2) The individual must be one of the following: 2266

(a) A professional counselor ~~or~~, social worker, or marriage 2267
and family therapist licensed under Chapter 4757. of the Revised 2268
Code; 2269

(b) A psychologist licensed under Chapter 4732. of the 2270
Revised Code; 2271

(c) A student working to earn a four-year, post-secondary 2272
degree in a social or behavior science, or both, who conducts 2273
assessor's duties under the supervision of a professional 2274
counselor ~~or~~, social worker, or marriage and family therapist 2275
licensed under Chapter 4757. of the Revised Code or a psychologist 2276
licensed under Chapter 4732. of the Revised Code~~+~~. Beginning July 2277
1, 2009, a student is eligible under this division only if the 2278
supervising professional counselor, social worker, marriage and 2279
family therapist, or psychologist has completed training in 2280
accordance with rules adopted under section 3107.015 of the 2281
Revised Code. 2282

(d) A civil service employee engaging in social work without 2283
a license under Chapter 4757. of the Revised Code, as permitted by 2284
division (A)(5) of section 4757.41 of the Revised Code; 2285

(e) A former employee of a public children services agency 2286
who, while so employed, conducted the duties of an assessor. 2287

(3) The individual must complete ~~education programs~~ training 2288
in accordance with rules adopted under section 3107.015 of the 2289
Revised Code. 2290

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

(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.

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. 3107.031. Except as otherwise provided in this section, 2321
an assessor shall conduct a home study for the purpose of 2322
ascertaining whether a person seeking to adopt a minor is suitable 2323
to adopt. The person seeking to adopt a minor shall complete 2324
training specified in rules adopted under section 3107.032 of the 2325
Revised Code as part of the home study. A written report of the 2326
home study shall be filed with the court at least ten days before 2327
the petition for adoption is heard. 2328

The report shall contain the opinion of the assessor as to 2329
whether the person who is the subject of the report is suitable to 2330
adopt a minor ~~and~~. The report shall also contain other information 2331
and documents specified in rules adopted by the director of job 2332
and family services under section 3107.032 of the Revised Code, 2333
including documents showing that the person who is the subject of 2334
the report has completed training specified in the rules. The 2335
assessor shall not consider the person's age when determining 2336
whether the person is suitable to adopt if the person is old 2337
enough to adopt as provided by section 3107.03 of the Revised 2338
Code. 2339

An assessor may request departments or agencies within or 2340
outside this state to assist in the home study as may be 2341
appropriate and to make a written report to be included with and 2342
attached to the report to the court. The assessor shall make 2343
similar home studies and reports on behalf of other assessors 2344
designated by the courts of this state or another place. 2345

Upon order of the court, the costs of the home study and 2346
other proceedings shall be paid by the person seeking to adopt, 2347
and, if the home study is conducted by a public agency or public 2348
employee, the part of the cost representing any services and 2349
expenses shall be taxed as costs and paid into the state treasury 2350
or county treasury, as the court may direct. 2351

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

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

Sec. 3107.032. ~~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
specifying ~~the~~ all of the following:

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

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

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

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 pertaining to a permanent placement under section 5103.16 of the Revised Code or to an adoption that is part of the permanent record of a court or maintained by the department of job and family services, an agency, or attorney without the consent of a court.

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

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

(D) All forms that pertain to the social or medical histories of the biological parents of an adopted person and that were completed pursuant to section 3107.09 or 3107.091 of the Revised Code shall be filed only in the permanent record kept by the court. During the minority of the adopted person, only the adoptive parents of the person may inspect the forms. When an adopted person reaches majority, only the adopted person may inspect the forms. Under the circumstances described in this division, an adopted person or the adoptive parents are entitled

to inspect the forms upon requesting the clerk of the court to
produce them.

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

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(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

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pursuant to division (E)(1) of this section, a request for such 2445
notification that contains the information and statements required 2446
by division (E)(3) of this section. A request may be filed at any 2447
time if the person who files the request is authorized at that 2448
time to inspect forms that pertain to the social or medical 2449
histories. 2450

(3) A request for notification as described in division 2451
(E)(2) of this section shall contain all of the following 2452
information: 2453

(a) The adopted person's name and mailing address at that 2454
time; 2455

(b) The name of each adoptive parent, and if the adoptive 2456
person is a minor at the time of the filing of the request, the 2457
mailing address of each adoptive parent at that time; 2458

(c) The adopted person's date of birth; 2459

(d) The date of entry of the final decree of adoption; 2460

(e) A statement requesting the court to notify the person who 2461
files the request, at the address provided in the request, if any 2462
correction or expansion of either the social or medical history of 2463
the biological parents is made a part of the permanent record kept 2464
by the court; 2465

(f) A statement that the person who files the request is 2466
authorized, at the time of the filing, to inspect the forms that 2467
pertain to the social and medical histories of the biological 2468
parents; 2469

(g) The signature of the person who files the request. 2470

(4) Upon the filing of a request for notification in 2471
accordance with division (E)(2) of this section, the clerk of the 2472
court in which it is filed immediately shall insert the request in 2473
the permanent record of the case. A person who has filed the 2474

request and who wishes to update it with respect to a new mailing
address may inform the court in writing of the new address. Upon
its receipt, the court promptly shall insert the new address into
the permanent record by attaching it to the request. Thereafter,
any notification described in this division shall be sent to the
new address.

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

Sec. 3109.16. The children's trust fund board, upon the
recommendation of the director of job and family services, shall
approve the employment of an executive director who will
administer the programs of the board. The department of job and
family services shall provide budgetary, procurement, accounting,
and other related management functions for the board and may adopt
rules in accordance with Chapter 119. of the Revised Code for
these purposes. An amount not to exceed three per cent of the
total amount of fees deposited in the children's trust fund in
each fiscal year may be used for costs directly related to these

administrative functions of the department. Each fiscal year, the 2506
board shall approve a budget for administrative expenditures for 2507
the next fiscal year. 2508

The board shall meet at least quarterly at the call of the 2509
chairperson to conduct its official business. All business 2510
transactions of the board shall be conducted in public meetings. 2511
Eight members of the board constitute a quorum. A majority of the 2512
board members is required to adopt the state plan for the 2513
allocation of funds from the children's trust fund. A majority of 2514
the quorum is required to make all other decisions of the board. 2515

The board may apply for and accept federal and other funds 2516
for the purpose of funding child abuse and child neglect 2517
prevention programs. In addition, the board may accept gifts and 2518
donations from any source, including individuals, philanthropic 2519
foundations or organizations, corporations, or corporation 2520
endowments. The acceptance and use of federal funds shall not 2521
entail any commitment or pledge of state funds, nor obligate the 2522
general assembly to continue the programs or activities for which 2523
the federal funds are made available. All funds received in the 2524
manner described in this section shall be transmitted to the 2525
treasurer of state, who shall credit them to the children's trust 2526
fund created in section 3109.14 of the Revised Code. 2527

Sec. 3109.17. (A) For each fiscal biennium, the children's 2528
trust fund board shall establish a biennial state plan for 2529
comprehensive child abuse and child neglect prevention. The plan 2530
shall be transmitted to the governor, the president and minority 2531
leader of the senate, and the speaker and minority leader of the 2532
house of representatives and shall be made available to the 2533
general public. The board may define in the state plan the term 2534
"effective public notice." If the board does not define that term 2535
in the state plan, the board shall include in the state plan the 2536

definition of "effective public notice" specified in rules adopted 2537
by the department of job and family services. 2538

(B) In developing and carrying out the state plan, the 2539
children's trust fund board shall, in accordance with rules 2540
adopted by the department pursuant to Chapter 119. of the Revised 2541
Code, do all of the following: 2542

(1) Ensure that an opportunity exists for assistance through 2543
child abuse and child neglect prevention programs to persons 2544
throughout the state of various social and economic backgrounds; 2545

(2) Before the thirtieth day of October of each year, notify 2546
each child abuse and child neglect prevention advisory board of 2547
the amount estimated to be allocated to that advisory board for 2548
the following fiscal year; 2549

(3) Develop criteria for county or district local allocation 2550
plans, including criteria for determining the plans' 2551
effectiveness; 2552

(4) Review, and approve or disapprove, county or district 2553
local allocation plans, as described in section 3109.171 of the 2554
Revised Code; 2555

(5) Allocate funds to each child abuse and child neglect 2556
prevention advisory board for the purpose of funding child abuse 2557
and child neglect prevention programs. Funds shall be allocated 2558
among advisory boards according to a formula based on the ratio of 2559
the number of children under age eighteen in the county or 2560
multicounty district to the number of children under age eighteen 2561
in the state, as shown in the most recent federal decennial census 2562
of population. Subject to the availability of funds and except as 2563
provided in section 3109.171 of the Revised Code, each advisory 2564
board shall receive a minimum of ten thousand dollars per fiscal 2565
year. In the case of an advisory board that serves a multicounty 2566
district, the advisory board shall receive, subject to available 2567

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

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

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

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

(8) Establish reporting requirements for advisory boards;

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

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

(11) Create and provide to each advisory board a children's

trust fund grant application form; 2598

(12) Specify the information to be included in a ~~semi-annual~~ 2599
semiannual and an annual report completed by a children's advocacy 2600
center for which a child abuse and child neglect prevention 2601
advisory board uses funds allocated to the advisory board under 2602
section 3109.172 of the Revised Code, and each other person or 2603
entity that is a recipient of a children's trust fund grant under 2604
division (K)(1) of section 3109.18 of the Revised Code. 2605

(C) The children's trust fund board shall prepare a report 2606
for each fiscal biennium that delineates the expenditure of money 2607
from the children's trust fund. On or before January 1, 2002, and 2608
on or before the first day of January of a year that follows the 2609
end of a fiscal biennium of this state, the board shall file a 2610
copy of the report with the governor, the president and minority 2611
leader of the senate, and the speaker and minority leader of the 2612
house of representatives. 2613

(D) The children's trust fund board shall develop a list of 2614
all state and federal sources of funding that might be available 2615
for establishing, operating, or establishing and operating a 2616
children's advocacy center under sections 2151.425 to 2151.428 of 2617
the Revised Code. The board periodically shall update the list as 2618
necessary. The board shall maintain, or provide for the 2619
maintenance of, the list at an appropriate location. That location 2620
may be the offices of the department of job and family services. 2621
The board shall provide the list upon request to any children's 2622
advocacy center or to any person or entity identified in section 2623
2151.426 of the Revised Code as a person or entity that may 2624
participate in the establishment of a children's advocacy center. 2625

Sec. 5101.13. (A) The department of job and family services 2626
shall establish and maintain a uniform statewide automated child 2627
welfare information system in accordance with the requirements of 2628

42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 2629
guidelines. The information system shall contain records regarding 2630
any of the following: 2631

(1) Investigations of children and families, and children's 2632
care in out-of-home care, in accordance with sections 2151.421 and 2633
5153.16 of the Revised Code; 2634

(2) Care and treatment provided to children and families; 2635

(3) Any other information related to children and families 2636
that state or federal law, regulation, or rule requires the 2637
department or a public children services agency to maintain. 2638

(B) The department shall plan implementation of the 2639
information system on a county by county basis and shall finalize 2640
statewide implementation not later than January 1, 2008. 2641

(C) The department shall promptly notify all public children 2642
services agencies of the initiation and completion of statewide 2643
implementation of the statewide information system established 2644
under division (A) of this section. 2645

(D) "Out-of-home care" has the same meaning as in section 2646
2151.011 of the Revised Code. 2647

Sec. 5101.131. Except as provided in section 5101.132 of the 2648
Revised Code, information contained in or obtained from the 2649
information system established and maintained under section 2650
5101.13 of the Revised Code is confidential and is not subject to 2651
disclosure pursuant to section 149.43 or 1347.08 of the Revised 2652
Code. 2653

Sec. 5101.132. Information contained in the information 2654
system established and maintained under section 5101.13 of the 2655
Revised Code may be accessed only as follows: 2656

(A) The department of job and family services and a public children services agency may access the information when either of the following is the case: 2657
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(1) The access is directly connected with assessment, investigation, or services regarding a child or family; 2660
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(2) The access is permitted by state or federal law. 2662

(B) A person may access the information in a manner, to the extent, and for the purposes authorized by rules adopted by the department. 2663
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Sec. 5101.133. No person shall access or use information contained in the information system established and maintained under section 5101.13 of the Revised Code other than in accordance with section 5101.132 of the Revised Code or rules authorized by that section. 2666
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No person shall disclose information obtained from the information system established and maintained under section 5101.13 of the Revised Code in a manner not specified by rules authorized by section 5101.134 of the Revised Code. 2671
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Sec. 5101.134. (A)(1) The department of job and family services may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code. 2675
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(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (B) of section 5101.132 of the Revised Code. 2680
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(B) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the 2683
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department.

