

As Reported by the House Health Committee

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.

Representative Martin

—

A B I L L

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

sections 2151.423, 5101.13, 5101.131, 5101.132, 22
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 23
5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 24
5153.123, 5153.124, and 5153.166; and to repeal 25
sections 5103.037, 5153.68, and 5153.69 of the 26
Revised Code to revise the law governing child 27
welfare and other laws regarding the Department of 28
Job and Family Services. 29

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

Section 1. That sections 109.57, 109.572, 109.60, 1347.08, 30
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 31
3107.014, 3107.015, 3107.016, 3107.17, 3109.16, 3109.17, 5101.141, 32
5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5103.034, 33
5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 5103.0312, 34
5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 5153.01, 35
5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 36
5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 37
5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 5153.77, and 5153.78 38
be amended; sections 5153.60 (5103.30), 5153.61 (5103.35), 5153.62 39
(5103.36), 5153.63 (5103.362), 5153.64 (5103.363), 5153.65 40
(5103.37), 5153.66 (5103.39), 5153.67 (5103.391), 5153.70 41
(5103.38), 5153.71 (5103.41), 5153.72 (5103.42), 5153.73 42
(5103.421), 5153.74 (5103.422), 5153.75 (5153.125), 5153.76 43
(5153.126), 5153.77 (5153.127), and 5153.78 (5103.32) be amended 44
for the purpose of adopting new section numbers as indicated in 45
parentheses; and sections 2151.423, 5101.13, 5101.131, 5101.132, 46
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 47
5103.33, 5103.34, 5103.361, 5103.40, 5153.123, 5153.124, and 48
5153.166 of the Revised Code be enacted to read as follows: 49

Sec. 109.57. (A)(1) The superintendent of the bureau of 50

criminal identification and investigation shall procure from 51
wherever procurable and file for record photographs, pictures, 52
descriptions, fingerprints, measurements, and other information 53
that may be pertinent of all persons who have been convicted of 54
committing within this state a felony, any crime constituting a 55
misdemeanor on the first offense and a felony on subsequent 56
offenses, or any misdemeanor described in division (A)(1)(a) or 57
(A)(10)(a) of section 109.572 of the Revised Code, of all children 58
under eighteen years of age who have been adjudicated delinquent 59
children for committing within this state an act that would be a 60
felony or an offense of violence if committed by an adult or who 61
have been convicted of or pleaded guilty to committing within this 62
state a felony or an offense of violence, and of all well-known 63
and habitual criminals. The person in charge of any county, 64
multicounty, municipal, municipal-county, or multicounty-municipal 65
jail or workhouse, community-based correctional facility, halfway 66
house, alternative residential facility, or state correctional 67
institution and the person in charge of any state institution 68
having custody of a person suspected of having committed a felony, 69
any crime constituting a misdemeanor on the first offense and a 70
felony on subsequent offenses, or any misdemeanor described in 71
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 72
Code or having custody of a child under eighteen years of age with 73
respect to whom there is probable cause to believe that the child 74
may have committed an act that would be a felony or an offense of 75
violence if committed by an adult shall furnish such material to 76
the superintendent of the bureau. Fingerprints, photographs, or 77
other descriptive information of a child who is under eighteen 78
years of age, has not been arrested or otherwise taken into 79
custody for committing an act that would be a felony or an offense 80
of violence if committed by an adult, has not been adjudicated a 81
delinquent child for committing an act that would be a felony or 82
an offense of violence if committed by an adult, has not been 83

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

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

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

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

(c) The date of arrest;	116
(d) The date that the person was convicted of or pleaded 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;	117 118 119 120 121 122 123 124 125 126 127 128
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	129 130
(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.	131 132 133 134
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.	135 136 137 138 139
(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	140 141 142 143 144 145 146

(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 179
compact officer specified in that compact. 180

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

(C) The superintendent may operate a center for electronic, 192
automated, or other data processing for the storage and retrieval 193
of information, data, and statistics pertaining to criminals and 194
to children under eighteen years of age who are adjudicated 195
delinquent children for committing an act that would be a felony 196
or an offense of violence if committed by an adult, criminal 197
activity, crime prevention, law enforcement, and criminal justice, 198
and may establish and operate a statewide communications network 199
to gather and disseminate information, data, and statistics for 200
the use of law enforcement agencies. The superintendent may 201
gather, store, retrieve, and disseminate information, data, and 202
statistics that pertain to children who are under eighteen years 203
of age and that are gathered pursuant to sections 109.57 to 109.61 204
of the Revised Code together with information, data, and 205
statistics that pertain to adults and that are gathered pursuant 206
to those sections. In addition to any other authorized use of 207
information, data, and statistics of that nature, the 208
superintendent or the superintendent's designee may provide and 209
exchange the information, data, and statistics pursuant to the 210

national crime prevention and privacy compact as described in 211
division (A)(5) of this section. 212

(D) The information and materials furnished to the 213
superintendent pursuant to division (A) of this section and 214
information and materials furnished to any board or person under 215
division (F) or (G) of this section are not public records under 216
section 149.43 of the Revised Code. 217

(E) The attorney general shall adopt rules, in accordance 218
with Chapter 119. of the Revised Code, setting forth the procedure 219
by which a person may receive or release information gathered by 220
the superintendent pursuant to division (A) of this section. A 221
reasonable fee may be charged for this service. If a temporary 222
employment service submits a request for a determination of 223
whether a person the service plans to refer to an employment 224
position has been convicted of or pleaded guilty to an offense 225
listed in division (A)(1), (3), (4), (5), or (6) of section 226
109.572 of the Revised Code, the request shall be treated as a 227
single request and only one fee shall be charged. 228

(F)(1) As used in division (F)(2) of this section, "head 229
start agency" means an entity in this state that has been approved 230
to be an agency for purposes of subchapter II of the "Community 231
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 232
as amended. 233

(2)(a) In addition to or in conjunction with any request that 234
is required to be made under section 109.572, 2151.86, 3301.32, 235
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 236
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 237
education of any school district; the director of mental 238
retardation and developmental disabilities; any county board of 239
mental retardation and developmental disabilities; any entity 240
under contract with a county board of mental retardation and 241

developmental disabilities; the chief administrator of any 242
chartered nonpublic school; the chief administrator of any home 243
health agency; the chief administrator of or person operating any 244
child day-care center, type A family day-care home, or type B 245
family day-care home licensed or certified under Chapter 5104. of 246
the Revised Code; the administrator of any type C family day-care 247
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 248
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 249
general assembly; the chief administrator of any head start 250
agency; or the executive director of a public children services 251
agency may request that the superintendent of the bureau 252
investigate and determine, with respect to any individual who has 253
applied for employment in any position after October 2, 1989, or 254
any individual wishing to apply for employment with a board of 255
education may request, with regard to the individual, whether the 256
bureau has any information gathered under division (A) of this 257
section that pertains to that individual. On receipt of the 258
request, the superintendent shall determine whether that 259
information exists and, upon request of the person, board, or 260
entity requesting information, also shall request from the federal 261
bureau of investigation any criminal records it has pertaining to 262
that individual. The superintendent or the superintendent's 263
designee also may request criminal history records from other 264
states or the federal government pursuant to the national crime 265
prevention and privacy compact set forth in section 109.571 of the 266
Revised Code. Within thirty days of the date that the 267
superintendent receives a request, the superintendent shall send 268
to the board, entity, or person a report of any information that 269
the superintendent determines exists, including information 270
contained in records that have been sealed under section 2953.32 271
of the Revised Code, and, within thirty days of its receipt, shall 272
send the board, entity, or person a report of any information 273
received from the federal bureau of investigation, other than 274

information the dissemination of which is prohibited by federal 275
law. 276

(b) When a board of education is required to receive 277
information under this section as a prerequisite to employment of 278
an individual pursuant to section 3319.39 of the Revised Code, it 279
may accept a certified copy of records that were issued by the 280
bureau of criminal identification and investigation and that are 281
presented by an individual applying for employment with the 282
district in lieu of requesting that information itself. In such a 283
case, the board shall accept the certified copy issued by the 284
bureau in order to make a photocopy of it for that individual's 285
employment application documents and shall return the certified 286
copy to the individual. In a case of that nature, a district only 287
shall accept a certified copy of records of that nature within one 288
year after the date of their issuance by the bureau. 289

(3) The state board of education may request, with respect to 290
any individual who has applied for employment after October 2, 291
1989, in any position with the state board or the department of 292
education, any information that a school district board of 293
education is authorized to request under division (F)(2) of this 294
section, and the superintendent of the bureau shall proceed as if 295
the request has been received from a school district board of 296
education under division (F)(2) of this section. 297

(4) When the superintendent of the bureau receives a request 298
for information under section 3319.291 of the Revised Code, the 299
superintendent shall proceed as if the request has been received 300
from a school district board of education under division (F)(2) of 301
this section. 302

(5) When a recipient of a classroom reading improvement grant 303
paid under section 3301.86 of the Revised Code requests, with 304
respect to any individual who applies to participate in providing 305

any program or service funded in whole or in part by the grant, 306
the information that a school district board of education is 307
authorized to request under division (F)(2)(a) of this section, 308
the superintendent of the bureau shall proceed as if the request 309
has been received from a school district board of education under 310
division (F)(2)(a) of this section. 311

(G) In addition to or in conjunction with any request that is 312
required to be made under section 3701.881, 3712.09, 3721.121, or 313
3722.151 of the Revised Code with respect to an individual who has 314
applied for employment in a position that involves providing 315
direct care to an older adult, the chief administrator of a home 316
health agency, hospice care program, home licensed under Chapter 317
3721. of the Revised Code, adult day-care program operated 318
pursuant to rules adopted under section 3721.04 of the Revised 319
Code, or adult care facility may request that the superintendent 320
of the bureau investigate and determine, with respect to any 321
individual who has applied after January 27, 1997, for employment 322
in a position that does not involve providing direct care to an 323
older adult, whether the bureau has any information gathered under 324
division (A) of this section that pertains to that individual. 325

In addition to or in conjunction with any request that is 326
required to be made under section 173.27 of the Revised Code with 327
respect to an individual who has applied for employment in a 328
position that involves providing ombudsperson services to 329
residents of long-term care facilities or recipients of 330
community-based long-term care services, the state long-term care 331
ombudsperson, ombudsperson's designee, or director of health may 332
request that the superintendent investigate and determine, with 333
respect to any individual who has applied for employment in a 334
position that does not involve providing such ombudsperson 335
services, whether the bureau has any information gathered under 336
division (A) of this section that pertains to that applicant. 337

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

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

(H) Information obtained by a government entity or person 365
under this section is confidential and shall not be released or 366
disseminated. 367

(I) The superintendent may charge a reasonable fee for 368
providing information or criminal records under division (F)(2) or 369

(G) of this section.