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Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 2687
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 2688
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 2689

(B) The department of job and family services shall act as 2690
the single state agency to administer federal payments for foster 2691
care and adoption assistance made pursuant to Title IV-E. The 2692
director of job and family services shall adopt rules to implement 2693
this authority. Rules governing financial and administrative 2694
requirements applicable to public children services agencies and 2695
government entities that provide Title IV-E reimbursable placement 2696
services to children shall be adopted in accordance with section 2697
111.15 of the Revised Code, as if they were internal management 2698
rules. Rules governing requirements applicable to private child 2699
placing agencies and private noncustodial agencies and rules 2700
establishing eligibility, program participation, and other 2701
requirements concerning Title IV-E shall be adopted in accordance 2702
with Chapter 119. of the Revised Code. A public children services 2703
agency to which the department distributes Title IV-E funds shall 2704
administer the funds in accordance with those rules. 2705

(C)(1) The county, on behalf of each child eligible for 2706
foster care maintenance payments under Title IV-E, shall make 2707
payments to cover the cost of providing all of the following: 2708

(a) The child's food, clothing, shelter, daily supervision, 2709
and school supplies; 2710

(b) The child's personal incidentals; 2711

(c) Reasonable travel to the child's home for visitation. 2712

(2) In addition to payments made under division (C)(1) of 2713
this section, the county may, on behalf of each child eligible for 2714
foster care maintenance payments under Title IV-E, make payments 2715

to cover the cost of providing the following: 2716

(a) Liability insurance with respect to the child; 2717

(b) If the county is participating in the demonstration 2718
project established under division (A) of section 5101.142 of the 2719
Revised Code, services provided under the project. 2720

(3) With respect to a child who is in a child-care 2721
institution, including any type of group home designed for the 2722
care of children or any privately operated program consisting of 2723
two or more certified foster homes operated by a common 2724
administrative unit, the foster care maintenance payments made by 2725
the county on behalf of the child shall include the reasonable 2726
cost of the administration and operation of the institution, group 2727
home, or program, as necessary to provide the items described in 2728
divisions (C)(1) and (2) of this section. 2729

(D) To the extent that either foster care maintenance 2730
payments under division (C) of this section or Title IV-E adoption 2731
assistance payments for maintenance costs require the expenditure 2732
of county funds, the board of county commissioners shall report 2733
the nature and amount of each expenditure of county funds to the 2734
department. 2735

(E) The department shall distribute to public children 2736
services agencies that incur and report such expenditures federal 2737
financial participation received for administrative and training 2738
costs incurred in the operation of foster care maintenance and 2739
adoption assistance programs. The department may withhold not more 2740
than three per cent of the federal financial participation 2741
received. The funds withheld may be used only to fund the Ohio 2742
child welfare training program established under section ~~5153.60~~ 2743
5103.30 of the Revised Code and the university partnership program 2744
for college and university students majoring in social work who 2745
have committed to work for a public children services agency upon 2746

graduation. The funds withheld shall be in addition to any 2747
administration and training cost for which the department is 2748
reimbursed through its own cost allocation plan. 2749

(F) All federal financial participation funds received by a 2750
county pursuant to this section shall be deposited into the 2751
county's children services fund created pursuant to section 2752
5101.144 of the Revised Code. 2753

(G) The department shall periodically publish and distribute 2754
the maximum amounts that the department will reimburse public 2755
children services agencies for making payments on behalf of 2756
children eligible for foster care maintenance payments. 2757

(H) The department, by and through its director, is hereby 2758
authorized to develop, participate in the development of, 2759
negotiate, and enter into one or more interstate compacts on 2760
behalf of this state with agencies of any other states, for the 2761
provision of medical assistance and other social services to 2762
children in relation to whom all of the following apply: 2763

(1) They have special needs. 2764

(2) This state or another state that is a party to the 2765
interstate compact is providing adoption assistance on their 2766
behalf. 2767

(3) They move into this state from another state or move out 2768
of this state to another state. 2769

Sec. 5101.29. When contained in a record held by the 2770
department of job and family services or a county agency, the 2771
following are not public records for purposes of section 149.43 of 2772
the Revised Code: 2773

(A) Names and other identifying information regarding 2774
children enrolled in or attending a child day-care center or home 2775
subject to licensure, certification, or registration under Chapter 2776

5104. of the Revised Code;	2777
(B) <u>Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;</u>	2778 2779 2780
(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding a <u>an institution, association, child day-care center,</u> or home subject to licensure, certification, or registration to the department or other state or county entity responsible for enforcing Chapter <u>5103. or</u> 5104. of the Revised Code.	2781 2782 2783 2784 2785 2786
Sec. 5101.35. (A) As used in this section:	2787
(1) "Agency" means the following entities that administer a family services program:	2788 2789
(a) The department of job and family services;	2790
(b) A county department of job and family services;	2791
(c) A public children services agency;	2792
(d) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.	2793 2794 2795 2796
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	2797 2798 2799 2800 2801
(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under Chapter 5104., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the	2802 2803 2804 2805

Revised Code, other than assistance provided under section 5101.46 2806
of the Revised Code by the department of mental health, the 2807
department of mental retardation and developmental disabilities, a 2808
board of alcohol, drug addiction, and mental health services, or a 2809
county board of mental retardation and developmental disabilities. 2810

(B) Except as provided by divisions (G) and (H) of this 2811
section, an appellant who appeals under federal or state law a 2812
decision or order of an agency administering a family services 2813
program shall, at the appellant's request, be granted a state 2814
hearing by the department of job and family services. This state 2815
hearing shall be conducted in accordance with rules adopted under 2816
this section. The state hearing shall be ~~tape-recorded~~ recorded, 2817
but neither the recording nor a transcript of the recording shall 2818
be part of the official record of the proceeding. A state hearing 2819
decision is binding upon the agency and department, unless it is 2820
reversed or modified on appeal to the director of job and family 2821
services or a court of common pleas. 2822

(C) Except as provided by division (G) of this section, an 2823
appellant who disagrees with a state hearing decision may make an 2824
administrative appeal to the director of job and family services 2825
in accordance with rules adopted under this section. This 2826
administrative appeal does not require a hearing, but the director 2827
or the director's designee shall review the state hearing decision 2828
and previous administrative action and may affirm, modify, remand, 2829
or reverse the state hearing decision. Any person designated to 2830
make an administrative appeal decision on behalf of the director 2831
shall have been admitted to the practice of law in this state. An 2832
administrative appeal decision is the final decision of the 2833
department and is binding upon the department and agency, unless 2834
it is reversed or modified on appeal to the court of common pleas. 2835

(D) An agency shall comply with a decision issued pursuant to 2836
division (B) or (C) of this section within the time limits 2837

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
due the agency or imposing another sanction established by rules
adopted under this section.

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

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

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

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

(4) The department shall be required to file a transcript of

the testimony of the state hearing with the court only if the
court orders the department to file the transcript. The court
shall make such an order only if it finds that the department and
the appellant are unable to stipulate to the facts of the case and
that the transcript is essential to a determination of the appeal.
The department shall file the transcript not later than thirty
days after the day such an order is issued.

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

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

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

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

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

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

Revised Code administer the appeals process. 2900

(H) If an appellant receiving medicaid through a health 2901
insuring corporation that holds a certificate of authority under 2902
Chapter 1751. of the Revised Code is appealing a denial of 2903
medicaid services based on lack of medical necessity or other 2904
clinical issues regarding coverage by the health insuring 2905
corporation, the person hearing the appeal may order an 2906
independent medical review if that person determines that a review 2907
is necessary. The review shall be performed by a health care 2908
professional with appropriate clinical expertise in treating the 2909
recipient's condition or disease. The department shall pay the 2910
costs associated with the review. 2911

A review ordered under this division shall be part of the 2912
record of the hearing and shall be given appropriate evidentiary 2913
consideration by the person hearing the appeal. 2914

(I) The requirements of Chapter 119. of the Revised Code 2915
apply to a state hearing or administrative appeal under this 2916
section only to the extent, if any, specifically provided by rules 2917
adopted under this section. 2918

Sec. 5101.72. The department of job and family services, to 2919
the extent of available funds, may reimburse county departments of 2920
job and family services for all or part of the costs they incur in 2921
implementing sections 5101.60 to 5101.71 of the Revised Code. The 2922
director of job and family services shall adopt, ~~and may amend or~~ 2923
~~repeal,~~ internal management rules under in accordance with 2924
section 111.15 of the Revised Code that provide for reimbursement 2925
of county departments of job and family services under this 2926
section. 2927

The director shall adopt internal management rules in 2928
accordance with section 111.15 of the Revised Code that do both of 2929

<u>the following:</u>	2930
<u>(A) Implement sections 5101.60 to 5101.71 of the Revised Code;</u>	2931
<u>(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.</u>	2933
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.	2934
(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.	2935
<u>(C) Whoever violates section 5101.133 of the Revised Code is guilty of a misdemeanor of the fourth degree.</u>	2936
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 <u>prospective</u> foster caregiver successfully completes the following amount of preplacement training through a preplacement training program operated <u>approved by the department of job and family services</u> under section 5103.034 <u>5103.038</u> of the Revised Code or 5153.60 <u>preplacement training provided under division (C) of section 5103.30</u> of the Revised Code:	2937
(A) If the foster home is a family foster home, at least twenty-four hours;	2938
(B) If the foster home is a specialized foster home, at least thirty-six hours.	2939
Sec. 5103.033. (A) The department of job and family services	2940

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 prospective foster caregiver or foster caregiver successfully completes the following amount of training:

(1) For an initial certificate, at least twelve hours 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 (C) of section 5103.30 of the Revised Code;

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

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

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

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either

an emergency in or outside of this state or to military duty in or
outside of this state.