370

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

371
372
373
374
375
376
377
378
379
380
381
382

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

383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398

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

399
400

equivalent to any of the offenses listed in division (A)(1)(a) of
this section. 401
402

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 422
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 423
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 424
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 425
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 426
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 427
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 428
2925.03, or 3716.11 of the Revised Code; 429

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

this section. 433

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

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

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

(4) On receipt of a request pursuant to section 3701.881 of 460
the Revised Code with respect to an applicant for employment with 461
a home health agency as a person responsible for the care, 462
custody, or control of a child, a completed form prescribed 463

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

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

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

(5) On receipt of a request pursuant to section 5111.95 or
5111.96 of the Revised Code with respect to an applicant for
employment with a waiver agency participating in a department of
job and family services administered home and community-based
waiver program or an independent provider participating in a
department administered home and community-based waiver program in
a position that involves providing home and community-based waiver
services to consumers with disabilities, a completed form
prescribed pursuant to division (C)(1) of this section, and a set

of fingerprint impressions obtained in the manner described in 496
division (C)(2) of this section, the superintendent of the bureau 497
of criminal identification and investigation shall conduct a 498
criminal records check. The superintendent shall conduct the 499
criminal records check in the manner described in division (B) of 500
this section to determine whether any information exists that 501
indicates that the person who is the subject of the request 502
previously has been convicted of or pleaded guilty to any of the 503
following: 504

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

(b) An existing or former law of this state, any other state, 522
or the United States that is substantially equivalent to any of 523
the offenses listed in division (A)(5)(a) of this section. 524

(6) On receipt of a request pursuant to section 3701.881 of 525
the Revised Code with respect to an applicant for employment with 526
a home health agency in a position that involves providing direct 527

care to an older adult, a completed form prescribed pursuant to 528
division (C)(1) of this section, and a set of fingerprint 529
impressions obtained in the manner described in division (C)(2) of 530
this section, the superintendent of the bureau of criminal 531
identification and investigation shall conduct a criminal records 532
check. The superintendent shall conduct the criminal records check 533
in the manner described in division (B) of this section to 534
determine whether any information exists that indicates that the 535
person who is the subject of the request previously has been 536
convicted of or pleaded guilty to any of the following: 537

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

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

(7) When conducting a criminal records check upon a request 550
pursuant to section 3319.39 of the Revised Code for an applicant 551
who is a teacher, in addition to the determination made under 552
division (A)(1) of this section, the superintendent shall 553
determine whether any information exists that indicates that the 554
person who is the subject of the request previously has been 555
convicted of or pleaded guilty to any offense specified in section 556
3319.31 of the Revised Code. 557

(8) On a request pursuant to section 2151.86 of the Revised 558

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

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

(b) A violation of an existing or former law of this state, 584
any other state, or the United States that is substantially 585
equivalent to any of the offenses listed in division (A)(8)(a) of 586
this section. 587

(9) When conducting a criminal records check on a request 588
pursuant to section 5104.013 of the Revised Code for a person who 589
is an owner, licensee, or administrator of a child day-care center 590

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

(10) Upon receipt of a request pursuant to section 5153.111
of the Revised Code, a completed form prescribed pursuant to
division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check in the manner described in division (B) of this section to
determine whether any information exists that indicates that the

591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622

person who is the subject of the request previously has been 623
convicted of or pleaded guilty to any of the following: 624

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

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

(11) On receipt of a request for a criminal records check 645
from an individual pursuant to section 4749.03 or 4749.06 of the 646
Revised Code, accompanied by a completed copy of the form 647
prescribed in division (C)(1) of this section and a set of 648
fingerprint impressions obtained in a manner described in division 649
(C)(2) of this section, the superintendent of the bureau of 650
criminal identification and investigation shall conduct a criminal 651
records check in the manner described in division (B) of this 652
section to determine whether any information exists indicating 653
that the person who is the subject of the request has been 654

convicted of or pleaded guilty to a felony in this state or in any 655
other state. If the individual indicates that a firearm will be 656
carried in the course of business, the superintendent shall 657
require information from the federal bureau of investigation as 658
described in division (B)(2) of this section. The superintendent 659
shall report the findings of the criminal records check and any 660
information the federal bureau of investigation provides to the 661
director of public safety. 662

~~(11)~~(12) Not later than thirty days after the date the 663
superintendent receives the request, completed form, and 664
fingerprint impressions, the superintendent shall send the person, 665
board, or entity that made the request any information, other than 666
information the dissemination of which is prohibited by federal 667
law, the superintendent determines exists with respect to the 668
person who is the subject of the request that indicates that the 669
person previously has been convicted of or pleaded guilty to any 670
offense listed or described in division (A)(1), (2), (3), (4), 671
(5), (6), (7), (8), (9), ~~or~~ (10), or (11) of this section, as 672
appropriate. The superintendent shall send the person, board, or 673
entity that made the request a copy of the list of offenses 674
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 675
(9), ~~or~~ (10), or (11) of this section, as appropriate. If the 676
request was made under section 3701.881 of the Revised Code with 677
regard to an applicant who may be both responsible for the care, 678
custody, or control of a child and involved in providing direct 679
care to an older adult, the superintendent shall provide a list of 680
the offenses specified in divisions (A)(4) and (6) of this 681
section. 682

(B) The superintendent shall conduct any criminal records 683
check requested under section 121.08, 173.27, 173.394, 2151.86, 684
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 685
4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 686

5126.28, 5126.281, or 5153.111 of the Revised Code as follows:

687

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

688

689

690

691

692

693

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

694

695

696

697

698

699

700

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

701

702

703

704

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

705

706

707

708

709

710

711

712

713

714

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 121.08,

715

716

717

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

(3) Subject to division (D) of this section, the 731
superintendent shall prescribe and charge a reasonable fee for 732
providing a criminal records check requested under section 121.08, 733
173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 734
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 735
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 736
Revised Code. The person making a criminal records request under 737
section 121.08, 173.27, 173.394, 2151.86, 3301.32, 3301.541, 738
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 739
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 740
or 5153.111 of the Revised Code shall pay the fee prescribed 741
pursuant to this division. A person making a request under section 742
3701.881 of the Revised Code for a criminal records check for an 743
applicant who may be both responsible for the care, custody, or 744
control of a child and involved in providing direct care to an 745
older adult shall pay one fee for the request. 746

(4) The superintendent of the bureau of criminal 747
identification and investigation may prescribe methods of 748
forwarding fingerprint impressions and information necessary to 749

conduct a criminal records check, which methods shall include, but 750
not be limited to, an electronic method. 751

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

(E) As used in this section: 769

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

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

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

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

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

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

(2) If a sheriff or chief of police has not taken, or caused 803
to be taken, a person's or child's fingerprints in accordance with 804
division (A)(1) of this section by the time of the arraignment or 805
first appearance of the person or child, the court shall order the 806
person or child to appear before the sheriff or chief of police 807
within twenty-four hours to have the person's or child's 808
fingerprints taken. The sheriff or chief of police shall take the 809
person's or child's fingerprints, or cause the fingerprints to be 810
taken, according to the fingerprint system of identification on 811

the forms furnished by the superintendent of the bureau of
criminal identification and investigation and, immediately after
the person's or child's arraignment or first appearance, forward
copies of the completed forms, any other description that may be
required, and the history of the offense committed to the bureau
to be classified and filed and to the clerk of the court.

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

(4) If a person or child is in the custody of a law
enforcement agency or a detention facility, as defined in section
2921.01 of the Revised Code, and the chief law enforcement officer
or chief administrative officer of the detention facility
discovers that a warrant has been issued or a bill of information
has been filed alleging the person or child to have committed an

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

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

(6) The superintendent shall compare the description received 865
with those already on file in the bureau, and, if the 866
superintendent finds that the person arrested or taken into 867
custody has a criminal record or a record as a delinquent child 868
for having committed an act that would be a felony or an offense 869
of violence if committed by an adult or is a fugitive from justice 870
or wanted by any jurisdiction in this or another state, the United 871
States, or a foreign country for any offense, the superintendent 872
at once shall inform the arresting officer, the officer taking the 873
person into custody, or the chief administrative officer of the 874
county, multicounty, municipal, municipal-county, or 875

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

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

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

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

(b) "Methamphetamine or a methamphetamine product" means 906

methamphetamine, any salt, isomer, or salt of an isomer of 907
methamphetamine, or any compound, mixture, preparation, or 908
substance containing methamphetamine or any salt, isomer, or salt 909
of an isomer of methamphetamine. 910

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

The law enforcement agency shall write any annual report 930
prepared and filed under this division on the standard forms 931
furnished by the superintendent of the bureau of criminal 932
identification and investigation pursuant to division (C)(4) of 933
this section. The annual report shall be a statistical report, and 934
nothing in the report or in the information it contains shall 935
identify, or enable the identification of, any person who was 936
arrested and whose arrest is included in the information contained 937
in the report. The annual report in the possession of the bureau 938

and the information it contains are public records for the purpose 939
of section 149.43 of the Revised Code. 940

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

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

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

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

(4) The superintendent of the bureau of criminal 965
identification and investigation shall prepare and furnish to each 966
law enforcement agency in this state standard forms for making the 967
annual reports required by division (C)(2) of this section. The 968
standard forms that the superintendent prepares pursuant to this 969

division may be in a tangible format, in an electronic format, or 970
in both a tangible format and an electronic format. 971

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

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

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

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

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

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

(C)(1) A state or local agency, upon request, shall disclose 994
medical, psychiatric, or psychological information to a person who 995
is the subject of the information or to the person's legal 996
guardian, unless a physician, psychiatrist, or psychologist 997
determines for the agency that the disclosure of the information 998
is likely to have an adverse effect on the person, in which case 999

the information shall be released to a physician, psychiatrist, or
psychologist who is designated by the person or by the person's
legal guardian.

(2) Upon the signed written request of either a licensed
attorney at law or a licensed physician designated by the inmate,
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 1031
inspection of or to copy, a confidential law enforcement 1032
investigatory record or trial preparation record, as defined in 1033
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 1034

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

combined with one or more other divisions; 1091

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

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

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

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

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

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

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

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

(B) As used in this chapter: 1116

(1) "Adequate parental care" means the provision by a child's 1117
parent or parents, guardian, or custodian of adequate food, 1118
clothing, and shelter to ensure the child's health and physical 1119
safety and the provision by a child's parent or parents of 1120

specialized services warranted by the child's physical or mental 1121
needs. 1122

(2) "Adult" means an individual who is eighteen years of age 1123
or older. 1124

(3) "Agreement for temporary custody" means a voluntary 1125
agreement authorized by section 5103.15 of the Revised Code that 1126
transfers the temporary custody of a child to a public children 1127
services agency or a private child placing agency. 1128

(4) "Certified foster home" means a foster home, as defined 1129
in section 5103.02 of the Revised Code, certified under section 1130
5103.03 of the Revised Code. 1131

(5) "Child" means a person who is under eighteen years of 1132
age, except that the juvenile court has jurisdiction over any 1133
person who is adjudicated an unruly child prior to attaining 1134
eighteen years of age until the person attains twenty-one years of 1135
age, and, for purposes of that jurisdiction related to that 1136
adjudication, a person who is so adjudicated an unruly child shall 1137
be deemed a "child" until the person attains twenty-one years of 1138
age. 1139

(6) "Child day camp," "child care," "child day-care center," 1140
"part-time child day-care center," "type A family day-care home," 1141
"certified type B family day-care home," "type B home," 1142
"administrator of a child day-care center," "administrator of a 1143
type A family day-care home," "in-home aide," and "authorized 1144
provider" have the same meanings as in section 5104.01 of the 1145
Revised Code. 1146

(7) "Child care provider" means an individual who is a 1147
child-care staff member or administrator of a child day-care 1148
center, a type A family day-care home, or a type B family day-care 1149
home, or an in-home aide or an individual who is licensed, is 1150
regulated, is approved, operates under the direction of, or 1151

otherwise is certified by the department of job and family 1152
services, department of mental retardation and developmental 1153
disabilities, or the early childhood programs of the department of 1154
education. 1155

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

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

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

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

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

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

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

(13) "Detention" means the temporary care of children pending 1177
court adjudication or disposition, or execution of a court order, 1178
in a public or private facility designed to physically restrict 1179
the movement and activities of children. 1180

(14) "Developmental disability" has the same meaning as in 1181

section 5123.01 of the Revised Code. 1182

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

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

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

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

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

(20) A "legitimate excuse for absence from the public school 1207
the child is supposed to attend" includes, but is not limited to, 1208
any of the following: 1209

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

state;	1212
(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;	1213 1214 1215
(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.	1216 1217 1218
(21) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.	1219 1220 1221
(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	1222 1223 1224 1225 1226
(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	1227 1228
(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	1229 1230 1231 1232
(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	1233 1234
(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	1235 1236 1237 1238 1239 1240
(27) "Out-of-home care" means detention facilities, shelter	1241

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

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

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

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

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

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

(e) Commission of any act, other than by accidental means, 1266
that results in any injury to or death of the child in out-of-home 1267
care or commission of any act by accidental means that results in 1268
an injury to or death of a child in out-of-home care and that is 1269
at variance with the history given of the injury or death. 1270

(29) "Out-of-home care child neglect" means any of the 1271

following when committed by a person responsible for the care of a	1272
child in out-of-home care:	1273
(a) Failure to provide reasonable supervision according to	1274
the standards of care appropriate to the age, mental and physical	1275
condition, or other special needs of the child;	1276
(b) Failure to provide reasonable supervision according to	1277
the standards of care appropriate to the age, mental and physical	1278
condition, or other special needs of the child, that results in	1279
sexual or physical abuse of the child by any person;	1280
(c) Failure to develop a process for all of the following:	1281
(i) Administration of prescription drugs or psychotropic	1282
drugs for the child;	1283
(ii) Assuring that the instructions of the licensed physician	1284
who prescribed a drug for the child are followed;	1285
(iii) Reporting to the licensed physician who prescribed the	1286
drug all unfavorable or dangerous side effects from the use of the	1287
drug.	1288
(d) Failure to provide proper or necessary subsistence,	1289
education, medical care, or other individualized care necessary	1290
for the health or well-being of the child;	1291
(e) Confinement of the child to a locked room without	1292
monitoring by staff;	1293
(f) Failure to provide ongoing security for all prescription	1294
and nonprescription medication;	1295
(g) Isolation of a child for a period of time when there is	1296
substantial risk that the isolation, if continued, will impair or	1297
retard the mental health or physical well-being of the child.	1298
(30) "Permanent custody" means a legal status that vests in a	1299
public children services agency or a private child placing agency,	1300

all parental rights, duties, and obligations, including the right 1301
to consent to adoption, and divests the natural parents or 1302
adoptive parents of all parental rights, privileges, and 1303
obligations, including all residual rights and obligations. 1304

(31) "Permanent surrender" means the act of the parents or, 1305
if a child has only one parent, of the parent of a child, by a 1306
voluntary agreement authorized by section 5103.15 of the Revised 1307
Code, to transfer the permanent custody of the child to a public 1308
children services agency or a private child placing agency. 1309

(32) "Person" means an individual, association, corporation, 1310
or partnership and the state or any of its political subdivisions, 1311
departments, or agencies. 1312

(33) "Person responsible for a child's care in out-of-home 1313
care" means any of the following: 1314

(a) Any foster caregiver, in-home aide, or provider; 1315

(b) Any administrator, employee, or agent of any of the 1316
following: a public or private detention facility; shelter 1317
facility; organization; certified organization; child day-care 1318
center; type A family day-care home; certified type B family 1319
day-care home; group home; institution; state institution; 1320
residential facility; residential care facility; residential camp; 1321
day camp; school district; community school; chartered nonpublic 1322
school; educational service center; hospital; or medical clinic; 1323

(c) Any person who supervises or coaches children as part of 1324
an extracurricular activity sponsored by a school district, public 1325
school, or chartered nonpublic school; 1326

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

~~(33)~~(34) "Physically impaired" means having one or more of 1329
the following conditions that substantially limit one or more of 1330

an individual's major life activities, including self-care, 1331
receptive and expressive language, learning, mobility, and 1332
self-direction: 1333

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

(b) A congenital orthopedic impairment; 1335

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

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

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

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

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

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

~~(37)~~(38) "Practice of social work" and "practice of 1357
professional counseling" have the same meanings as in section 1358
4757.01 of the Revised Code. 1359

~~(38)~~(39) "Sanction, service, or condition" means a sanction, 1360

service, or condition created by court order following an 1361
adjudication that a child is an unruly child that is described in 1362
division (A)(4) of section 2152.19 of the Revised Code. 1363

~~(39)~~(40) "Protective supervision" means an order of 1364
disposition pursuant to which the court permits an abused, 1365
neglected, dependent, or unruly child to remain in the custody of 1366
the child's parents, guardian, or custodian and stay in the 1367
child's home, subject to any conditions and limitations upon the 1368
child, the child's parents, guardian, or custodian, or any other 1369
person that the court prescribes, including supervision as 1370
directed by the court for the protection of the child. 1371

~~(40)~~(41) "Psychiatrist" has the same meaning as in section 1372
5122.01 of the Revised Code. 1373

~~(41)~~(42) "Psychologist" has the same meaning as in section 1374
4732.01 of the Revised Code. 1375

~~(42)~~(43) "Residential camp" means a program in which the 1376
care, physical custody, or control of children is accepted 1377
overnight for recreational or recreational and educational 1378
purposes. 1379

~~(43)~~(44) "Residential care facility" means an institution, 1380
residence, or facility that is licensed by the department of 1381
mental health under section 5119.22 of the Revised Code and that 1382
provides care for a child. 1383

~~(44)~~(45) "Residential facility" means a home or facility that 1384
is licensed by the department of mental retardation and 1385
developmental disabilities under section 5123.19 of the Revised 1386
Code and in which a child with a developmental disability resides. 1387

~~(45)~~(46) "Residual parental rights, privileges, and 1388
responsibilities" means those rights, privileges, and 1389
responsibilities remaining with the natural parent after the 1390
transfer of legal custody of the child, including, but not 1391

necessarily limited to, the privilege of reasonable visitation, 1392
consent to adoption, the privilege to determine the child's 1393
religious affiliation, and the responsibility for support. 1394

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

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

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

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

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

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

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

(C) For the purposes of this chapter, a child shall be 1417
presumed abandoned when the parents of the child have failed to 1418
visit or maintain contact with the child for more than ninety 1419
days, regardless of whether the parents resume contact with the 1420
child after that period of ninety days. 1421

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

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

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

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

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

(C) In any proceeding concerning an alleged or adjudicated delinquent, unruly, abused, neglected, or dependent child in which

the parent appears to be mentally incompetent or is under eighteen 1452
years of age, the court shall appoint a guardian ad litem to 1453
protect the interest of that parent. 1454

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

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

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

(G) In any case involving an alleged or adjudicated abused or 1473
neglected child or an agreement for the voluntary surrender of 1474
temporary or permanent custody of a child that is made in 1475
accordance with section 5103.15 of the Revised Code, the court 1476
shall appoint the guardian ad litem in each case as soon as 1477
possible after the complaint is filed, the request for an 1478
extension of the temporary custody agreement is filed with the 1479
court, or the request for court approval of the permanent custody 1480
agreement is filed. In any case involving an alleged dependent 1481
child in which the parent of the child appears to be mentally 1482

incompetent or is under eighteen years of age, there is a conflict
of interest between the child and the child's parents, guardian,
or custodian, or the court believes that the parent of the child
is not capable of representing the best interest of the child, the
court shall appoint a guardian ad litem for the child. The
guardian ad litem or the guardian ad litem's replacement shall
continue to serve until any of the following occur:

(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;

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

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

(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;

(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;

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

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 1513
permanent custody of the child shall notify the juvenile court if 1514
the petition for adoption is denied or withdrawn. 1515

(H) If the guardian ad litem for an alleged or adjudicated 1516
abused, neglected, or dependent child is an attorney admitted to 1517
the practice of law in this state, the guardian ad litem also may 1518
serve as counsel to the ward. If Until the supreme court adopts 1519
rules regarding service as a guardian ad litem that regulate 1520
conflicts between a person's role as guardian ad litem and as 1521
counsel, if a person is serving as guardian ad litem and counsel 1522
for a child and either that person or the court finds that a 1523
conflict may exist between the person's roles as guardian ad litem 1524
and as counsel, the court shall relieve the person of duties as 1525
guardian ad litem and appoint someone else as guardian ad litem 1526
for the child. If the court appoints a person who is not an 1527
attorney admitted to the practice of law in this state to be a 1528
guardian ad litem, the court also may appoint an attorney admitted 1529
to the practice of law in this state to serve as counsel for the 1530
guardian ad litem. 1531

(I) The guardian ad litem for an alleged or adjudicated 1532
abused, neglected, or dependent child shall perform whatever 1533
functions are necessary to protect the best interest of the child, 1534
including, but not limited to, investigation, mediation, 1535
monitoring court proceedings, and monitoring the services provided 1536
the child by the public children services agency or private child 1537
placing agency that has temporary or permanent custody of the 1538
child, and shall file any motions and other court papers that are 1539
in the best interest of the child. 1540

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

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

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

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

(1) Place the child in protective supervision; 1553

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

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

(a) That it is the intent of the person to become the legal 1569
custodian of the child and the person is able to assume legal 1570
responsibility for the care and supervision of the child; 1571

(b) That the person understands that legal custody of the 1572
child in question is intended to be permanent in nature and that 1573

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

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

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

(4) Commit the child to the permanent custody of a public 1598
children services agency or private child placing agency, if the 1599
court determines in accordance with division (E) of section 1600
2151.414 of the Revised Code that the child cannot be placed with 1601
one of the child's parents within a reasonable time or should not 1602
be placed with either parent and determines in accordance with 1603
division (D) of section 2151.414 of the Revised Code that the 1604
permanent commitment is in the best interest of the child. If the 1605

court grants permanent custody under this division, the court, 1606
upon the request of any party, shall file a written opinion 1607
setting forth its findings of fact and conclusions of law in 1608
relation to the proceeding. 1609

(5) Place the child in a planned permanent living arrangement 1610
with a public children services agency or private child placing 1611
agency, if a public children services agency or private child 1612
placing agency requests the court to place the child in a planned 1613
permanent living arrangement and if the court finds, by clear and 1614
convincing evidence, that a planned permanent living arrangement 1615
is in the best interest of the child and that one of the following 1616
exists: 1617

(a) The child, because of physical, mental, or psychological 1618
problems or needs, is unable to function in a family-like setting 1619
and must remain in residential or institutional care. 1620

(b) The parents of the child have significant physical, 1621
mental, or psychological problems and are unable to care for the 1622
child because of those problems, adoption is not in the best 1623
interest of the child, as determined in accordance with division 1624
(D) of section 2151.414 of the Revised Code, and the child retains 1625
a significant and positive relationship with a parent or relative. 1626

(c) The child is sixteen years of age or older, has been 1627
counseled on the permanent placement options available to the 1628
child, is unwilling to accept or unable to adapt to a permanent 1629
placement, and is in an agency program preparing the child for 1630
independent living. 1631

(6) Order the removal from the child's home until further 1632
order of the court of the person who committed abuse as described 1633
in section 2151.031 of the Revised Code against the child, who 1634
caused or allowed the child to suffer neglect as described in 1635
section 2151.03 of the Revised Code, or who is the parent, 1636

guardian, or custodian of a child who is adjudicated a dependent 1637
child and order any person not to have contact with the child or 1638
the child's siblings. 1639

(B) No order for permanent custody or temporary custody of a 1640
child or the placement of a child in a planned permanent living 1641
arrangement shall be made pursuant to this section unless the 1642
complaint alleging the abuse, neglect, or dependency contains a 1643
prayer requesting permanent custody, temporary custody, or the 1644
placement of the child in a planned permanent living arrangement 1645
as desired, the summons served on the parents of the child 1646
contains as is appropriate a full explanation that the granting of 1647
an order for permanent custody permanently divests them of their 1648
parental rights, a full explanation that an adjudication that the 1649
child is an abused, neglected, or dependent child may result in an 1650
order of temporary custody that will cause the removal of the 1651
child from their legal custody until the court terminates the 1652
order of temporary custody or permanently divests the parents of 1653
their parental rights, or a full explanation that the granting of 1654
an order for a planned permanent living arrangement will result in 1655
the removal of the child from their legal custody if any of the 1656
conditions listed in divisions (A)(5)(a) to (c) of this section 1657
are found to exist, and the summons served on the parents contains 1658
a full explanation of their right to be represented by counsel and 1659
to have counsel appointed pursuant to Chapter 120. of the Revised 1660
Code if they are indigent. 1661

If after making disposition as authorized by division (A)(2) 1662
of this section, a motion is filed that requests permanent custody 1663
of the child, the court may grant permanent custody of the child 1664
to the movant in accordance with section 2151.414 of the Revised 1665
Code. 1666

(C) If the court issues an order for protective supervision 1667
pursuant to division (A)(1) of this section, the court may place 1668

any reasonable restrictions upon the child, the child's parents,
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.

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

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

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

(G)(1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to 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
six months.