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

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

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(1) Availability of space in the training program;

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

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(C) ~~The Ohio child welfare training program operating a~~
~~preplacement training program or continuing training program~~
~~pursuant to section 5153.60 of the Revised Code may condition the~~
~~enrollment in a preplacement training program or continuing~~
~~training program of a foster caregiver whose recommending agency~~
~~is a private child placing agency or private noncustodial agency~~

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~~on either or both of the following:~~ 3019

~~(1) Availability of space in the training program;~~ 3020

~~(2) Assignment to the program by the foster caregiver's
recommending agency of the allowance payable under section
5103.0313 of the Revised Code.~~ 3021
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~~(D) A private child placing agency or private noncustodial
agency may contract with an individual or a public or private
entity to administer operating a preplacement training program or
continuing training program ~~operated by the agency and~~ approved by
the department of job and family services under section 5103.038
of the Revised Code may contract with a person or governmental
entity to administer the program.~~ 3024
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Sec. 5103.035. A public children services agency, private 3031
child placing agency, or private noncustodial agency acting as a 3032
recommending agency for a foster caregiver ~~holding a certificate~~ 3033
~~issued under section 5103.03 of the Revised Code~~ shall develop and 3034
implement a written needs assessment and continuing training plan 3035
for the foster caregiver. Each needs assessment and continuing 3036
training plan shall satisfy all of the following requirements: 3037

(A) Be effective for the two-year period the foster 3038
caregiver's certificate is in effect; 3039

(B) Be appropriate for the type of foster home the foster 3040
caregiver operates; 3041

(C) Require the foster caregiver to successfully complete the 3042
training required by the department in rules adopted pursuant to 3043
section 5103.0316 of the Revised Code and any other courses the 3044
agency considers appropriate; 3045

(D) Include criteria the agency is to use to determine 3046
whether the foster caregiver has successfully completed the 3047
courses; 3048

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

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

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

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

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

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

under section 5103.03 of the Revised Code. 3079

Sec. 5103.038. (A) Every other year by a date specified in 3080
rules adopted under section 5103.0316 of the Revised Code, each 3081
private child placing agency and private noncustodial agency that 3082
seeks to operate a preplacement training program or continuing 3083
training program under section 5103.034 of the Revised Code shall 3084
submit to the department of job and family services a proposal 3085
outlining the program. The proposal may be the same as, a 3086
modification of, or different from, a model design developed ~~under~~ 3087
~~section 5103.037 of the Revised Code~~ by the department. 3088

(B) Not later than thirty days after receiving a proposal 3089
under division (A) of this section, the department shall either 3090
approve or disapprove the proposed program. The department shall 3091
approve a proposed preplacement training program if it complies 3092
with section 5103.039 or 5103.0311 of the Revised Code, as 3093
appropriate, and, in the case of a proposal submitted by an agency 3094
operating a preplacement training program at the time the proposal 3095
is submitted, the department is satisfied with the agency's 3096
operation of the program. The department shall approve a proposed 3097
continuing training program if it complies with rules adopted 3098
pursuant to division (C) of section 5103.0316 of the Revised Code 3099
and, in the case of a proposal submitted by an agency operating a 3100
continuing training program at the time the proposal is submitted, 3101
the department is satisfied with the agency's operation of the 3102
program. If the department disapproves a proposal, it shall 3103
provide the reason for disapproval to the agency that submitted 3104
the proposal and advise the agency of how to revise the proposal 3105
so that the department can approve it. 3106

(C) The department's approval under division (B) of this 3107
section of a proposed preplacement training program or continuing 3108
training program is valid only for two years following the year 3109

the proposal for the program is submitted to the department under 3110
division (A) of this section. 3111

Sec. 5103.039. Except for preplacement training programs 3112
described in section 5103.0311 of the Revised Code, a preplacement 3113
training program shall consist of courses in the role of foster 3114
caregivers as a part of the care and treatment of foster children. 3115
A prospective foster caregiver shall complete all of the courses, 3116
which shall address all of the following: 3117

(A) The legal rights and responsibilities of foster 3118
caregivers; 3119

(B) Public children services agencies, private child placing 3120
agencies, and private noncustodial agencies' policies and 3121
procedures regarding foster caregivers; 3122

(C) The department of job and family services' requirements 3123
for certifying foster homes; 3124

(D) The effects placement, separation, and attachment issues 3125
have on children, their families, and foster caregivers; 3126

(E) Foster caregivers' involvement in permanency planning for 3127
children and their families; 3128

(F) The effects of physical abuse, sexual abuse, emotional 3129
abuse, neglect, and substance abuse on normal human growth and 3130
development; 3131

(G) Behavior management techniques; 3132

(H) Effects of caregiving on children's families; 3133

(I) Cultural issues in placement; 3134

(J) Prevention, recognition, and management of communicable 3135
diseases; 3136

(K) Community health and social services available to 3137

children and their families; 3138

(L) The substance of section 2152.72 of the Revised Code. A 3139
course addressing section 2152.72 of the Revised Code shall be not 3140
less than one hour long. 3141

(M) In the case of a preplacement training program for a 3142
prospective foster caregiver seeking certification for a 3143
specialized foster home, additional issues specific to the types 3144
of children placed in specialized foster homes, including 3145
cardiopulmonary resuscitation and first aid, appropriate 3146
behavioral intervention techniques, such as de-escalation, 3147
self-defense, and physical restraint techniques and the 3148
appropriate use of such techniques. 3149

Sec. 5103.0311. (A) A preplacement training program for 3150
prospective foster caregivers described in section 5103.033 of the 3151
Revised Code shall consist of courses that address all of the 3152
following: 3153

(1) The legal rights and responsibilities of foster 3154
caregivers; 3155

(2) The policies and procedures of public children services 3156
agencies, private child placing agencies, and private noncustodial 3157
agencies regarding foster caregivers; 3158

(3) The department of job and family services' requirements 3159
for certifying foster homes; 3160

(4) Infant care; 3161

(5) Early childhood development. 3162

(B) A continuing training program for foster caregivers 3163
described in section 5103.033 of the Revised Code shall meet the 3164
requirements of rules adopted pursuant to section 5103.0316 of the 3165
Revised Code. 3166

Sec. 5103.0312. A public children services agency, private 3167
child placing agency, or private noncustodial agency acting as a 3168
recommending agency for a foster caregiver ~~who hold certificates~~ 3169
~~issued under section 5103.03 of the Revised Code~~ caregiver shall 3170
pay ~~those~~ the foster caregiver a stipend to reimburse 3171
~~them~~ the foster caregiver for attending a preplacement ~~training~~ 3172
~~program~~ or continuing training program operated under section 3173
5103.034 or ~~5153.60~~ 5103.30 of the Revised Code. The payment shall 3174
be based on a stipend rate established by the department of job 3175
and family services. The stipend rate shall be the same regardless 3176
of the type of recommending agency from which a the foster 3177
caregiver seeks a recommendation. The department shall, pursuant 3178
to rules adopted under section 5103.0316 of the Revised Code, 3179
reimburse the recommending agency for stipend payments it makes in 3180
accordance with this section. No payment shall be made to an 3181
individual for attending a preplacement training program if the 3182
individual fails to obtain a foster home certificate under section 3183
5103.03 of the Revised Code. 3184

Sec. 5103.0313. The Except as provided in section 5103.303 of 3185
the Revised Code, the department of job and family services shall 3186
compensate a private child placing agency or private noncustodial 3187
agency for the cost of procuring or operating preplacement and 3188
continuing training programs approved by the department of job and 3189
family services under section ~~5103.034~~ 5103.038 of the Revised 3190
Code for prospective foster caregivers and foster caregivers who 3191
are recommended for initial certification or recertification by 3192
the agency. 3193

The compensation shall be paid to the agency in the form of 3194
an allowance for each hour of preplacement and continuing training 3195
provided or received. 3196

Sec. 5103.0315. The department of job and family services 3197
shall seek federal financial participation for the cost of making 3198
payments under section 5103.0312 of the Revised Code and 3199
allowances under ~~section~~ sections 5103.0313 and 5103.303 of the 3200
Revised Code. The department shall notify the governor, president 3201
of the senate, minority leader of the senate, speaker of the house 3202
of representatives, and minority leader of the house of 3203
representatives of any proposed federal legislation that endangers 3204
the federal financial participation. 3205

Sec. 5103.07. The department of job and family services shall 3206
administer funds received under Title IV-B of the "Social Security 3207
Act," 49 81 Stat. ~~620~~ 821 (~~1935~~ 1967), 42 U.S.C.A. 620, as 3208
amended, and the "Child Abuse Prevention and Treatment Act," 88 3209
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 3210
these funds, the department may establish a child welfare services 3211
program and a child abuse and neglect prevention and adoption 3212
reform program. The department has all powers necessary for the 3213
adequate administration of these funds and programs. The director 3214
of job and family services may adopt ~~internal management~~ rules ~~in~~ 3215
~~accordance with section 111.15 of the Revised Code~~ as necessary to 3216
carry out the purposes of this section. 3217

Sec. ~~5153.60~~ 5103.30. ~~(A)~~ The Ohio child welfare training 3218
program is hereby established in the department of job and family 3219
services ~~shall establish~~ as a statewide program ~~that provides~~. The 3220
program shall provide all of the following: 3221

~~(1)~~(A) The training that section 3107.014 of the Revised Code 3222
requires an assessor to complete; 3223

(B) The training that section 3107.031 of the Revised Code 3224
requires a person utilizing a public children services agency to 3225
arrange the adoption of a minor to complete as part of a home 3226

<u>study;</u>	3227
<u>(C) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;</u>	3228 3229 3230
<u>(D) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;</u>	3231 3232 3233
<u>(E) The training that section 5153.122 of the Revised Code requires public children services agency caseworkers and supervisors a PCSA caseworker to complete;</u>	3234 3235 3236
(2) The preplacement and continuing training described in sections 5103.034, 5103.039, and 5103.0311 of the Revised Code that foster caregivers are required by sections 5103.031, 5103.032, and 5103.033 of the Revised Code to obtain;	3237 3238 3239 3240
(3) The education programs for adoption assessors required by section 3107.014 of the Revised Code <u>(F) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete.</u>	3241 3242 3243 3244
(B) The program established pursuant to division (A) of this section shall be called the "Ohio child welfare training program."	3245 3246
<u>Sec. 5103.301. The Ohio child welfare training program shall make its preplacement and continuing training provided under divisions (C) and (D) of section 5103.30 of the Revised Code available to a prospective foster caregiver or foster caregiver without regard to the type of recommending agency from which the prospective foster caregiver or foster caregiver seeks a recommendation.</u>	3247 3248 3249 3250 3251 3252 3253
<u>Sec. 5103.302. The Ohio child welfare training program may condition a prospective foster caregiver or foster caregiver's</u>	3254 3255

enrollment in its preplacement and continuing training provided 3256
under divisions (C) and (D) of section 5103.30 of the Revised Code 3257
on the availability of space in the training if the prospective 3258
foster caregiver or foster caregiver's recommending agency is a 3259
private child placing agency or private noncustodial agency. 3260