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

extension is in the child's best interest, the court shall issue 1764
an order extending the order for protective supervision six 1765
months. 1766

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

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

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

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

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

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

(3) An opportunity to present evidence and witnesses at a 1788
hearing regarding the motion or application; 1789

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

(J) The jurisdiction of the court shall terminate one year 1792
after the date of the award or, if the court takes any further 1793

action in the matter subsequent to the award, the date of the 1794
latest further action subsequent to the award, if the court awards 1795
legal custody of a child to either of the following: 1796

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

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

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

Sec. 2151.416. (A) Each agency that is required by section 1808
2151.412 of the Revised Code to prepare a case plan for a child 1809
shall complete a semiannual administrative review of the case plan 1810
no later than six months after the earlier of the date on which 1811
the complaint in the case was filed or the child was first placed 1812
in shelter care. After the first administrative review, the agency 1813
shall complete semiannual administrative reviews no later than 1814
every six months. If the court issues an order pursuant to section 1815
2151.414 or 2151.415 of the Revised Code, the agency shall 1816
complete an administrative review no later than six months after 1817
the court's order and continue to complete administrative reviews 1818
no later than every six months after the first review, except that 1819
the court hearing held pursuant to section 2151.417 of the Revised 1820
Code may take the place of any administrative review that would 1821
otherwise be held at the time of the court hearing. When 1822
conducting a review, the child's health and safety shall be the 1823
paramount concern. 1824

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

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

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

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

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

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

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

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

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

1855
1856
1857

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

1858
1859

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

1860
1861
1862

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

1863
1864

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

1865
1866
1867
1868
1869
1870
1871
1872
1873
1874

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

1875
1876
1877
1878
1879
1880
1881
1882

(2) If the court does not receive a timely request for a
hearing, the court may approve the proposed change without a
hearing. If the court approves the proposed change without a

1883
1884
1885

hearing, it shall journalize the case plan with the change not
later than fourteen days after the change is filed with the court.
If the court does not approve the proposed change to the case
plan, it shall schedule a review hearing to be held pursuant to
section 2151.417 of the Revised Code no later than thirty days
after the expiration of the fourteen-day time period and give
notice of the date, time, and location of the hearing to all
parties and the guardian ad litem of the child. If, despite the
requirements of this division and division (D) of section 2151.417
of the Revised Code, the court neither approves and journalizes
the proposed change nor conducts a hearing, the agency may
implement the proposed change not earlier than fifteen days after
it is submitted to the court.

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

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

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

~~(1) A statistical analysis of the administrative reviews~~

~~conducted pursuant to this section and section 2151.417 of the
Revised Code;~~ 1917
1918

~~(2) The number of children in temporary or permanent custody
for whom an administrative review was conducted, the number of
children whose custody status changed during the period, the
number of children whose residential placement changed during the
period, and the number of residential placement changes for each
child during the period;~~ 1919
1920
1921
1922
1923
1924

~~(3) An analysis of the utilization of public social services
by agencies and parents or guardians, and the utilization of the
adoption listing service of the department pursuant to section
5103.154 of the Revised Code.~~ 1925
1926
1927
1928

Sec. 2151.421. (A)(1)(a) No person described in division 1929
(A)(1)(b) of this section who is acting in an official or 1930
professional capacity and knows or suspects that a child under 1931
eighteen years of age or a mentally retarded, developmentally 1932
disabled, or physically impaired child under twenty-one years of 1933
age has suffered or faces a threat of suffering any physical or 1934
mental wound, injury, disability, or condition of a nature that 1935
reasonably indicates abuse or neglect of the child, shall fail to 1936
immediately report that knowledge or suspicion to the entity or 1937
persons specified in this division. Except as provided in section 1938
5120.173 of the Revised Code, the person making the report shall 1939
make it to the public children services agency or a municipal or 1940
county peace officer in the county in which the child resides or 1941
in which the abuse or neglect is occurring or has occurred. In the 1942
circumstances described in section 5120.173 of the Revised Code, 1943
the person making the report shall make it to the entity specified 1944
in that section. 1945

(b) Division (A)(1)(a) of this section applies to any person 1946
who is an attorney; physician, including a hospital intern or 1947

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

(2) An attorney or a physician is not required to make a 1966
report pursuant to division (A)(1) of this section concerning any 1967
communication the attorney or physician receives from a client or 1968
patient in an attorney-client or physician-patient relationship, 1969
if, in accordance with division (A) or (B) of section 2317.02 of 1970
the Revised Code, the attorney or physician could not testify with 1971
respect to that communication in a civil or criminal proceeding, 1972
except that the client or patient is deemed to have waived any 1973
testimonial privilege under division (A) or (B) of section 2317.02 1974
of the Revised Code with respect to that communication and the 1975
attorney or physician shall make a report pursuant to division 1976
(A)(1) of this section with respect to that communication, if all 1977
of the following apply: 1978

(a) The client or patient, at the time of the communication, 1979

is either a child under eighteen years of age or a mentally
retarded, developmentally disabled, or physically impaired person
under twenty-one years of age.

1980
1981
1982

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

1983
1984
1985
1986
1987
1988

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

1989
1990
1991
1992

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

1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008

(C) Any report made pursuant to division (A) or (B) of this
section shall be made forthwith either by telephone or in person

2009
2010

and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

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

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

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

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

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

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

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

shall do both of the following: 2041

(a) Comply with section 2151.422 of the Revised Code; 2042

(b) If the county served by the agency is also served by a 2043
children's advocacy center and the report alleges sexual abuse of 2044
a child or another type of abuse of a child that is specified in 2045
the memorandum of understanding that creates the center as being 2046
within the center's jurisdiction, comply regarding the report with 2047
the protocol and procedures for referrals and investigations, with 2048
the coordinating activities, and with the authority or 2049
responsibility for performing or providing functions, activities, 2050
and services stipulated in the interagency agreement entered into 2051
under section 2151.428 of the Revised Code relative to that 2052
center. 2053

(E) No township, municipal, or county peace officer shall 2054
remove a child about whom a report is made pursuant to this 2055
section from the child's parents, stepparents, or guardian or any 2056
other persons having custody of the child without consultation 2057
with the public children services agency, unless, in the judgment 2058
of the officer, and, if the report was made by physician, the 2059
physician, immediate removal is considered essential to protect 2060
the child from further abuse or neglect. The agency that must be 2061
consulted shall be the agency conducting the investigation of the 2062
report as determined pursuant to section 2151.422 of the Revised 2063
Code. 2064

(F)(1) Except as provided in section 2151.422 of the Revised 2065
Code or in an interagency agreement entered into under section 2066
2151.428 of the Revised Code that applies to the particular 2067
report, the public children services agency shall investigate, 2068
within twenty-four hours, each report of known or suspected child 2069
abuse or child neglect and of a known or suspected threat of child 2070
abuse or child neglect that is referred to it under this section 2071

to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case ~~to a central registry 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 2104
section, anyone or any hospital, institution, school, health 2105
department, or agency participating in the making of reports under 2106
division (A) of this section, anyone or any hospital, institution, 2107
school, health department, or agency participating in good faith 2108
in the making of reports under division (B) of this section, and 2109
anyone participating in good faith in a judicial proceeding 2110
resulting from the reports, shall be immune from any civil or 2111
criminal liability for injury, death, or loss to person or 2112
property that otherwise might be incurred or imposed as a result 2113
of the making of the reports or the participation in the judicial 2114
proceeding. 2115

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

(2) In any civil or criminal action or proceeding in which it 2122
is alleged and proved that participation in the making of a report 2123
under this section was not in good faith or participation in a 2124
judicial proceeding resulting from a report made under this 2125
section was not in good faith, the court shall award the 2126
prevailing party reasonable attorney's fees and costs and, if a 2127
civil action or proceeding is voluntarily dismissed, may award 2128
reasonable attorney's fees and costs to the party against whom the 2129
civil action or proceeding is brought. 2130

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2131
section, a report made under this section is confidential. The 2132
information provided in a report made pursuant to this section and 2133
the name of the person who made the report shall not be released 2134
for use, and shall not be used, as evidence in any civil action or 2135

proceeding brought against the person who made the report. In a 2136
criminal proceeding, the report is admissible in evidence in 2137
accordance with the Rules of Evidence and is subject to discovery 2138
in accordance with the Rules of Criminal Procedure. 2139

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

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

(4) If a report is made pursuant to division (A) or (B) of 2148
this section and the child who is the subject of the report dies 2149
for any reason at any time after the report is made, but before 2150
the child attains eighteen years of age, the public children 2151
services agency or municipal or county peace officer to which the 2152
report was made or referred, on the request of the child fatality 2153
review board, shall submit a summary sheet of information 2154
providing a summary of the report to the review board of the 2155
county in which the deceased child resided at the time of death. 2156
On the request of the review board, the agency or peace officer 2157
may, at its discretion, make the report available to the review 2158
board. If the county served by the public children services agency 2159
is also served by a children's advocacy center and the report of 2160
alleged sexual abuse of a child or another type of abuse of a 2161
child is specified in the memorandum of understanding that creates 2162
the center as being within the center's jurisdiction, the agency 2163
or center shall perform the duties and functions specified in this 2164
division in accordance with the interagency agreement entered into 2165
under section 2151.428 of the Revised Code relative to that 2166
advocacy center. 2167

(5) A public children services agency shall advise a person 2168
alleged to have inflicted abuse or neglect on a child who is the 2169
subject of a report made pursuant to this section, including a 2170
report alleging sexual abuse of a child or another type of abuse 2171
of a child referred to a children's advocacy center pursuant to an 2172
interagency agreement entered into under section 2151.428 of the 2173
Revised Code, in writing of the disposition of the investigation. 2174
The agency shall not provide to the person any information that 2175
identifies the person who made the report, statements of 2176
witnesses, or police or other investigative reports. 2177

(I) Any report that is required by this section, other than a 2178
report that is made to the state highway patrol as described in 2179
section 5120.173 of the Revised Code, shall result in protective 2180
services and emergency supportive services being made available by 2181
the public children services agency on behalf of the children 2182
about whom the report is made, in an effort to prevent further 2183
neglect or abuse, to enhance their welfare, and, whenever 2184
possible, to preserve the family unit intact. The agency required 2185
to provide the services shall be the agency conducting the 2186
investigation of the report pursuant to section 2151.422 of the 2187
Revised Code. 2188

(J)(1) Each public children services agency shall prepare a 2189
memorandum of understanding that is signed by all of the 2190
following: 2191

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

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

the senior juvenile judge's representative;	2199
(c) The county peace officer;	2200
(d) All chief municipal peace officers within the county;	2201
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	2202 2203
(f) The prosecuting attorney of the county;	2204
(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;	2205 2206 2207
(h) The county humane society;	2208
(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.	2209 2210 2211 2212 2213
(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	2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228

obtained as a result of any reported child abuse or child neglect 2229
and does not give, and shall not be construed as giving, any 2230
rights or any grounds for appeal or post-conviction relief to any 2231
person. 2232

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

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

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

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

(K)(1) Except as provided in division (K)(4) of this section, 2250
a person who is required to make a report pursuant to division (A) 2251
of this section may make a reasonable number of requests of the 2252
public children services agency that receives or is referred the 2253
report, or of the children's advocacy center that is referred the 2254
report if the report is referred to a children's advocacy center 2255
pursuant to an interagency agreement entered into under section 2256
2151.428 of the Revised Code, to be provided with the following 2257
information: 2258

(a) Whether the agency or center has initiated an 2259

investigation of the report;	2260
(b) Whether the agency or center is continuing to investigate the report;	2261 2262
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	2263 2264
(d) The general status of the health and safety of the child who is the subject of the report;	2265 2266
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	2267 2268 2269
(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	2270 2271 2272 2273
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	2274 2275 2276 2277 2278 2279 2280 2281 2282
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those	2283 2284 2285 2286 2287 2288 2289

divisions.	2290
(3) A request made pursuant to division (K)(1) of this	2291
section is not a substitute for any report required to be made	2292
pursuant to division (A) of this section.	2293
(4) If an agency other than the agency that received or was	2294
referred the report is conducting the investigation of the report	2295
pursuant to section 2151.422 of the Revised Code, the agency	2296
conducting the investigation shall comply with the requirements of	2297
division (K) of this section.	2298
(L) The director of job and family services shall adopt rules	2299
in accordance with Chapter 119. of the Revised Code to implement	2300
this section. The department of job and family services may enter	2301
into a plan of cooperation with any other governmental entity to	2302
aid in ensuring that children are protected from abuse and	2303
neglect. The department shall make recommendations to the attorney	2304
general that the department determines are necessary to protect	2305
children from child abuse and child neglect.	2306
(M)(1) As used in this division:	2307
(a) "Out-of-home care" includes a nonchartered nonpublic	2308
school if the alleged child abuse or child neglect, or alleged	2309
threat of child abuse or child neglect, described in a report	2310
received by a public children services agency allegedly occurred	2311
in or involved the nonchartered nonpublic school and the alleged	2312
perpetrator named in the report holds a certificate, permit, or	2313
license issued by the state board of education under section	2314
3301.071 or Chapter 3319. of the Revised Code.	2315
(b) "Administrator, director, or other chief administrative	2316
officer" means the superintendent of the school district if the	2317
out-of-home care entity subject to a report made pursuant to this	2318
section is a school operated by the district.	2319

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

(3) No later than three days after the day on which a public 2340
children services agency that conducted the investigation as 2341
determined pursuant to section 2151.422 of the Revised Code makes 2342
a disposition of an investigation involving a report of alleged 2343
child abuse or child neglect, or a report of an alleged threat of 2344
child abuse or child neglect, that allegedly occurred in or 2345
involved an out-of-home care entity, the agency shall send written 2346
notice of the disposition of the investigation to the 2347
administrator, director, or other chief administrative officer and 2348
the owner or governing board of the out-of-home care entity. The 2349
agency shall not provide witness statements or police or other 2350
investigative reports. 2351

Sec. 2151.423. A public children services agency shall 2352
disclose confidential information discovered during an 2353
investigation conducted pursuant to section 2151.421 or 2151.422 2354
of the Revised Code to any federal, state, or local government 2355
entity that needs the information to carry out its 2356
responsibilities to protect children from abuse or neglect. 2357

Information disclosed pursuant to this section is 2358
confidential and is not subject to disclosure pursuant to section 2359
149.43 or 1347.08 of the Revised Code by the agency to whom the 2360
information was disclosed. The agency receiving the information 2361
shall maintain the confidentiality of information disclosed 2362
pursuant to this section. 2363

Sec. 3107.014. (A) Except as provided in division (B) of this 2364
section, only an individual who meets all of the following 2365
requirements may perform the duties of an assessor under sections 2366
3107.031, 3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of 2367
the Revised Code: 2368

(1) The individual must be in the employ of, appointed by, or 2369
under contract with a court, public children services agency, 2370
private child placing agency, or private noncustodial agency; 2371

(2) The individual must be one of the following: 2372

(a) A professional counselor ~~or~~, social worker, or marriage 2373
and family therapist licensed under Chapter 4757. of the Revised 2374
Code; 2375

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

(c) A student working to earn a four-year, post-secondary 2378
degree, or higher, in a social or behavior science, or both, who 2379
conducts assessor's duties under the supervision of a professional 2380

counselor ~~or~~, social worker, or marriage and family therapist 2381
licensed under Chapter 4757. of the Revised Code or a psychologist 2382
licensed under Chapter 4732. of the Revised Code~~;~~. Beginning July 2383
1, 2009, a student is eligible under this division only if the 2384
supervising professional counselor, social worker, marriage and 2385
family therapist, or psychologist has completed training in 2386
accordance with rules adopted under section 3107.015 of the 2387
Revised Code. 2388

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

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

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

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

(C) A court, public children services agency, private child 2405
placing agency, or private noncustodial agency may employ, 2406
appoint, or contract with an assessor in the county in which a 2407
petition for adoption is filed and in any other county or location 2408
outside this state where information needed to complete or 2409
supplement the assessor's duties may be obtained. More than one 2410
assessor may be utilized for an adoption. 2411

Sec. 3107.015. ~~Not later than ninety days after June 20,~~ 2412
~~1996, the~~ The director of job and family services shall adopt 2413
rules in accordance with Chapter 119. of the Revised Code 2414
governing the ~~education programs~~ training an individual must 2415
complete for the purpose of division (A)(3) of section 3107.014 of 2416
the Revised Code. The ~~education programs~~ training shall include 2417
courses on adoption placement practice, federal and state adoption 2418
assistance programs, and post adoption support services. 2419

Sec. 3107.016. The department of job and family services 2420
shall develop a schedule of ~~education programs~~ training that ~~meet~~ 2421
meets the requirements established in rules adopted pursuant to 2422
section 3107.015 of the Revised Code. The schedule shall include 2423
enough ~~programs~~ training to provide all agencies equal access to 2424
the ~~programs~~ training. The department shall distribute the 2425
schedule to all agencies. 2426

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 2427
3107.19 of the Revised Code shall be held in closed court without 2428
the admittance of any person other than essential officers of the 2429
court, the parties, the witnesses of the parties, counsel, persons 2430
who have not previously consented to an adoption but who are 2431
required to consent, and representatives of the agencies present 2432
to perform their official duties. 2433

(B)(1) Except as provided in divisions (B)(2) and (D) of this 2434
section and sections 3107.39 to 3107.44 and 3107.60 to 3107.68 of 2435
the Revised Code, no person or governmental entity shall knowingly 2436
reveal any information contained in a paper, book, or record 2437
pertaining to a ~~placement under section 5103.16 of the Revised~~ 2438
~~Code or to~~ an adoption that is part of the permanent record of a 2439
court or maintained by the department of job and family services, 2440
an agency, or attorney without the consent of a court. 2441

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

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

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

(E)(1) The department of job and family services shall 2466
prescribe a form that permits any person who is authorized by 2467
division (D) of this section to inspect forms that pertain to the 2468
social or medical histories of the biological parents and that 2469
were completed pursuant to section 3107.09 or 3107.091 of the 2470
Revised Code to request notice if any correction or expansion of 2471
either such history, made pursuant to division (D) of section 2472
3107.09 of the Revised Code, is made a part of the permanent 2473

record kept by the court. The form shall be designed to facilitate 2474
the provision of the information and statements described in 2475
division (E)(3) of this section. The department shall provide 2476
copies of the form to each court. A court shall provide a copy of 2477
the request form to each adoptive parent when a final decree of 2478
adoption is entered and shall explain to each adoptive parent at 2479
that time that an adoptive parent who completes and files the form 2480
will be notified of any correction or expansion of either the 2481
social or medical history of the biological parents of the adopted 2482
person made during the minority of the adopted person that is made 2483
a part of the permanent record kept by the court, and that, during 2484
the adopted person's minority, the adopted person may inspect the 2485
forms that pertain to those histories. Upon request, the court 2486
also shall provide a copy of the request form to any adoptive 2487
parent during the minority of the adopted person and to an adopted 2488
person who has reached the age of majority. 2489

(2) Any person who is authorized to inspect forms pursuant to 2490
division (D) of this section who wishes to be notified of 2491
corrections or expansions pursuant to division (D) of section 2492
3107.09 of the Revised Code that are made a part of the permanent 2493
record kept by the court shall file with the court, on a copy of 2494
the form prescribed by the department of job and family services 2495
pursuant to division (E)(1) of this section, a request for such 2496
notification that contains the information and statements required 2497
by division (E)(3) of this section. A request may be filed at any 2498
time if the person who files the request is authorized at that 2499
time to inspect forms that pertain to the social or medical 2500
histories. 2501

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

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

time;	2506
(b) The name of each adoptive parent, and if the adoptive person is a minor at the time of the filing of the request, the mailing address of each adoptive parent at that time;	2507 2508 2509
(c) The adopted person's date of birth;	2510
(d) The date of entry of the final decree of adoption;	2511
(e) A statement requesting the court to notify the person who files the request, at the address provided in the request, if any correction or expansion of either the social or medical history of the biological parents is made a part of the permanent record kept by the court;	2512 2513 2514 2515 2516
(f) A statement that the person who files the request is authorized, at the time of the filing, to inspect the forms that pertain to the social and medical histories of the biological parents;	2517 2518 2519 2520
(g) The signature of the person who files the request.	2521
(4) Upon the filing of a request for notification in accordance with division (E)(2) of this section, the clerk of the court in which it is filed immediately shall insert the request in the permanent record of the case. A person who has filed the 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.	2522 2523 2524 2525 2526 2527 2528 2529 2530 2531
(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	2532 2533 2534 2535

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
board shall approve a budget for administrative expenditures for
the next fiscal year.

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

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

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

(B) In developing and carrying out the state plan, the 2590
children's trust fund board shall, in accordance with rules 2591
adopted by the department pursuant to Chapter 119. of the Revised 2592
Code, do all of the following: 2593

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

(2) Before the thirtieth day of October of each year, notify 2597

each child abuse and child neglect prevention advisory board of 2598
the amount estimated to be allocated to that advisory board for 2599
the following fiscal year; 2600

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

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

(5) Allocate funds to each child abuse and child neglect 2607
prevention advisory board for the purpose of funding child abuse 2608
and child neglect prevention programs. Funds shall be allocated 2609
among advisory boards according to a formula based on the ratio of 2610
the number of children under age eighteen in the county or 2611
multicounty district to the number of children under age eighteen 2612
in the state, as shown in the most recent federal decennial census 2613
of population. Subject to the availability of funds and except as 2614
provided in section 3109.171 of the Revised Code, each advisory 2615
board shall receive a minimum of ten thousand dollars per fiscal 2616
year. In the case of an advisory board that serves a multicounty 2617
district, the advisory board shall receive, subject to available 2618
funds and except as provided in section 3109.171 of the Revised 2619
Code, a minimum of ten thousand dollars per fiscal year for each 2620
county in the district. Funds shall be disbursed to the advisory 2621
boards twice annually. At least fifty per cent of the funds 2622
allocated to an advisory board for a fiscal year shall be 2623
disbursed to the advisory board not later than the thirtieth day 2624
of September. The remainder of the funds allocated to the advisory 2625
board for that fiscal year shall be disbursed before the 2626
thirty-first day of March. 2627

The board shall specify the criteria child abuse and child 2628

neglect prevention advisory boards are to use in reviewing	2629
applications under division (F)(3) of section 3109.18 of the	2630
Revised Code.	2631
(6) Allocate funds to entities other than child abuse and	2632
child neglect prevention advisory boards for the purpose of	2633
funding child abuse and child neglect prevention programs that	2634
have statewide significance and that have been approved by the	2635
children's trust fund board;	2636
(7) Provide for the monitoring of expenditures from the	2637
children's trust fund and of programs that receive money from the	2638
children's trust fund;	2639
(8) Establish reporting requirements for advisory boards;	2640
(9) Collaborate with appropriate persons and government	2641
entities and facilitate the exchange of information among those	2642
persons and entities for the purpose of child abuse and child	2643
neglect prevention;	2644
(10) Provide for the education of the public and	2645
professionals for the purpose of child abuse and child neglect	2646
prevention;	2647
(11) Create and provide to each advisory board a children's	2648
trust fund grant application form;	2649
(12) Specify the information to be included in a semi-annual	2650
<u>semiannual</u> and an annual report completed by a children's advocacy	2651
center for which a child abuse and child neglect prevention	2652
advisory board uses funds allocated to the advisory board under	2653
section 3109.172 of the Revised Code, and each other person or	2654
entity that is a recipient of a children's trust fund grant under	2655
division (K)(1) of section 3109.18 of the Revised Code.	2656
(C) The children's trust fund board shall prepare a report	2657
for each fiscal biennium that delineates the expenditure of money	2658

from the children's trust fund. On or before January 1, 2002, and
on or before the first day of January of a year that follows the
end of a fiscal biennium of this state, the board shall file a
copy of the report with the governor, the president and minority
leader of the senate, and the speaker and minority leader of the
house of representatives.