Sec. 5103.303. When the Ohio child welfare training program 3261
provides preplacement or continuing training to a prospective 3262
foster caregiver or foster caregiver whose recommending agency is 3263
a private child placing agency or private noncustodial agency, the 3264
department of job and family services shall not pay the Ohio child 3265
welfare training program the allowance the department would 3266
otherwise pay to the private child placing agency or private 3267
noncustodial agency under section 5103.0313 of the Revised Code 3268
for the training. 3269

Sec. 5103.31. Training provided under section 5103.30 of the 3270
Revised Code shall provide the knowledge, skill, and ability 3271
needed to do the jobs that the training is for. The Ohio child 3272
welfare training program coordinator shall identify the 3273
competencies needed to do the jobs that the training is for so 3274
that the training helps the development of those competencies. In 3275
addition, the training shall do all of the following: 3276

(A) In the case of the training provided under division (A) 3277
of section 5103.30 of the Revised Code, comply with the rules 3278
adopted under section 3107.015 of the Revised Code; 3279

(B) In the case of the training provided under division (B) 3280
of section 5103.30 of the Revised Code, comply with rules adopted 3281
under division (B) of section 3107.032 of the Revised Code; 3282

(C) In the case of the preplacement training provided under 3283
division (C) of section 5103.30 of the Revised Code, comply with 3284

<u>section 5103.039 of the Revised Code and division (A) of section</u>	3285
<u>5103.0311 of the Revised Code;</u>	3286
<u>(D) In the case of the continuing training provided under</u>	3287
<u>division (D) of section 5103.30 of the Revised Code, comply with</u>	3288
<u>rules adopted under division (C) of section 5103.0316 of the</u>	3289
<u>Revised Code;</u>	3290
<u>(E) In the case of the training provided under divisions (E)</u>	3291
<u>and (F) of section 5103.30 of the Revised Code, comply with rules</u>	3292
<u>adopted under section 5153.124 of the Revised Code.</u>	3293
Sec. 5153.78 <u>5103.32</u>. (A) As used in this section:	3294
(1) "Title IV-B" means Title IV-B of the "Social Security Act	3295
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.	3296
(2) "Title IV-E" means Title IV-E of the "Social Security	3297
Act," 94 Stat. 501, 42 U.S.C. 670(1980).	3298
(3) "Title XX" has the same meaning as in section 5101.46 of	3299
the Revised Code.	3300
(B) For purposes of adequately funding the Ohio child welfare	3301
training program, the department of job and family services may	3302
use any of the following:	3303
(1) The federal financial participation funds withheld	3304
pursuant to division (E) of section 5101.141 of the Revised Code	3305
in an amount determined by the department;	3306
(2) Funds available under Title XX, Title IV-B, and Title	3307
IV-E to pay for training costs;	3308
(3) Other available state or federal funds;	3309
<u>(4) Funds that a person, including a foundation, makes</u>	3310
<u>available for the program.</u>	3311
<u>Sec. 5103.33.</u> The director of job and family services shall	3312

adopt rules under Chapter 119. of the Revised Code as necessary to 3313
implement the Ohio child welfare training program. 3314

Sec. 5103.34. The department of job and family services shall 3315
monitor and evaluate the Ohio child welfare training program to 3316
ensure that the program satisfies all of the requirements 3317
established by law enacted by the general assembly regarding the 3318
program and rules adopted under section 5103.33 of the Revised 3319
Code. As part of the monitoring and evaluation, the department 3320
shall ensure that the training provided under section 5103.30 of 3321
the Revised Code meets all of the requirements of section 5103.31 3322
of the Revised Code, including the requirement that the training 3323
be competency based. 3324

Sec. ~~5153.61~~ 5103.35. Each fiscal biennium, the department of 3325
job and family services shall contract with an entity to serve as 3326
the ~~training coordinator for the~~ Ohio child welfare training 3327
program ~~coordinator~~. The ~~training coordinator shall develop,~~ 3328
~~implement, and manage the training program~~. The department shall 3329
select the entity with which to contract from the ~~candidates~~ 3330
~~selected pursuant to~~ entities that submit a proposal that meets, 3331
~~as determined under section 5103.362 of the Revised Code, the~~ 3332
~~requirements of the request for proposals issued under section~~ 3333
~~5153.63~~ 5103.36 of the Revised Code. ~~A~~ The department may contract 3334
~~with the entity the department contracted with the previous fiscal~~ 3335
~~biennium even though no request for proposals is issued if, as~~ 3336
~~specified in section 5103.361 of the Revised Code, a request for~~ 3337
~~proposals is not required for the upcoming fiscal biennium.~~ 3338

A contract entered into under this section shall be effective 3339
on the first day of the fiscal biennium for which it is entered 3340
into and terminate on the last day of that fiscal biennium. The 3341
~~contract shall require the coordinator to perform the duties~~ 3342

specified in section 5103.37 of the Revised Code. 3343

~~Sec. 5153.62~~ 5103.36. ~~Before the beginning of each fiscal~~ 3344
~~biennium, the~~ The department of job and family services shall 3345
develop and issue or cause to be issued a request for proposals 3346
for the ~~development, implementation, and management, as training~~ 3347
~~coordinator, of~~ an entity to serve as the Ohio child welfare 3348
training program ~~during the biennium~~ coordinator. The department 3349
shall develop the request for proposals in consultation with 3350
individuals ~~designated~~ solicited under section ~~5153.64~~ 5103.365 of 3351
the Revised Code. The request for proposals shall explain the 3352
types of duties of the coordinator. 3353

Sec. 5103.361. (A) Except as provided in division (B) of this 3354
section, the request for proposals required by section 5103.36 of 3355
the Revised Code shall be developed and issued before the 3356
beginning of each fiscal biennium. 3357

(B) The department is not required to develop and issue or 3358
cause to be issued the request for proposals before the beginning 3359
of a fiscal biennium if both of the following are the case: 3360

(1) The department developed and issued or caused to be 3361
issued such a request for proposals before at least one of the 3362
three previous fiscal biennia; 3363

(2) The department and entity under contract to serve as the 3364
Ohio child welfare training program coordinator contract for that 3365
entity to continue serving as the coordinator for the upcoming 3366
fiscal biennium. 3367

~~Sec. 5153.63~~ 5103.362. ~~Before the beginning of each fiscal~~ 3368
~~biennium,~~ After considering recommendations from the individuals 3369
~~designated~~ solicited under section ~~5153.64~~ 5103.363 of the Revised 3370
Code, the department of job and family services shall review all 3371

~~responses to the~~ determine which of the proposals received in 3372
response to a request for proposals issued under section ~~5153.62~~ 3373
5103.36 of the Revised Code for the biennium and recommend to the 3374
~~department of job and family services those entities that~~ meet the 3375
requirements of the request. 3376

Sec. ~~5153.64~~ 5103.363. The director of job and family 3377
services shall ~~select~~ solicit representatives from all of the 3378
following organizations to perform the consultation and 3379
recommendation duties under sections ~~5153.62~~ 5103.36 and ~~5153.63~~ 3380
5103.362 of the Revised Code: 3381

(A) Regional training centers established under section 3382
~~5153.72~~ 5103.42 of the Revised Code; 3383

(B) Staff of public children services agencies; 3384

(C) Staff of the state department of job and family services; 3385

(D) A statewide organization that represents the interests of 3386
public children services agencies. 3387

Sec. ~~5153.65~~ 5103.37. The entity ~~contracted with to serve as~~ 3388
~~the training coordinator for the~~ Ohio child welfare training 3389
program coordinator shall do all the following ~~as part of its~~ 3390
~~duties under~~ pursuant to the contract entered into under section 3391
5103.35 of the Revised Code: 3392

(A) ~~Administer~~ Manage, coordinate, and evaluate all of the 3393
program's training ~~program activities under the program~~ provided 3394
under section 5103.30 of the Revised Code; 3395

(B) Develop ~~training~~ curriculum, resources, and products for 3396
the training; 3397

(C) Provide fiscal management and technical assistance to 3398
regional training centers established under section ~~5153.72~~ 3399
5103.42 of the Revised Code; 3400

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

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

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

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

(H) Conduct any other activities necessary for the development, implementation, and management of the ~~training~~ program as specified in the contract.

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

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

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

(1)(A) Employees of the department of job and family services;	3429 3430
(2) Representatives (B) <u>One representative of each of the regional training centers established under section 5153.72 5103.42 of the Revised Code;</u>	3431 3432 3433
(3) A (C) <u>One representative of an a statewide organization that represents the interests of public children services agencies;</u>	3434 3435 3436
(4) A (D) <u>One representative of the entity contracted with to serve as the training coordinator for the Ohio child welfare training program <u>coordinator</u>;</u>	3437 3438 3439
(5) Two employees (E) <u>Employees of public children services agencies.</u>	3440 3441
(B) All initial appointments required to be made under this section shall be made no later than thirty days after the effective date of this section.	3442 3443 3444
The representative of an entity contracted with to serve as the training coordinator shall serve on the committee until the department of job and family services contracts with a different entity to serve as the training coordinator.	3445 3446 3447 3448
The entity under contract on the effective date of this section to coordinate training for caseworkers and supervisors in the state shall be considered the entity that contracts with the department to serve as the training coordinator for the Ohio child welfare training program.	3449 3450 3451 3452 3453
<u>Sec. 5103.40. The Ohio child welfare training program steering committee shall do all of the following:</u>	3454 3455
<u>(A) Following procedures the committee shall establish, adopt, amend, and rescind by-laws as necessary regarding the</u>	3456 3457

<u>committee's governance, frequency of meetings, and other matters</u>	3458
<u>concerning the committee's operation;</u>	3459
<u>(B) Conduct strategic planning activities regarding the Ohio</u>	3460
<u>child welfare training program;</u>	3461
<u>(C) Provide the department of job and family services and</u>	3462
<u>Ohio child welfare training program coordinator recommendations</u>	3463
<u>regarding the program's operation;</u>	3464
<u>(D) After reviewing individual training needs assessments</u>	3465
<u>completed under sections 5153.125 and 5153.126 of the Revised</u>	3466
<u>Code, consult with the Ohio child welfare training program</u>	3467
<u>coordinator on the design and content of the training that the</u>	3468
<u>program provides pursuant to divisions (E) and (F) of section</u>	3469
<u>5103.30 of the Revised Code;</u>	3470
<u>(E) Review curricula created for the training provided under</u>	3471
<u>section 5103.30 of the Revised Code;</u>	3472
<u>(F) Provide the department recommendations regarding the</u>	3473
<u>curricula reviewed under division (E) of this section as the</u>	3474
<u>committee determines necessary for the training to be relevant to</u>	3475
<u>the needs of the child welfare field;</u>	3476
<u>(G) Evaluate the training and provide the department</u>	3477
<u>recommendations as the committee determines necessary for the</u>	3478
<u>training to be able to enable all of the following:</u>	3479
<u>(1) Assessors to satisfy the training requirement of section</u>	3480
<u>3107.014 of the Revised Code;</u>	3481
<u>(2) Persons utilizing a public children services agency to</u>	3482
<u>adopt a minor to satisfy the training that must be completed as</u>	3483
<u>part of a home study under section 3107.031 of the Revised Code;</u>	3484
<u>(3) Prospective foster caregivers and foster caregivers to</u>	3485
<u>satisfy the preplacement and continuing training requirements of</u>	3486
<u>sections 5103.031, 5103.032, and 5103.033 of the Revised Code;</u>	3487

(4) PCSA caseworkers to satisfy the training requirements of 3488
section 5153.122 of the Revised Code; 3489

(5) PCSA caseworker supervisors to satisfy the training 3490
requirements of section 5153.123 of the Revised Code. 3491

Sec. ~~5153.71~~ 5103.41. Prior to the beginning of the fiscal 3492
biennium that first follows ~~the effective date of this section~~ 3493
October 5, 2000, the department of job and family services, in 3494
consultation with the Ohio child welfare training program steering 3495
committee, shall designate eight training regions in the state. 3496
The department, at times it selects, shall review the composition 3497
of the training regions. The committee, at times it selects, shall 3498
also review the training regions' composition and provide the 3499
department recommendations on changes. The department may change 3500
the composition of the training regions as ~~needed~~ the department 3501
considers necessary. Each training region shall contain only one 3502
regional training center established and maintained under section 3503
~~5153.72~~ 5103.42 of the Revised Code. 3504

Sec. ~~5153.72~~ 5103.42. Prior to the beginning of the fiscal 3505
biennium that first follows October 5, 2000, the public children 3506
services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 3507
Hamilton, Lucas, and Summit counties shall each establish and 3508
maintain a regional training center. At any time after the 3509
beginning of that biennium, the department of job and family 3510
services, on the recommendation of the Ohio child welfare training 3511
program steering committee, may direct a public children services 3512
agency to establish and maintain a training center to replace the 3513
center established by an agency under this section. There may be 3514
no more and no less than eight centers in existence at any time. 3515
The department may make a grant to a public children services 3516
agency that establishes and maintains a regional training center 3517

under this section for the purpose of wholly or partially 3518
subsidizing the operation of the center. The department shall 3519
specify in the grant all of the center's duties, including the 3520
duties specified in section 5103.422 of the Revised Code. 3521

Sec. ~~5153.73~~ 5103.421. The executive director of each public 3522
children services agency required to establish and maintain a 3523
regional training center shall appoint a manager to operate the 3524
training center in accordance with section ~~5153.74~~ 5103.422 of the 3525
Revised Code. 3526

Sec. ~~5153.74~~ 5103.422. A regional training center's 3527
responsibilities shall include all of the following: 3528

(A) ~~Secure~~ Securing facilities suitable for conducting the 3529
training ~~programs and sessions~~ provided under section 5103.30 of 3530
the Revised Code; 3531

(B) ~~Provide~~ Providing administrative services and ~~pay~~ paying 3532
all administrative costs related to the conduct of the training 3533
~~programs and sessions;~~ 3534

(C) ~~Maintain~~ Maintaining a database of the data contained in 3535
the individual training needs assessments for each PCSA caseworker 3536
and PCSA caseworker supervisor employed by a public children 3537
services agency located in the training region served by the 3538
center; 3539

(D) ~~Assess~~ Analyzing training needs of PCSA caseworkers and 3540
PCSA caseworker supervisors employed by a public children services 3541
agency located in the training region served by the center; 3542

(E) ~~Cooperate with~~ Coordinating the ~~entity contracted with~~ 3543
~~under section 5153.61 of the Revised Code in coordinating~~ training 3544
~~programs and sessions~~ at the center with the Ohio child welfare 3545
training program coordinator. 3546

Sec. 5104.01. As used in this chapter:	3547
(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person.	3548 3549 3550
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	3551 3552
(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day-care home.	3553 3554 3555
(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	3556 3557 3558 3559
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	3560 3561 3562 3563 3564 3565 3566 3567
(F) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.	3568 3569 3570 3571 3572 3573
(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the	3574 3575 3576

Revised Code.	3577
(H) "Child" includes an infant, toddler, preschool child, or school child.	3578 3579
(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.	3580 3581 3582 3583
(J) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.	3584 3585 3586 3587 3588 3589 3590 3591 3592 3593 3594 3595 3596 3597
(K) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.	3598 3599 3600 3601 3602 3603
(L) "Child day-care center" and "center" mean any place in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which	3604 3605 3606 3607

child care or publicly funded child care is provided for seven to 3608
twelve children at one time. In counting children for the purposes 3609
of this division, any children under six years of age who are 3610
related to a licensee, administrator, or employee and who are on 3611
the premises of the center shall be counted. "Child day-care 3612
center" and "center" do not include any of the following: 3613

(1) A place located in and operated by a hospital, as defined 3614
in section 3727.01 of the Revised Code, in which the needs of 3615
children are administered to, if all the children whose needs are 3616
being administered to are monitored under the on-site supervision 3617
of a physician licensed under Chapter 4731. of the Revised Code or 3618
a registered nurse licensed under Chapter 4723. of the Revised 3619
Code, and the services are provided only for children who, in the 3620
opinion of the child's parent, guardian, or custodian, are 3621
exhibiting symptoms of a communicable disease or other illness or 3622
are injured; 3623

(2) A child day camp; 3624

(3) A place that provides child care, but not publicly funded 3625
child care, if all of the following apply: 3626

(a) An organized religious body provides the child care; 3627

(b) A parent, custodian, or guardian of at least one child 3628
receiving child care is on the premises and readily accessible at 3629
all times; 3630

(c) The child care is not provided for more than thirty days 3631
a year; 3632

(d) The child care is provided only for preschool and school 3633
children. 3634

(M) "Child care resource and referral service organization" 3635
means a community-based nonprofit organization that provides child 3636
care resource and referral services but not child care. 3637

(N) "Child care resource and referral services" means all of the following services:	3638 3639
(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;	3640 3641 3642
(2) Provision of individualized consumer education to families seeking child care;	3643 3644
(3) Provision of timely referrals of available child care providers to families seeking child care;	3645 3646
(4) Recruitment of child care providers;	3647
(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;	3648 3649 3650 3651
(6) Collection and analysis of data on the supply of and demand for child care in the community;	3652 3653
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	3654 3655 3656
(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;	3657 3658 3659
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	3660 3661
(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;	3662 3663 3664 3665
(11) Cooperation with the county department of job and family	3666

services in encouraging the establishment of parent cooperative 3667
child care centers and parent cooperative type A family day-care 3668
homes. 3669

(O) "Child-care staff member" means an employee of a child 3670
day-care center or type A family day-care home who is primarily 3671
responsible for the care and supervision of children. The 3672
administrator may be a part-time child-care staff member when not 3673
involved in other duties. 3674

(P) "Drop-in child day-care center," "drop-in center," 3675
"drop-in type A family day-care home," and "drop-in type A home" 3676
mean a center or type A home that provides child care or publicly 3677
funded child care for children on a temporary, irregular basis. 3678

(Q) "Employee" means a person who either: 3679

(1) Receives compensation for duties performed in a child 3680
day-care center or type A family day-care home; 3681

(2) Is assigned specific working hours or duties in a child 3682
day-care center or type A family day-care home. 3683

(R) "Employer" means a person, firm, institution, 3684
organization, or agency that operates a child day-care center or 3685
type A family day-care home subject to licensure under this 3686
chapter. 3687

(S) "Federal poverty line" means the official poverty 3688
guideline as revised annually in accordance with section 673(2) of 3689
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 3690
U.S.C. 9902, as amended, for a family size equal to the size of 3691
the family of the person whose income is being determined. 3692

(T) "Head start program" means a comprehensive child 3693
development program that receives funds distributed under the 3694
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 3695
amended, and is licensed as a child day-care center. 3696

(U) "Income" means gross income, as defined in section 3697
5107.10 of the Revised Code, less any amounts required by federal 3698
statutes or regulations to be disregarded. 3699

(V) "Indicator checklist" means an inspection tool, used in 3700
conjunction with an instrument-based program monitoring 3701
information system, that contains selected licensing requirements 3702
that are statistically reliable indicators or predictors of a 3703
child day-care center or type A family day-care home's compliance 3704
with licensing requirements. 3705

(W) "Infant" means a child who is less than eighteen months 3706
of age. 3707

(X) "In-home aide" means a person who does not reside with 3708
the child but provides care in the child's home and is certified 3709
by a county director of job and family services pursuant to 3710
section 5104.12 of the Revised Code to provide publicly funded 3711
child care to a child in a child's own home pursuant to this 3712
chapter and any rules adopted under it. 3713

(Y) "Instrument-based program monitoring information system" 3714
means a method to assess compliance with licensing requirements 3715
for child day-care centers and type A family day-care homes in 3716
which each licensing requirement is assigned a weight indicative 3717
of the relative importance of the requirement to the health, 3718
growth, and safety of the children that is used to develop an 3719
indicator checklist. 3720

(Z) "License capacity" means the maximum number in each age 3721
category of children who may be cared for in a child day-care 3722
center or type A family day-care home at one time as determined by 3723
the director of job and family services considering building 3724
occupancy limits established by the department of commerce, number 3725
of available child-care staff members, amount of available indoor 3726
floor space and outdoor play space, and amount of available play 3727

equipment, materials, and supplies. 3728

(AA) "Licensed preschool program" or "licensed school child 3729
program" means a preschool program or school child program, as 3730
defined in section 3301.52 of the Revised Code, that is licensed 3731
by the department of education pursuant to sections 3301.52 to 3732
3301.59 of the Revised Code. 3733

(BB) "Licensee" means the owner of a child day-care center or 3734
type A family day-care home that is licensed pursuant to this 3735
chapter and who is responsible for ensuring its compliance with 3736
this chapter and rules adopted pursuant to this chapter. 3737

(CC) "Operate a child day camp" means to operate, establish, 3738
manage, conduct, or maintain a child day camp. 3739

(DD) "Owner" includes a person, as defined in section 1.59 of 3740
the Revised Code, or government entity. 3741

(EE) "Parent cooperative child day-care center," "parent 3742
cooperative center," "parent cooperative type A family day-care 3743
home," and "parent cooperative type A home" mean a corporation or 3744
association organized for providing educational services to the 3745
children of members of the corporation or association, without 3746
gain to the corporation or association as an entity, in which the 3747
services of the corporation or association are provided only to 3748
children of the members of the corporation or association, 3749
ownership and control of the corporation or association rests 3750
solely with the members of the corporation or association, and at 3751
least one parent-member of the corporation or association is on 3752
the premises of the center or type A home during its hours of 3753
operation. 3754

(FF) "Part-time child day-care center," "part-time center," 3755
"part-time type A family day-care home," and "part-time type A 3756
home" mean a center or type A home that provides child care or 3757
publicly funded child care for no more than four hours a day for 3758

any child. 3759

(GG) "Place of worship" means a building where activities of 3760
an organized religious group are conducted and includes the 3761
grounds and any other buildings on the grounds used for such 3762
activities. 3763

(HH) "Preschool child" means a child who is three years old 3764
or older but is not a school child. 3765

(II) "Protective child care" means publicly funded child care 3766
for the direct care and protection of a child to whom either of 3767
the following applies: 3768