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

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

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

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

(3) Any other information related to children and families
that state or federal law, regulation, or rule requires the

department or a public children services agency to maintain. 2689

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The department of job and family services shall act as 2742
the single state agency to administer federal payments for foster 2743
care and adoption assistance made pursuant to Title IV-E. The 2744
director of job and family services shall adopt rules to implement 2745
this authority. Rules governing financial and administrative 2746

requirements applicable to public children services agencies and 2747
government entities that provide Title IV-E reimbursable placement 2748
services to children shall be adopted in accordance with section 2749
111.15 of the Revised Code, as if they were internal management 2750
rules. Rules governing requirements applicable to private child 2751
placing agencies and private noncustodial agencies and rules 2752
establishing eligibility, program participation, and other 2753
requirements concerning Title IV-E shall be adopted in accordance 2754
with Chapter 119. of the Revised Code. A public children services 2755
agency to which the department distributes Title IV-E funds shall 2756
administer the funds in accordance with those rules. 2757

(C)(1) The county, on behalf of each child eligible for 2758
foster care maintenance payments under Title IV-E, shall make 2759
payments to cover the cost of providing all of the following: 2760

(a) The child's food, clothing, shelter, daily supervision, 2761
and school supplies; 2762

(b) The child's personal incidentals; 2763

(c) Reasonable travel to the child's home for visitation. 2764

(2) In addition to payments made under division (C)(1) of 2765
this section, the county may, on behalf of each child eligible for 2766
foster care maintenance payments under Title IV-E, make payments 2767
to cover the cost of providing the following: 2768

(a) Liability insurance with respect to the child; 2769

(b) If the county is participating in the demonstration 2770
project established under division (A) of section 5101.142 of the 2771
Revised Code, services provided under the project. 2772

(3) With respect to a child who is in a child-care 2773
institution, including any type of group home designed for the 2774
care of children or any privately operated program consisting of 2775
two or more certified foster homes operated by a common 2776

administrative unit, the foster care maintenance payments made by 2777
the county on behalf of the child shall include the reasonable 2778
cost of the administration and operation of the institution, group 2779
home, or program, as necessary to provide the items described in 2780
divisions (C)(1) and (2) of this section. 2781

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

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

(F) All federal financial participation funds received by a 2802
county pursuant to this section shall be deposited into the 2803
county's children services fund created pursuant to section 2804
5101.144 of the Revised Code. 2805

(G) The department shall periodically publish and distribute 2806
the maximum amounts that the department will reimburse public 2807

children services agencies for making payments on behalf of 2808
children eligible for foster care maintenance payments. 2809

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

(1) They have special needs. 2816

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

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

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

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

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

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

<u>5103. or 5104.</u> of the Revised Code.	2838
Sec. 5101.35. (A) As used in this section:	2839
(1) "Agency" means the following entities that administer a family services program:	2840
(a) The department of job and family services;	2841
(b) A county department of job and family services;	2842
(c) A public children services agency;	2843
(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.	2844
(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.	2845
(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under Chapter 5104., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of mental retardation and developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of mental retardation and developmental disabilities.	2846
(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state	2847

hearing shall be conducted in accordance with rules adopted under 2868
this section. The state hearing shall be ~~tape-recorded~~ recorded, 2869
but neither the recording nor a transcript of the recording shall 2870
be part of the official record of the proceeding. A state hearing 2871
decision is binding upon the agency and department, unless it is 2872
reversed or modified on appeal to the director of job and family 2873
services or a court of common pleas. 2874

(C) Except as provided by division (G) of this section, an 2875
appellant who disagrees with a state hearing decision may make an 2876
administrative appeal to the director of job and family services 2877
in accordance with rules adopted under this section. This 2878
administrative appeal does not require a hearing, but the director 2879
or the director's designee shall review the state hearing decision 2880
and previous administrative action and may affirm, modify, remand, 2881
or reverse the state hearing decision. Any person designated to 2882
make an administrative appeal decision on behalf of the director 2883
shall have been admitted to the practice of law in this state. An 2884
administrative appeal decision is the final decision of the 2885
department and is binding upon the department and agency, unless 2886
it is reversed or modified on appeal to the court of common pleas. 2887

(D) An agency shall comply with a decision issued pursuant to 2888
division (B) or (C) of this section within the time limits 2889
established by rules adopted under this section. If a county 2890
department of job and family services or a public children 2891
services agency fails to comply within these time limits, the 2892
department may take action pursuant to section 5101.24 of the 2893
Revised Code. If another agency fails to comply within the time 2894
limits, the department may force compliance by withholding funds 2895
due the agency or imposing another sanction established by rules 2896
adopted under this section. 2897

(E) An appellant who disagrees with an administrative appeal 2898
decision of the director of job and family services or the 2899

director's designee issued under division (C) of this section may
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	2931
rules shall include provisions regarding notice of eligibility	2932
termination and the opportunity of an appellant appealing a	2933
decision or order of a county department of job and family	2934
services to request a county conference with the county department	2935
before the state hearing is held.	2936
(2) Administrative appeals under division (C) of this	2937
section;	2938
(3) Time limits for complying with a decision issued under	2939
division (B) or (C) of this section;	2940
(4) Sanctions that may be applied against an agency under	2941
division (D) of this section.	2942
(G) The department of job and family services may adopt rules	2943
in accordance with Chapter 119. of the Revised Code establishing	2944
an appeals process for an appellant who appeals a decision or	2945
order regarding a Title IV-A program identified under division	2946
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code	2947
that is different from the appeals process established by this	2948
section. The different appeals process may include having a state	2949
agency that administers the Title IV-A program pursuant to an	2950
interagency agreement entered into under section 5101.801 of the	2951
Revised Code administer the appeals process.	2952
(H) If an appellant receiving medicaid through a health	2953
insuring corporation that holds a certificate of authority under	2954
Chapter 1751. of the Revised Code is appealing a denial of	2955
medicaid services based on lack of medical necessity or other	2956
clinical issues regarding coverage by the health insuring	2957
corporation, the person hearing the appeal may order an	2958
independent medical review if that person determines that a review	2959
is necessary. The review shall be performed by a health care	2960
professional with appropriate clinical expertise in treating the	2961

recipient's condition or disease. The department shall pay the
costs associated with the review.

2962
2963

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

2964
2965
2966

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

2967
2968
2969
2970

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

2971
2972
2973
2974
2975
2976
2977
2978
2979

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

2980
2981
2982

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

2983
2984

(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.

2985
2986
2987
2988

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

2989
2990

five hundred dollars. 2991

(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree. 2992
2993

(C) Whoever violates section 5101.133 of the Revised Code is guilty of a misdemeanor of the fourth degree. 2994
2995

Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes the following amount of preplacement training through a preplacement training program ~~operated~~ approved by the department of job and family services under section ~~5103.034~~ 5103.038 of the Revised Code or ~~5153.60~~ preplacement training provided under division (B) of section 5103.30 of the Revised Code: 2996
2997
2998
2999
3000
3001
3002
3003
3004

(A) If the foster home is a family foster home, at least twenty-four hours; 3005
3006

(B) If the foster home is a specialized foster home, at least thirty-six hours. 3007
3008

Sec. 5103.033. (A) The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following amount of training: 3009
3010
3011
3012
3013
3014
3015
3016
3017

(1) For an initial certificate, at least twelve hours of preplacement training through a preplacement training program 3018
3019

~~operated~~ approved by the department of job and family services 3020
under section ~~5103.034~~ 5103.038 of the Revised Code or ~~5153.60~~ 3021
preplacement training provided under division (B) of section 3022
5103.30 of the Revised Code; 3023

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

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

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

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

Sec. 5103.034. (A) ~~A private~~ Private child placing ~~agency or~~ 3043
agencies and private noncustodial ~~agency~~ agencies operating a 3044
preplacement ~~training program~~ or continuing training program 3045
approved by the department of job and family services under 3046
section 5103.038 of the Revised Code ~~or the Ohio child welfare~~ 3047
~~training program operating a preplacement training program or~~ 3048
~~continuing training program pursuant to section 5153.60 of the~~ 3049
~~Revised Code~~ shall make the program available to a prospective 3050

~~foster caregiver or foster caregivers. The agency or program shall~~ 3051
~~make the programs available caregiver~~ without regard to the type 3052
of recommending agency from which a the prospective foster 3053
caregiver or foster caregiver seeks a recommendation. 3054

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

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

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

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

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

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

~~(D)~~ A private child placing agency or private noncustodial 3076
agency ~~may contract with an individual or a public or private~~ 3077
~~entity to administer~~ operating a preplacement ~~training program~~ or 3078
continuing training program ~~operated by the agency and~~ approved by 3079
the department of job and family services under section 5103.038 3080
of the Revised Code may contract with a person or governmental 3081

entity to administer the program. 3082

Sec. 5103.035. A public children services agency, private 3083
child placing agency, or private noncustodial agency acting as a 3084
recommending agency for a foster caregiver ~~holding a certificate~~ 3085
~~issued under section 5103.03 of the Revised Code~~ shall develop and 3086
implement a written needs assessment and continuing training plan 3087
for the foster caregiver. Each needs assessment and continuing 3088
training plan shall satisfy all of the following requirements: 3089

(A) Be effective for the two-year period the foster 3090
caregiver's certificate is in effect; 3091

(B) Be appropriate for the type of foster home the foster 3092
caregiver operates; 3093

(C) Require the foster caregiver to successfully complete the 3094
training required by the department in rules adopted pursuant to 3095
section 5103.0316 of the Revised Code and any other courses the 3096
agency considers appropriate; 3097

(D) Include criteria the agency is to use to determine 3098
whether the foster caregiver has successfully completed the 3099
courses; 3100

(E) Guarantee that the courses the foster caregiver is 3101
required to complete are available to the foster caregiver at 3102
reasonable times and places; 3103

(F) Specify ~~whether~~ the number of hours of continuing 3104
training, if any, the agency will waive ~~any of the hours of~~ 3105
~~continuing training the foster caregiver is required by~~ pursuant 3106
to division (B) of section 5103.032 of the Revised Code ~~to~~ 3107
~~complete if the foster caregiver satisfies the conditions for the~~ 3108
~~agency to issue a waiver. If the agency will issue a waiver, the~~ 3109
~~agency shall state in the needs assessment and continuing training~~ 3110
~~plan the number of hours of continuing training, not to exceed~~ 3111

eight, ~~that the agency will waive.~~ 3112

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

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

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

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

Sec. 5103.038. (A) Every other year by a date specified in 3132
rules adopted under section 5103.0316 of the Revised Code, each 3133
private child placing agency and private noncustodial agency that 3134
seeks to operate a preplacement training program or continuing 3135
training program under section 5103.034 of the Revised Code shall 3136
submit to the department of job and family services a proposal 3137
outlining the program. The proposal may be the same as, a 3138
modification of, or different from, a model design developed ~~under~~ 3139
~~section 5103.037~~ of the Revised Code by the department. 3140

(B) Not later than thirty days after receiving a proposal 3141

under division (A) of this section, the department shall either
approve or disapprove the proposed program. The department shall
approve a proposed preplacement training program if it complies
with section 5103.039 or 5103.0311 of the Revised Code, as
appropriate, and, in the case of a proposal submitted by an agency
operating a preplacement training program at the time the proposal
is submitted, the department is satisfied with the agency's
operation of the program. The department shall approve a proposed
continuing training program if it complies with rules adopted
pursuant to division (C) of section 5103.0316 of the Revised Code
and, in the case of a proposal submitted by an agency operating a
continuing training program at the time the proposal is submitted,
the department is satisfied with the agency's operation of the
program. If the department disapproves a proposal, it shall
provide the reason for disapproval to the agency that submitted
the proposal and advise the agency of how to revise the proposal
so that the department can approve it.