(1) A case plan prepared and maintained for the child 3769
pursuant to section 2151.412 of the Revised Code indicates a need 3770
for protective care and the child resides with a parent, 3771
stepparent, guardian, or another person who stands in loco 3772
parentis as defined in rules adopted under section 5104.38 of the 3773
Revised Code; 3774

(2) The child and the child's caretaker either temporarily 3775
reside in a facility providing emergency shelter for homeless 3776
families or are determined by the county department of job and 3777
family services to be homeless, and are otherwise ineligible for 3778
publicly funded child care. 3779

(JJ) "Publicly funded child care" means administering to the 3780
needs of infants, toddlers, preschool children, and school 3781
children under age thirteen during any part of the 3782
twenty-four-hour day by persons other than their caretaker parents 3783
for remuneration wholly or in part with federal or state funds, 3784
including funds available under the child care block grant act, 3785
Title IV-A, and Title XX, distributed by the department of job and 3786
family services. 3787

(KK) "Religious activities" means any of the following: 3788

worship or other religious services; religious instruction; Sunday 3789
school classes or other religious classes conducted during or 3790
prior to worship or other religious services; youth or adult 3791
fellowship activities; choir or other musical group practices or 3792
programs; meals; festivals; or meetings conducted by an organized 3793
religious group. 3794

(LL) "School child" means a child who is enrolled in or is 3795
eligible to be enrolled in a grade of kindergarten or above but is 3796
less than fifteen years old. 3797

(MM) "School child day-care center," "school child center," 3798
"school child type A family day-care home," and "school child type 3799
A family home" mean a center or type A home that provides child 3800
care for school children only and that does either or both of the 3801
following: 3802

(1) Operates only during that part of the day that 3803
immediately precedes or follows the public school day of the 3804
school district in which the center or type A home is located; 3805

(2) Operates only when the public schools in the school 3806
district in which the center or type A home is located are not 3807
open for instruction with pupils in attendance. 3808

(NN) "State median income" means the state median income 3809
calculated by the department of development pursuant to division 3810
(A)(1)(g) of section 5709.61 of the Revised Code. 3811

(OO) "Title IV-A" means Title IV-A of the "Social Security 3812
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 3813

(PP) "Title XX" means Title XX of the "Social Security Act," 3814
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 3815

(QQ) "Toddler" means a child who is at least eighteen months 3816
of age but less than three years of age. 3817

(RR) "Type A family day-care home" and "type A home" mean a 3818

permanent residence of the administrator in which child care or 3819
publicly funded child care is provided for seven to twelve 3820
children at one time or a permanent residence of the administrator 3821
in which child care is provided for four to twelve children at one 3822
time if four or more children at one time are under two years of 3823
age. In counting children for the purposes of this division, any 3824
children under six years of age who are related to a licensee, 3825
administrator, or employee and who are on the premises of the type 3826
A home shall be counted. ~~"Type A family day-care home" does not~~ 3827
~~include a residence in which the needs of children are~~ 3828
~~administered to, if all of the children whose needs are being~~ 3829
~~administered to are siblings of the same immediate family and the~~ 3830
~~residence is the home of the siblings.~~ "Type A family day-care 3831
home" and "type A home" do not include any child day camp. 3832

(SS) "Type B family day-care home" and "type B home" mean a 3833
permanent residence of the provider in which child care is 3834
provided for one to six children at one time and in which no more 3835
than three children are under two years of age at one time. In 3836
counting children for the purposes of this division, any children 3837
under six years of age who are related to the provider and who are 3838
on the premises of the type B home shall be counted. ~~"Type B~~ 3839
~~family day-care home" does not include a residence in which the~~ 3840
~~needs of children are administered to, if all of the children~~ 3841
~~whose needs are being administered to are siblings of the same~~ 3842
~~immediate family and the residence is the home of the siblings.~~ 3843
"Type B family day-care home" and "type B home" do not include any 3844
child day camp. 3845

Sec. 5104.11. (A)(1) Every person desiring to receive 3846
certification for a type B family day-care home to provide 3847
publicly funded child care shall apply for certification to the 3848
county director of job and family services on such forms as the 3849

director of job and family services prescribes. The county 3850
director shall provide at no charge to each applicant a copy of 3851
rules for certifying type B family day-care homes adopted pursuant 3852
to this chapter. 3853

(2) Except as provided in division (G)(1) of section 5104.011 3854
of the Revised Code, after receipt of an application for 3855
certification from a type B family day-care home, the county 3856
director of job and family services shall inspect the home. If it 3857
complies with this chapter and any applicable rules adopted under 3858
this chapter, the county department shall certify the type B 3859
family day-care home to provide publicly funded child care 3860
pursuant to this chapter and any rules adopted under it. The 3861
director of job and family services or a county director of job 3862
and family services may contract with a government entity or a 3863
private nonprofit entity for that entity to inspect and certify 3864
type B family day-care homes pursuant to this section. The county 3865
department of job and family services, government entity, or 3866
nonprofit entity shall conduct the inspection prior to the 3867
issuance of a certificate for the type B home and, as part of that 3868
inspection, ensure that the type B home is safe and sanitary. 3869

(3)(a) On receipt of an application for certification for a 3870
type B family day-care home to provide publicly funded child care 3871
or for renewal of such certification, the county department shall 3872
request from ~~the public children services agency~~ both of the 3873
following information concerning any abuse or neglect report made 3874
pursuant to section 2151.421 of the Revised Code of which the 3875
applicant, any other adult residing in the applicant's home, or a 3876
person designated by the applicant to be an emergency or 3877
substitute caregiver for the applicant is the subject. ~~The:~~ 3878

(i) The public children services agency, until the county 3879
department is notified by the department of job and family 3880
services that the uniform statewide automated child welfare 3881

information system has been finalized statewide; 3882

(ii) Upon receipt of notification under division (D) of section 5101.13 of the Revised Code that the uniform statewide automated child welfare information system has been implemented statewide, the uniform statewide automated child welfare information system via the department. 3883
3884
3885
3886
3887

(b) The county department shall consider any information 3888
provided by the agency or the department pursuant to section 3889
5153.175 of the Revised Code. If the county department determines 3890
that the information, when viewed within the totality of the 3891
circumstances, reasonably leads to the conclusion that the 3892
applicant may directly or indirectly endanger the health, safety, 3893
or welfare of children, the county department shall deny the 3894
application for certification or renewal of certification, or 3895
revoke the certification of an authorized provider. 3896

(c) As used in division (A)(3) of this section, "public children services agency" means either an entity separate from the 3897
county department or the part of the county department that serves 3898
as the county's public children services agency, as appropriate. 3899
3900

(4) Except as provided in division (A)(5) of this section, an 3901
authorized provider of a type B family day-care home that receives 3902
a certificate pursuant to this section to provide publicly funded 3903
child care is an independent contractor and is not an employee of 3904
the county department of job and family services that issues the 3905
certificate. 3906

(5) For purposes of Chapter 4141. of the Revised Code, 3907
determinations concerning the employment of an authorized provider 3908
of a type B family day-care home that receives a certificate 3909
pursuant to this section shall be determined under Chapter 4141. 3910
of the Revised Code. 3911

(B) If the county director of job and family services 3912

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

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

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

(a) If the complaint alleges that a child suffered physical harm while receiving child care at the certified type B family day-care home or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk

of physical harm to a child receiving child care at the home, the 3945
county director shall inspect the home. 3946

(b) If division (C)(2)(a) of this section does not apply 3947
regarding the complaint, the county director may inspect the 3948
certified type B family day-care home. 3949

(3) Division (C)(2) of this section does not limit, restrict, 3950
or negate any duty of the county director to inspect a certified 3951
type B family day-care home that otherwise is imposed under this 3952
section, or any authority of the county director to inspect a home 3953
that otherwise is granted under this section when the county 3954
director believes the inspection is necessary and it is permitted 3955
under the grant. 3956

(D) The county director of job and family services, in 3957
accordance with rules adopted pursuant to section 5104.052 of the 3958
Revised Code regarding fire safety and fire prevention, shall 3959
inspect each type B home that applies to be certified that is 3960
providing or is to provide publicly funded child care. 3961

(E) All materials that are supplied by the department of job 3962
and family services to type A family day-care home providers, type 3963
B family day-care home providers, in-home aides, persons who 3964
desire to be type A family day-care home providers, type B family 3965
day-care home providers, or in-home aides, and caretaker parents 3966
shall be written at no higher than the sixth grade reading level. 3967
The department may employ a readability expert to verify its 3968
compliance with this division. 3969

Sec. 5104.31. (A) Publicly funded child care may be provided 3970
only by the following: 3971

~~(A)~~(1) A child day-care center or type A family day-care 3972
home, including a parent cooperative child day-care center or 3973
parent cooperative type A family day-care home, licensed by the 3974

department of job and family services pursuant to section 5104.03 3975
of the Revised Code; 3976

~~(B)~~(2) A type B family day-care home certified by the county 3977
department of job and family services pursuant to section 5104.11 3978
of the Revised Code; 3979

~~(C)~~(3) A type B family day-care home that has received a 3980
limited certification pursuant to rules adopted under division 3981
(G)(1) of section 5104.011 of the Revised Code; 3982

~~(D)~~(4) An in-home aide who has been certified by the county 3983
department of job and family services pursuant to section 5104.12 3984
of the Revised Code; 3985

~~(E)~~(5) A child day camp approved pursuant to section 5104.22 3986
of the Revised Code; 3987

~~(F)~~(6) A licensed preschool program; 3988

~~(G)~~(7) A licensed school child program; 3989

~~(H)~~(8) A border state child care provider, except that a 3990
border state child care provider may provide publicly funded child 3991
care only to an individual who resides in an Ohio county that 3992
borders the state in which the provider is located. 3993

(B) Publicly funded child day-care may be provided in a 3994
child's own home only by an in-home aide. 3995

Sec. 5153.01. (A) As used in the Revised Code, "public 3996
children services agency" means an entity specified in section 3997
5153.02 of the Revised Code that has assumed the powers and duties 3998
of the children services function prescribed by this chapter for a 3999
county. 4000

(B) As used in this chapter: 4001

(1) "Certified foster home" means a foster home, as defined 4002
in section 5103.02 of the Revised Code, certified under section 4003

5103.03 of the Revised Code. 4004

(2) "Certified organization" means any organization holding a 4005
certificate issued pursuant to section 5103.03 of the Revised Code 4006
that is in full force and effect. 4007

(3) "Child" means any person under eighteen years of age or a 4008
mentally or physically handicapped person, as defined by rule 4009
adopted by the director of job and family services, under 4010
twenty-one years of age. 4011

(4) "Executive director" means the person charged with the 4012
responsibility of administering the powers and duties of a public 4013
children services agency appointed pursuant to section 5153.10 of 4014
the Revised Code. 4015

(5) "Organization" means any public, semipublic, or private 4016
institution, including maternity homes and day nurseries, and any 4017
private association, society, or agency, located or operating in 4018
this state, incorporated or unincorporated, having among its 4019
functions the furnishing of protective services or care for 4020
children or the placement of children in certified foster homes or 4021
elsewhere. 4022

(6) "PCSA caseworker" means an individual employed by a 4023
public children services agency as a caseworker. 4024

(7) "PCSA caseworker supervisor" means an individual employed 4025
by a public children services agency to supervise PCSA 4026
caseworkers. 4027

Sec. 5153.111. (A)(1) The executive director of a public 4028
children services agency shall request the superintendent of the 4029
bureau of criminal identification and investigation to conduct a 4030
criminal records check with respect to any applicant who has 4031
applied to the agency for employment as a person responsible for 4032
the care, custody, or control of a child. If the applicant does 4033

not present proof that the applicant has been a resident of this 4034
state for the five-year period immediately prior to the date upon 4035
which the criminal records check is requested or does not provide 4036
evidence that within that five-year period the superintendent has 4037
requested information about the applicant from the federal bureau 4038
of investigation in a criminal records check, the executive 4039
director shall request that the superintendent obtain information 4040
from the federal bureau of investigation as a part of the criminal 4041
records check for the applicant. If the applicant presents proof 4042
that the applicant has been a resident of this state for that 4043
five-year period, the executive director may request that the 4044
superintendent include information from the federal bureau of 4045
investigation in the criminal records check. 4046

(2) Any person required by division (A)(1) of this section to 4047
request a criminal records check shall provide to each applicant a 4048
copy of the form prescribed pursuant to division (C)(1) of section 4049
109.572 of the Revised Code, provide to each applicant a standard 4050
impression sheet to obtain fingerprint impressions prescribed 4051
pursuant to division (C)(2) of section 109.572 of the Revised 4052
Code, obtain the completed form and impression sheet from each 4053
applicant, and forward the completed form and impression sheet to 4054
the superintendent of the bureau of criminal identification and 4055
investigation at the time the person requests a criminal records 4056
check pursuant to division (A)(1) of this section. 4057

(3) Any applicant who receives pursuant to division (A)(2) of 4058
this section a copy of the form prescribed pursuant to division 4059
(C)(1) of section 109.572 of the Revised Code and a copy of an 4060
impression sheet prescribed pursuant to division (C)(2) of that 4061
section and who is requested to complete the form and provide a 4062
set of fingerprint impressions shall complete the form or provide 4063
all the information necessary to complete the form and shall 4064
provide the impression sheet with the impressions of the 4065

applicant's fingerprints. If an applicant, upon request, fails to
provide the information necessary to complete the form or fails to
provide impressions of the applicant's fingerprints, that agency
shall not employ that applicant for any position for which a
criminal records check is required by division (A)(1) of this
section.

(B)(1) Except as provided in rules adopted by the director of
job and family services in accordance with division (E) of this
section, no public children services agency shall employ a person
as a person responsible for the care, custody, or control of a
child if the person 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, 2909.02,
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a
violation of section 2905.04 of the Revised Code as it existed
prior to July 1, 1996, a violation of section 2919.23 of the
Revised Code that would have been a violation of section 2905.04
of the Revised Code as it existed prior to July 1, 1996, had the
violation occurred prior to that date, a violation of section
2925.11 of the Revised Code that is not a minor drug possession
offense, or felonious sexual penetration in violation of former
section 2907.12 of the Revised Code;

(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 (B)(1)(a) of this section.

(2) A public children services agency may employ an applicant 4098
conditionally until the criminal records check required by this 4099
section is completed and the agency receives the results of the 4100
criminal records check. If the results of the criminal records 4101
check indicate that, pursuant to division (B)(1) of this section, 4102
the applicant does not qualify for employment, the agency shall 4103
release the applicant from employment. 4104

(C)(1) Each public children services agency shall pay to the 4105
bureau of criminal identification and investigation the fee 4106
prescribed pursuant to division (C)(3) of section 109.572 of the 4107
Revised Code for each criminal records check conducted in 4108
accordance with that section upon the request pursuant to division 4109
(A)(1) of this section of the executive director of the agency. 4110

(2) A public children services agency may charge an applicant 4111
a fee for the costs it incurs in obtaining a criminal records 4112
check under this section. A fee charged under this division shall 4113
not exceed the amount of fees the agency pays under division 4114
(C)(1) of this section. If a fee is charged under this division, 4115
the agency shall notify the applicant at the time of the 4116
applicant's initial application for employment of the amount of 4117
the fee and that, unless the fee is paid, the agency will not 4118
consider the applicant for employment. 4119

(D) The report of any criminal records check conducted by the 4120
bureau of criminal identification and investigation in accordance 4121
with section 109.572 of the Revised Code and pursuant to a request 4122
under division (A)(1) of this section is not a public record for 4123
the purposes of section 149.43 of the Revised Code and shall not 4124
be made available to any person other than the applicant who is 4125
the subject of the criminal records check or the applicant's 4126
representative, the public children services agency requesting the 4127
criminal records check or its representative, and any court, 4128
hearing officer, or other necessary individual involved in a case 4129

dealing with the denial of employment to the applicant. 4130

(E) The director of job and family services shall adopt rules 4131
pursuant to Chapter 119. of the Revised Code to implement this 4132
section, including rules specifying circumstances under which a 4133
public children services agency may hire a person who has been 4134
convicted of an offense listed in division (B)(1) of this section 4135
but who meets standards in regard to rehabilitation set by the 4136
department. 4137

(F) Any person required by division (A)(1) of this section to 4138
request a criminal records check shall inform each person, at the 4139
time of the person's initial application for employment, that the 4140
person is required to provide a set of impressions of the person's 4141
fingerprints and that a criminal records check is required to be 4142
conducted and satisfactorily completed in accordance with section 4143
109.572 of the Revised Code if the person comes under final 4144
consideration for appointment or employment as a precondition to 4145
employment for that position. 4146

(G) As used in this section: 4147

(1) "Applicant" means a person who is under final 4148
consideration for appointment or employment in a position with the 4149
agency as a person responsible for the care, custody, or control 4150
of a child. 4151

(2) "Criminal records check" has the same meaning as in 4152
section 109.572 of the Revised Code. 4153

(3) "Minor drug possession offense" has the same meaning as 4154
in section 2925.01 of the Revised Code. 4155

Sec. 5153.122. ~~(A) Each PCSA caseworker hired by a public~~ 4156
~~children services agency~~ shall complete at least ninety hours of 4157
in-service training during the first year of the caseworker's 4158
continuous employment as a PCSA caseworker, except that the 4159

executive director of the public children services agency may 4160
waive the training requirement for a school of social work 4161
graduate who participated in the university partnership program 4162
described in division (D) of section 5101.141 of the Revised Code. 4163
The training shall consist of courses in recognizing and 4164
preventing child abuse and neglect, assessing ~~risks~~ safety and 4165
risk, interviewing persons, investigating cases, intervening, 4166
providing services to children and their families, the importance 4167
of and need for accurate data, preparation for court, maintenance 4168
of case record information, and other topics relevant to child 4169
abuse and neglect. The training shall also include courses in the 4170
legal duties of PCSA caseworkers to protect the constitutional and 4171
statutory rights of children and families from the initial time of 4172
contact during investigation through treatment that shall include 4173
instruction regarding parents' rights and the limitations that the 4174
Fourth Amendment to the United States Constitution places upon 4175
caseworkers and their investigations. 4176

After ~~the~~ a PCSA caseworker's first year of continuous 4177
employment as a PCSA caseworker, ~~each~~ the caseworker annually 4178
shall complete thirty-six hours of training in areas relevant to 4179
the caseworker's assigned duties. 4180

~~(B) Each supervisor hired by a public children services 4181
agency shall complete at least sixty hours of in service training 4182
during the first year of the supervisor's continuous employment in 4183
that position. After the first year of continuous employment as a 4184
supervisor, the supervisor annually shall complete thirty hours of 4185
training in areas relevant to the supervisor's assigned duties. 4186~~

~~(C) The director of job and family services shall adopt rules 4187
in accordance with Chapter 119. of the Revised Code as necessary 4188
to implement the training requirements of this section. 4189~~

During the first two years of continuous employment as a PCSA 4190
caseworker, each PCSA caseworker shall complete at least twelve 4191

hours of training in recognizing the signs of domestic violence 4192
and its relationship to child abuse as established in rules the 4193
director of job and family services shall adopt pursuant to 4194
Chapter 119. of the Revised Code. The twelve hours may be in 4195
addition to the ninety hours of training required during the 4196
caseworker's first year of employment or part of the thirty-six 4197
hours of training required during the second year of employment. 4198

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 4199
at least sixty hours of in-service training during the first year 4200
of the supervisor's continuous employment as a PCSA caseworker 4201
supervisor. After a PCSA caseworker supervisor's first year of 4202
continuous employment as a PCSA caseworker supervisor, the 4203
supervisor annually shall complete thirty hours of training in 4204
areas relevant to the supervisor's assigned duties. During the 4205
first two years of continuous employment as a PCSA caseworker 4206
supervisor, each PCSA caseworker supervisor shall complete at 4207
least twelve hours of training in recognizing the signs of 4208
domestic violence and its relationship to child abuse as 4209
established in rules the director of job and family services shall 4210
adopt pursuant to Chapter 119. of the Revised Code. The twelve 4211
hours may be in addition to the sixty hours of training required 4212
during the supervisor's first year of employment or part of the 4213
thirty hours of training required during the second year of 4214
employment. 4215

Sec. 5153.124. (A) The director of job and family services 4216
shall adopt rules as necessary to implement the training 4217
requirements of sections 5153.122 and 5153.123 of the Revised 4218
Code. 4219

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 4220
5153.122 to 5153.127 of the Revised Code, the department of job 4221

and family services may require additional training for PCSA 4222
caseworkers and PCSA caseworker supervisors as necessary to comply 4223
with federal requirements. 4224

Sec. ~~5153.75~~ 5153.125. Each PCSA caseworker supervisor 4225
~~employed by a public children services agency that supervises the~~ 4226
~~work of a caseworker employed by the agency shall work with the~~ 4227
each PCSA caseworker the supervisor supervises to determine the 4228
caseworker's training needs in accordance with, and ensure the 4229
caseworker's compliance with, the training requirements of section 4230
5153.122 of the Revised Code. Once every two years, each PCSA 4231
caseworker and the caseworker's supervisor shall jointly complete 4232
~~an~~ the caseworker's individual training needs assessment ~~form~~ 4233
created under section ~~5153.65~~ 5103.37 of the Revised Code ~~for each~~ 4234
~~caseworker.~~ 4235

Sec. ~~5153.76~~ 5153.126. The executive director of each public 4236
children services agency or a person designated by the executive 4237
director shall work with each PCSA caseworker supervisor employed 4238
by the agency to determine the supervisor's training needs in 4239
accordance with, and ensure the supervisor's compliance with, the 4240
training requirements of section ~~5153.122~~ 5153.123 of the Revised 4241
Code. Once every two years, each PCSA caseworker supervisor and 4242
the executive director of the public children services agency 4243
employing the supervisor, or ~~designated~~ the person designated by 4244
the executive director, shall jointly complete ~~an~~ the supervisor's 4245
individual training needs assessment ~~form~~ created under section 4246
~~5153.65~~ 5103.37 of the Revised Code ~~for each supervisor.~~ 4247