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

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

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

(B) Public children services agencies, private child placing

agencies, and private noncustodial agencies' policies and	3173
procedures regarding foster caregivers;	3174
(C) The department of job and family services' requirements	3175
for certifying foster homes;	3176
(D) The effects placement, separation, and attachment issues	3177
have on children, their families, and foster caregivers;	3178
(E) Foster caregivers' involvement in permanency planning for	3179
children and their families;	3180
(F) The effects of physical abuse, sexual abuse, emotional	3181
abuse, neglect, and substance abuse on normal human growth and	3182
development;	3183
(G) Behavior management techniques;	3184
(H) Effects of caregiving on children's families;	3185
(I) Cultural issues in placement;	3186
(J) Prevention, recognition, and management of communicable	3187
diseases;	3188
(K) Community health and social services available to	3189
children and their families;	3190
(L) The substance of section 2152.72 of the Revised Code. A	3191
course addressing section 2152.72 of the Revised Code shall be not	3192
less than one hour long.	3193
(M) In the case of a preplacement training program for a	3194
<u>prospective</u> foster caregiver seeking certification for a	3195
specialized foster home, additional issues specific to the types	3196
of children placed in specialized foster homes, including	3197
cardiopulmonary resuscitation and first aid, appropriate	3198
behavioral intervention techniques, such as de-escalation,	3199
self-defense, and physical restraint techniques and the	3200
appropriate use of such techniques.	3201

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

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

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

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

(4) Infant care; 3213

(5) Early childhood development. 3214

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

Sec. 5103.0312. A public children services agency, private 3219
child placing agency, or private noncustodial agency acting as a 3220
recommending agency for a foster caregiver ~~who hold certificates~~ 3221
~~issued under section 5103.03 of the Revised Code~~ caregiver shall 3222
pay ~~those~~ the foster ~~caregivers~~ caregiver a stipend to reimburse 3223
~~them~~ the foster caregiver for attending a preplacement ~~training~~ 3224
~~program~~ or continuing training program operated under section 3225
5103.034 or ~~5153.60~~ 5103.30 of the Revised Code. The payment shall 3226
be based on a stipend rate established by the department of job 3227
and family services. The stipend rate shall be the same regardless 3228
of the type of recommending agency from which ~~a~~ the foster 3229
caregiver seeks a recommendation. The department shall, pursuant 3230

to rules adopted under section 5103.0316 of the Revised Code, 3231
reimburse the recommending agency for stipend payments it makes in 3232
accordance with this section. No payment shall be made to an 3233
individual for attending a preplacement training program if the 3234
individual fails to obtain a foster home certificate under section 3235
5103.03 of the Revised Code. 3236

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

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

Sec. 5103.0315. The department of job and family services 3249
shall seek federal financial participation for the cost of making 3250
payments under section 5103.0312 of the Revised Code and 3251
allowances under ~~section~~ sections 5103.0313 and 5103.303 of the 3252
Revised Code. The department shall notify the governor, president 3253
of the senate, minority leader of the senate, speaker of the house 3254
of representatives, and minority leader of the house of 3255
representatives of any proposed federal legislation that endangers 3256
the federal financial participation. 3257

Sec. 5103.07. The department of job and family services shall 3258
administer funds received under Title IV-B of the "Social Security 3259
Act," 49 81 Stat. ~~620~~ 821 (1935 1967), 42 U.S.C.A. 620, as 3260

amended, and the "Child Abuse Prevention and Treatment Act," 88 3261
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 3262
these funds, the department may establish a child welfare services 3263
program and a child abuse and neglect prevention and adoption 3264
reform program. The department has all powers necessary for the 3265
adequate administration of these funds and programs. The director 3266
of job and family services may adopt ~~internal management~~ rules ~~in~~ 3267
~~accordance with section 111.15 of the Revised Code~~ as necessary to 3268
carry out the purposes of this section. 3269

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

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

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

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

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

~~(2) The preplacement and continuing training described in~~ 3285
~~sections 5103.034, 5103.039, and 5103.0311 of the Revised Code~~ 3286
~~that foster caregivers are required by sections 5103.031,~~ 3287
~~5103.032, and 5103.033 of the Revised Code to obtain;~~ 3288

~~(3) The education programs for adoption assessors required by~~ 3289
~~section 3107.014 of the Revised Code~~ (E) The training that section 3290

5153.123 of the Revised Code requires a PCSA caseworker supervisor 3291
to complete. 3292

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

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

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

Sec. 5103.303. When the Ohio child welfare training program 3309
provides preplacement or continuing training to a prospective 3310
foster caregiver or foster caregiver whose recommending agency is 3311
a private child placing agency or private noncustodial agency, the 3312
department of job and family services shall not pay the Ohio child 3313
welfare training program the allowance the department would 3314
otherwise pay to the private child placing agency or private 3315
noncustodial agency under section 5103.0313 of the Revised Code 3316
for the training. 3317

Sec. 5103.31. Training provided under section 5103.30 of the 3318
Revised Code shall provide the knowledge, skill, and ability 3319

needed to do the jobs that the training is for. The Ohio child 3320
welfare training program coordinator shall identify the 3321
competencies needed to do the jobs that the training is for so 3322
that the training helps the development of those competencies. In 3323
addition, the training shall do all of the following: 3324

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

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

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

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

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

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

(2) "Title IV-E" means Title IV-E of the "Social Security 3342
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 3343

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

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

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

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

(3) Other available state or federal funds; 3354

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

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

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

~~Sec. 5153.61~~ 5103.35. Each fiscal biennium, the department of 3370
job and family services shall contract with an entity to serve as 3371
the ~~training coordinator for the~~ Ohio child welfare training 3372
program coordinator. ~~The training coordinator shall develop,~~ 3373
~~implement, and manage the training program.~~ The department shall 3374
select the entity with which to contract from the ~~eandidates~~ 3375
~~selected pursuant to~~ entities that submit a proposal that meets, 3376
as determined under section 5103.362 of the Revised Code, the 3377

requirements of the request for proposals issued under section 3378
5153.63 5103.36 of the Revised Code. A The department may contract 3379
with the entity the department contracted with the previous fiscal 3380
biennium even though no request for proposals is issued if, as 3381
specified in section 5103.361 of the Revised Code, a request for 3382
proposals is not required for the upcoming fiscal biennium. 3383

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

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

Sec. 5103.361. (A) Except as provided in division (B) of this 3399
section, the request for proposals required by section 5103.36 of 3400
the Revised Code shall be developed and issued before the 3401
beginning of each fiscal biennium. 3402

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

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

three previous fiscal biennia; 3408

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

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

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

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

(B) Staff of public children services agencies; 3429

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

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

~~Sec. 5153.65~~ 5103.37. ~~The entity contracted with to serve as the training coordinator for the Ohio child welfare training program coordinator~~ shall do all the following ~~as part of its~~ 3433
3434
3435

~~duties under~~ pursuant to the contract entered into under section 3436
5103.35 of the Revised Code: 3437

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

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

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

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

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

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

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

(H) Conduct any other activities necessary for the 3458
development, implementation, and management of the ~~training~~ 3459
program as specified in the contract. 3460

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

program. 3466

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

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

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

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

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

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

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

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

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

~~The entity under contract on the effective date of this~~ 3494

~~section to coordinate training for caseworkers and supervisors in 3495
the state shall be considered the entity that contracts with the 3496
department to serve as the training coordinator for the Ohio child 3497
welfare training program. 3498~~

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

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

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

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

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

(E) Review curricula created for the training provided under 3516
section 5103.30 of the Revised Code; 3517

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

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

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

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

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

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

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

Sec. ~~5153.72~~ 5103.42. Prior to the beginning of the fiscal 3547
biennium that first follows October 5, 2000, the public children 3548
services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, 3549
Hamilton, Lucas, and Summit counties shall each establish and 3550
maintain a regional training center. At any time after the 3551
beginning of that biennium, the department of job and family 3552
services, on the recommendation of the Ohio child welfare training 3553
program steering committee, may direct a public children services 3554

agency to establish and maintain a training center to replace the 3555
center established by an agency under this section. There may be 3556
no more and no less than eight centers in existence at any time. 3557
The department may make a grant to a public children services 3558
agency that establishes and maintains a regional training center 3559
under this section for the purpose of wholly or partially 3560
subsidizing the operation of the center. The department shall 3561
specify in the grant all of the center's duties, including the 3562
duties specified in section 5103.422 of the Revised Code. 3563

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

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

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

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

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

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

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

Sec. 5104.01. As used in this chapter: 3589

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

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

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

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

(E) "Caretaker parent" means the father or mother of a child 3602
whose presence in the home is needed as the caretaker of the 3603
child, a person who has legal custody of a child and whose 3604
presence in the home is needed as the caretaker of the child, a 3605
guardian of a child whose presence in the home is needed as the 3606
caretaker of the child, and any other person who stands in loco 3607
parentis with respect to the child and whose presence in the home 3608
is needed as the caretaker of the child. 3609

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

chapter and any rules adopted under it. 3615

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

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

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

(J) "Child day camp" means a program in which only school 3626
children attend or participate, that operates for no more than 3627
seven hours per day, that operates only during one or more public 3628
school district's regular vacation periods or for no more than 3629
fifteen weeks during the summer, and that operates outdoor 3630
activities for each child who attends or participates in the 3631
program for a minimum of fifty per cent of each day that children 3632
attend or participate in the program, except for any day when 3633
hazardous weather conditions prevent the program from operating 3634
outdoor activities for a minimum of fifty per cent of that day. 3635
For purposes of this division, the maximum seven hours of 3636
operation time does not include transportation time from a child's 3637
home to a child day camp and from a child day camp to a child's 3638
home. 3639

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

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

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

(2) A child day camp; 3666

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

(a) An organized religious body provides the child care; 3669

(b) A parent, custodian, or guardian of at least one child 3670
receiving child care is on the premises and readily accessible at 3671
all times; 3672

(c) The child care is not provided for more than thirty days 3673
a year; 3674

(d) The child care is provided only for preschool and school 3675

children.	3676
(M) "Child care resource and referral service organization"	3677
means a community-based nonprofit organization that provides child	3678
care resource and referral services but not child care.	3679
(N) "Child care resource and referral services" means all of	3680
the following services:	3681
(1) Maintenance of a uniform data base of all child care	3682
providers in the community that are in compliance with this	3683
chapter, including current occupancy and vacancy data;	3684
(2) Provision of individualized consumer education to	3685
families seeking child care;	3686
(3) Provision of timely referrals of available child care	3687
providers to families seeking child care;	3688
(4) Recruitment of child care providers;	3689
(5) Assistance in the development, conduct, and dissemination	3690
of training for child care providers and provision of technical	3691
assistance to current and potential child care providers,	3692
employers, and the community;	3693
(6) Collection and analysis of data on the supply of and	3694
demand for child care in the community;	3695
(7) Technical assistance concerning locally, state, and	3696
federally funded child care and early childhood education	3697
programs;	3698
(8) Stimulation of employer involvement in making child care	3699
more affordable, more available, safer, and of higher quality for	3700
their employees and for the community;	3701
(9) Provision of written educational materials to caretaker	3702
parents and informational resources to child care providers;	3703
(10) Coordination of services among child care resource and	3704

referral service organizations to assist in developing and 3705
maintaining a statewide system of child care resource and referral 3706
services if required by the department of job and family services; 3707

(11) Cooperation with the county department of job and family 3708
services in encouraging the establishment of parent cooperative 3709
child care centers and parent cooperative type A family day-care 3710
homes. 3711

(O) "Child-care staff member" means an employee of a child 3712
day-care center or type A family day-care home who is primarily 3713
responsible for the care and supervision of children. The 3714
administrator may be a part-time child-care staff member when not 3715
involved in other duties. 3716

(P) "Drop-in child day-care center," "drop-in center," 3717
"drop-in type A family day-care home," and "drop-in type A home" 3718
mean a center or type A home that provides child care or publicly 3719
funded child care for children on a temporary, irregular basis. 3720

(Q) "Employee" means a person who either: 3721

(1) Receives compensation for duties performed in a child 3722
day-care center or type A family day-care home; 3723

(2) Is assigned specific working hours or duties in a child 3724
day-care center or type A family day-care home. 3725

(R) "Employer" means a person, firm, institution, 3726
organization, or agency that operates a child day-care center or 3727
type A family day-care home subject to licensure under this 3728
chapter. 3729

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

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

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

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

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

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

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

(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by

the director of job and family services considering building 3766
occupancy limits established by the department of commerce, number 3767
of available child-care staff members, amount of available indoor 3768
floor space and outdoor play space, and amount of available play 3769
equipment, materials, and supplies. 3770