Sec. ~~5153.77~~ 5153.127. The executive director of each public 4248
children services agency or a person designated by the executive 4249
director shall collect and maintain the data from individual 4250
training needs ~~assessment forms~~ assessments completed under 4251

sections ~~5153.75~~ 5153.125 and ~~5153.76~~ 5153.126 of the Revised Code 4252
for each ~~PCSA caseworker and PCSA caseworker~~ supervisor ~~and case~~ 4253
~~worker~~ employed by the agency. The executive director or 4254
designated person shall compile and forward the data collected 4255
from the completed ~~assessment forms~~ assessments to the regional 4256
training center ~~located in~~ established under section 5103.42 of 4257
the Revised Code for the same training region ~~as~~ the agency is 4258
located in. 4259

Sec. 5153.16. (A) Except as provided in section 2151.422 of 4260
the Revised Code, in accordance with rules ~~of the department of~~ 4261
~~job and family services~~ adopted under section 5153.166 of the 4262
Revised Code, and on behalf of children in the county whom the 4263
public children services agency considers to be in need of public 4264
care or protective services, the public children services agency 4265
shall do all of the following: 4266

(1) Make an investigation concerning any child alleged to be 4267
an abused, neglected, or dependent child; 4268

(2) Enter into agreements with the parent, guardian, or other 4269
person having legal custody of any child, or with the department 4270
of job and family services, department of mental health, 4271
department of mental retardation and developmental disabilities, 4272
other department, any certified organization within or outside the 4273
county, or any agency or institution outside the state, having 4274
legal custody of any child, with respect to the custody, care, or 4275
placement of any child, or with respect to any matter, in the 4276
interests of the child, provided the permanent custody of a child 4277
shall not be transferred by a parent to the public children 4278
services agency without the consent of the juvenile court; 4279

(3) Accept custody of children committed to the public 4280
children services agency by a court exercising juvenile 4281
jurisdiction; 4282

- (4) Provide such care as the public children services agency 4283
considers to be in the best interests of any child adjudicated to 4284
be an abused, neglected, or dependent child the agency finds to be 4285
in need of public care or service; 4286
- (5) Provide social services to any unmarried girl adjudicated 4287
to be an abused, neglected, or dependent child who is pregnant 4288
with or has been delivered of a child; 4289
- (6) Make available to the bureau for children with medical 4290
handicaps of the department of health at its request any 4291
information concerning a crippled child found to be in need of 4292
treatment under sections 3701.021 to 3701.028 of the Revised Code 4293
who is receiving services from the public children services 4294
agency; 4295
- (7) Provide temporary emergency care for any child considered 4296
by the public children services agency to be in need of such care, 4297
without agreement or commitment; 4298
- (8) Find certified foster homes, within or outside the 4299
county, for the care of children, including handicapped children 4300
from other counties attending special schools in the county; 4301
- (9) Subject to the approval of the board of county 4302
commissioners and the state department of job and family services, 4303
establish and operate a training school or enter into an agreement 4304
with any municipal corporation or other political subdivision of 4305
the county respecting the operation, acquisition, or maintenance 4306
of any children's home, training school, or other institution for 4307
the care of children maintained by such municipal corporation or 4308
political subdivision; 4309
- (10) Acquire and operate a county children's home, establish, 4310
maintain, and operate a receiving home for the temporary care of 4311
children, or procure certified foster homes for this purpose; 4312

(11) Enter into an agreement with the trustees of any 4313
district children's home, respecting the operation of the district 4314
children's home in cooperation with the other county boards in the 4315
district; 4316

(12) Cooperate with, make its services available to, and act 4317
as the agent of persons, courts, the department of job and family 4318
services, the department of health, and other organizations within 4319
and outside the state, in matters relating to the welfare of 4320
children, except that the public children services agency shall 4321
not be required to provide supervision of or other services 4322
related to the exercise of parenting time rights granted pursuant 4323
to section 3109.051 or 3109.12 of the Revised Code or 4324
companionship or visitation rights granted pursuant to section 4325
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 4326
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 4327
a common pleas court, pursuant to division (E)(6) of section 4328
3113.31 of the Revised Code, requires the provision of supervision 4329
or other services related to the exercise of the parenting time 4330
rights or companionship or visitation rights; 4331

(13) Make investigations at the request of any superintendent 4332
of schools in the county or the principal of any school concerning 4333
the application of any child adjudicated to be an abused, 4334
neglected, or dependent child for release from school, where such 4335
service is not provided through a school attendance department; 4336

(14) Administer funds provided under Title IV-E of the 4337
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 4338
amended, in accordance with rules adopted under section 5101.141 4339
of the Revised Code; 4340

(15) In addition to administering Title IV-E adoption 4341
assistance funds, enter into agreements to make adoption 4342
assistance payments under section 5153.163 of the Revised Code; 4343

(16) Implement a system of safety and risk assessment, in 4344
accordance with rules adopted by the director of job and family 4345
services, to assist the public children services agency in 4346
determining the risk of abuse or neglect to a child; 4347

(17) Enter into a plan of cooperation with the board of 4348
county commissioners under section 307.983 of the Revised Code and 4349
comply with each fiscal agreement the board enters into under 4350
section 307.98 of the Revised Code that include family services 4351
duties of public children services agencies and contracts the 4352
board enters into under sections 307.981 and 307.982 of the 4353
Revised Code that affect the public children services agency; 4354

(18) Make reasonable efforts to prevent the removal of an 4355
alleged or adjudicated abused, neglected, or dependent child from 4356
the child's home, eliminate the continued removal of the child 4357
from the child's home, or make it possible for the child to return 4358
home safely, except that reasonable efforts of that nature are not 4359
required when a court has made a determination under division 4360
(A)(2) of section 2151.419 of the Revised Code; 4361

(19) Make reasonable efforts to place the child in a timely 4362
manner in accordance with the permanency plan approved under 4363
division (E) of section 2151.417 of the Revised Code and to 4364
complete whatever steps are necessary to finalize the permanent 4365
placement of the child; 4366

(20) Administer a Title IV-A program identified under 4367
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 4368
that the department of job and family services provides for the 4369
public children services agency to administer under the 4370
department's supervision pursuant to section 5101.801 of the 4371
Revised Code; 4372

(21) Administer the kinship permanency incentive program 4373
created under section 5101.802 of the Revised Code under the 4374

supervision of the director of job and family services; 4375

(22) Provide independent living services pursuant to sections 4376
2151.81 to 2151.84 of the Revised Code. 4377

(B) The public children services agency shall use the system 4378
implemented pursuant to division ~~(B)~~(A)(16) of this section in 4379
connection with an investigation undertaken pursuant to division 4380
(F)(1) of section 2151.421 of the Revised Code ~~and may use the~~ 4381
~~system at any other time the agency is involved with any child~~ 4382
~~when the agency determines that risk assessment is necessary to~~ 4383
assess both of the following: 4384

(1) The ongoing safety of the child; 4385

(2) The appropriateness of the intensity and duration of the 4386
services provided to meet child and family needs throughout the 4387
duration of a case. 4388

(C) Except as provided in section 2151.422 of the Revised 4389
Code, in accordance with rules of the director of job and family 4390
services, and on behalf of children in the county whom the public 4391
children services agency considers to be in need of public care or 4392
protective services, the public children services agency may do 4393
the following: 4394

(1) Provide or find, with other child serving systems, 4395
specialized foster care for the care of children in a specialized 4396
foster home, as defined in section 5103.02 of the Revised Code, 4397
certified under section 5103.03 of the Revised Code; 4398

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 4399
this section, contract with the following for the purpose of 4400
assisting the agency with its duties: 4401

(i) County departments of job and family services; 4402

(ii) Boards of alcohol, drug addiction, and mental health 4403
services; 4404

(iii) County boards of mental retardation and developmental disabilities;	4405 4406
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	4407 4408
(v) Private and government providers of services;	4409
(vi) Managed care organizations and prepaid health plans.	4410
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	4411 4412 4413 4414 4415
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	4416 4417 4418 4419 4420 4421 4422 4423
<u>Sec. 5153.166. In addition to other rules specifically authorized by the Revised Code, the director of job and family services may adopt rules governing public children services agencies' performance of their family services duties, including the family services duties that public children services agencies have under sections 5153.16 to 5153.19 of the Revised Code.</u>	4424 4425 4426 4427 4428 4429
Sec. 5153.17. The public children services agency shall prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and shall prepare and keep such other	4430 4431 4432 4433

records as are required by the department of job and family 4434
services. Such records shall be confidential, but, except as 4435
provided by division (B) of section 3107.17 of the Revised Code, 4436
shall be open to inspection by the agency, the director of job and 4437
family services, the director of the county department of job and 4438
family services, and by other persons, upon the written permission 4439
of the executive ~~secretary~~ director. 4440

Section 2. That existing sections 109.57, 109.572, 109.60, 4441
1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 4442
2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 4443
3107.17, 3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 4444
5101.99, 5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 4445
5103.038, 5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 4446
5103.07, 5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 4447
5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 4448
5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 4449
5153.74, 5153.75, 5153.76, 5153.77, and 5153.78 and sections 4450
5103.037, 5153.68, and 5153.69 of the Revised Code are hereby 4451
repealed. 4452

Section 3. The Department of Job and Family Services shall 4453
develop, implement, oversee, and evaluate, on a pilot basis, an 4454
"Alternative Response" approach to reports of child abuse, 4455
neglect, and dependency. The pilot program shall be implemented in 4456
not more than ten counties that are selected by the Department and 4457
that agree to participate in the pilot program. 4458

The pilot program shall last eighteen months, not including 4459
time expended in preparation for the implementation of the pilot 4460
program and any post-pilot program evaluation activity. 4461

The Department shall assure that the Alternative Response 4462
pilot is independently evaluated with respect to outcomes for 4463

children and families, costs, worker satisfaction, and any other 4464
criteria the Department determines will be useful in the 4465
consideration of statewide implementation of an Alternative 4466
Response approach to child protection. The measure associated with 4467
the eighteen-month pilot program shall, for the purposes of the 4468
evaluation, be compared with those same measures in the pilot 4469
counties during the eighteen-month period immediately preceding 4470
the beginning of the pilot-program period. 4471

The Department may adopt rules in accordance with section 4472
111.15 of the Revised Code, as if they were internal management 4473
rules, as necessary to carry out the purposes of this section. 4474

Section 4. The General Assembly hereby respectfully requests 4475
that the Supreme Court adopt rules regarding the standards, 4476
qualifications, and service of guardians ad litem. 4477

Section 5. Section 109.572 of the Revised Code is presented 4478
in this act as a composite of the section as amended by both Am. 4479
Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly 4480
and Am. Sub. H.B. 68 of the 126th General Assembly. Section 4481
2151.011 of the Revised Code is presented in this act as a 4482
composite of the section as amended by both Am. Sub. H.B. 11 and 4483
Am. Sub. H.B. 106 of the 125th General Assembly. Section 2151.421 4484
of the Revised Code is presented in this act as a composite of the 4485
section as amended by both Sub. S.B. 66 and Sub. S.B. 185 of the 4486
125th General Assembly. The General Assembly, applying the 4487
principle stated in division (B) of section 1.52 of the Revised 4488
Code that amendments are to be harmonized if reasonably capable of 4489
simultaneous operation, finds that the composites are the 4490
resulting version of the sections in effect prior to the effective 4491
dates of the sections as presented in this act. 4492