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

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

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

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

(EE) "Parent cooperative child day-care center," "parent 3784
cooperative center," "parent cooperative type A family day-care 3785
home," and "parent cooperative type A home" mean a corporation or 3786
association organized for providing educational services to the 3787
children of members of the corporation or association, without 3788
gain to the corporation or association as an entity, in which the 3789
services of the corporation or association are provided only to 3790
children of the members of the corporation or association, 3791
ownership and control of the corporation or association rests 3792
solely with the members of the corporation or association, and at 3793
least one parent-member of the corporation or association is on 3794
the premises of the center or type A home during its hours of 3795
operation. 3796

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

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

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

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

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

(2) The child and the child's caretaker either temporarily 3817
reside in a facility providing emergency shelter for homeless 3818
families or are determined by the county department of job and 3819
family services to be homeless, and are otherwise ineligible for 3820
publicly funded child care. 3821

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

Title IV-A, and Title XX, distributed by the department of job and family services.	3828 3829
(KK) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.	3830 3831 3832 3833 3834 3835 3836
(LL) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.	3837 3838 3839
(MM) "School child day-care center," "school child center," "school child type A family day-care home," and "school child type A family home" mean a center or type A home that provides child care for school children only and that does either or both of the following:	3840 3841 3842 3843 3844
(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;	3845 3846 3847
(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.	3848 3849 3850
(NN) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code.	3851 3852 3853
(OO) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.	3854 3855
(PP) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.	3856 3857

(QQ) "Toddler" means a child who is at least eighteen months 3858
of age but less than three years of age. 3859

(RR) "Type A family day-care home" and "type A home" mean a 3860
permanent residence of the administrator in which child care or 3861
publicly funded child care is provided for seven to twelve 3862
children at one time or a permanent residence of the administrator 3863
in which child care is provided for four to twelve children at one 3864
time if four or more children at one time are under two years of 3865
age. In counting children for the purposes of this division, any 3866
children under six years of age who are related to a licensee, 3867
administrator, or employee and who are on the premises of the type 3868
A home shall be counted. ~~"Type A family day-care home" does not~~ 3869
~~include a residence in which the needs of children are~~ 3870
~~administered to, if all of the children whose needs are being~~ 3871
~~administered to are siblings of the same immediate family and the~~ 3872
~~residence is the home of the siblings.~~ "Type A family day-care 3873
home" and "type A home" do not include any child day camp. 3874

(SS) "Type B family day-care home" and "type B home" mean a 3875
permanent residence of the provider in which child care is 3876
provided for one to six children at one time and in which no more 3877
than three children are under two years of age at one time. In 3878
counting children for the purposes of this division, any children 3879
under six years of age who are related to the provider and who are 3880
on the premises of the type B home shall be counted. ~~"Type B~~ 3881
~~family day-care home" does not include a residence in which the~~ 3882
~~needs of children are administered to, if all of the children~~ 3883
~~whose needs are being administered to are siblings of the same~~ 3884
~~immediate family and the residence is the home of the siblings.~~ 3885
"Type B family day-care home" and "type B home" do not include any 3886
child day camp. 3887

Sec. 5104.11. (A)(1) Every person desiring to receive 3888

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

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

(3)(a) On receipt of an application for certification for a 3912
type B family day-care home to provide publicly funded child care 3913
or for renewal of such certification, the county department shall 3914
request from ~~the public children services agency~~ both of the 3915
following information concerning any abuse or neglect report made 3916
pursuant to section 2151.421 of the Revised Code of which the 3917
applicant, any other adult residing in the applicant's home, or a 3918
person designated by the applicant to be an emergency or 3919
substitute caregiver for the applicant is the subject. ~~The:~~ 3920

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

(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. 3925
3926
3927
3928
3929

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

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

(4) Except as provided in division (A)(5) of this section, an authorized provider of a type B family day-care home that receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate. 3943
3944
3945
3946
3947
3948

(5) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an authorized provider of a type B family day-care home that receives a certificate 3949
3950
3951

pursuant to this section shall be determined under Chapter 4141. 3952
of the Revised Code. 3953

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

(C)(1) The county director shall inspect every certified type 3969
B family day-care home at least twice within each twelve-month 3970
period of the operation of the certified type B home. A minimum of 3971
one inspection shall be unannounced and all inspections may be 3972
unannounced. Upon receipt of a complaint, the county director 3973
shall investigate the certified type B home, and division (C)(2) 3974
of this section applies regarding the complaint. The authorized 3975
provider shall permit the county director to inspect any part of 3976
the certified type B home. The county director shall prepare a 3977
written inspection report and furnish one copy to the authorized 3978
provider within a reasonable time after the inspection. 3979

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

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

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

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

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

(E) All materials that are supplied by the department of job 4004
and family services to type A family day-care home providers, type 4005
B family day-care home providers, in-home aides, persons who 4006
desire to be type A family day-care home providers, type B family 4007
day-care home providers, or in-home aides, and caretaker parents 4008
shall be written at no higher than the sixth grade reading level. 4009
The department may employ a readability expert to verify its 4010
compliance with this division. 4011

Sec. 5104.31. (A) Publicly funded child care may be provided 4012

only by the following: 4013

~~(A)~~(1) A child day-care center or type A family day-care 4014
home, including a parent cooperative child day-care center or 4015
parent cooperative type A family day-care home, licensed by the 4016
department of job and family services pursuant to section 5104.03 4017
of the Revised Code; 4018

~~(B)~~(2) A type B family day-care home certified by the county 4019
department of job and family services pursuant to section 5104.11 4020
of the Revised Code; 4021

~~(C)~~(3) A type B family day-care home that has received a 4022
limited certification pursuant to rules adopted under division 4023
(G)(1) of section 5104.011 of the Revised Code; 4024

~~(D)~~(4) An in-home aide who has been certified by the county 4025
department of job and family services pursuant to section 5104.12 4026
of the Revised Code; 4027

~~(E)~~(5) A child day camp approved pursuant to section 5104.22 4028
of the Revised Code; 4029

~~(F)~~(6) A licensed preschool program; 4030

~~(G)~~(7) A licensed school child program; 4031

~~(H)~~(8) A border state child care provider, except that a 4032
border state child care provider may provide publicly funded child 4033
care only to an individual who resides in an Ohio county that 4034
borders the state in which the provider is located. 4035

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

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

county.	4042
(B) As used in this chapter:	4043
(1) "Certified foster home" means a foster home, as defined	4044
in section 5103.02 of the Revised Code, certified under section	4045
5103.03 of the Revised Code.	4046
(2) "Certified organization" means any organization holding a	4047
certificate issued pursuant to section 5103.03 of the Revised Code	4048
that is in full force and effect.	4049
(3) "Child" means any person under eighteen years of age or a	4050
mentally or physically handicapped person, as defined by rule	4051
adopted by the director of job and family services, under	4052
twenty-one years of age.	4053
(4) "Executive director" means the person charged with the	4054
responsibility of administering the powers and duties of a public	4055
children services agency appointed pursuant to section 5153.10 of	4056
the Revised Code.	4057
(5) "Organization" means any public, semipublic, or private	4058
institution, including maternity homes and day nurseries, and any	4059
private association, society, or agency, located or operating in	4060
this state, incorporated or unincorporated, having among its	4061
functions the furnishing of protective services or care for	4062
children or the placement of children in certified foster homes or	4063
elsewhere.	4064
<u>(6) "PCSA caseworker" means an individual employed by a</u>	4065
<u>public children services agency as a caseworker.</u>	4066
<u>(7) "PCSA caseworker supervisor" means an individual employed</u>	4067
<u>by a public children services agency to supervise PCSA</u>	4068
<u>caseworkers.</u>	4069
Sec. 5153.111. (A)(1) The executive director of a public	4070
children services agency shall request the superintendent of the	4071

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

(2) Any person required by division (A)(1) of this section to 4089
request a criminal records check shall provide to each applicant a 4090
copy of the form prescribed pursuant to division (C)(1) of section 4091
109.572 of the Revised Code, provide to each applicant a standard 4092
impression sheet to obtain fingerprint impressions prescribed 4093
pursuant to division (C)(2) of section 109.572 of the Revised 4094
Code, obtain the completed form and impression sheet from each 4095
applicant, and forward the completed form and impression sheet to 4096
the superintendent of the bureau of criminal identification and 4097
investigation at the time the person requests a criminal records 4098
check pursuant to division (A)(1) of this section. 4099

(3) Any applicant who receives pursuant to division (A)(2) of 4100
this section a copy of the form prescribed pursuant to division 4101
(C)(1) of section 109.572 of the Revised Code and a copy of an 4102
impression sheet prescribed pursuant to division (C)(2) of that 4103

section and who is requested to complete the form and provide a
set of fingerprint impressions shall complete the form or provide
all the information necessary to complete the form and shall
provide the impression sheet with the impressions of the
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, 4136
any other state, or the United States that is substantially 4137
equivalent to any of the offenses or violations described in 4138
division (B)(1)(a) of this section. 4139

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

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

(2) A public children services agency may charge an applicant 4153
a fee for the costs it incurs in obtaining a criminal records 4154
check under this section. A fee charged under this division shall 4155
not exceed the amount of fees the agency pays under division 4156
(C)(1) of this section. If a fee is charged under this division, 4157
the agency shall notify the applicant at the time of the 4158
applicant's initial application for employment of the amount of 4159
the fee and that, unless the fee is paid, the agency will not 4160
consider the applicant for employment. 4161

(D) The report of any criminal records check conducted by the 4162
bureau of criminal identification and investigation in accordance 4163
with section 109.572 of the Revised Code and pursuant to a request 4164
under division (A)(1) of this section is not a public record for 4165
the purposes of section 149.43 of the Revised Code and shall not 4166

be made available to any person other than the applicant who is 4167
the subject of the criminal records check or the applicant's 4168
representative, the public children services agency requesting the 4169
criminal records check or its representative, and any court, 4170
hearing officer, or other necessary individual involved in a case 4171
dealing with the denial of employment to the applicant. 4172

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

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

(G) As used in this section: 4189

(1) "Applicant" means a person who is under final 4190
consideration for appointment or employment in a position with the 4191
agency as a person responsible for the care, custody, or control 4192
of a child. 4193

(2) "Criminal records check" has the same meaning as in 4194
section 109.572 of the Revised Code. 4195

(3) "Minor drug possession offense" has the same meaning as 4196
in section 2925.01 of the Revised Code. 4197

Sec. 5153.122. ~~(A) Each PCSA caseworker hired by a public~~ 4198
~~children services agency shall complete at least ninety hours of~~ 4199
~~in-service training during the first year of the caseworker's~~ 4200
~~continuous employment as a PCSA caseworker, except that the~~ 4201
~~executive director of the public children services agency may~~ 4202
~~waive the training requirement for a school of social work~~ 4203
~~graduate who participated in the university partnership program~~ 4204
~~described in division (D) of section 5101.141 of the Revised Code.~~ 4205
~~The training shall consist of courses in recognizing and~~ 4206
~~preventing child abuse and neglect, assessing ~~risks~~ safety and~~ 4207
~~risk, interviewing persons, investigating cases, intervening,~~ 4208
~~providing services to children and their families, the importance~~ 4209
~~of and need for accurate data, preparation for court, maintenance~~ 4210
~~of case record information, and other topics relevant to child~~ 4211
~~abuse and neglect. The training shall also include courses in the~~ 4212
~~legal duties of PCSA caseworkers to protect the constitutional and~~ 4213
~~statutory rights of children and families from the initial time of~~ 4214
~~contact during investigation through treatment that shall include~~ 4215
~~instruction regarding parents' rights and the limitations that the~~ 4216
~~Fourth Amendment to the United States Constitution places upon~~ 4217
~~caseworkers and their investigations.~~ 4218

After ~~the a PCSA caseworker's~~ first year of continuous 4219
employment ~~as a PCSA caseworker, each the~~ caseworker annually 4220
shall complete thirty-six hours of training in areas relevant to 4221
the caseworker's assigned duties. 4222

~~(B) Each supervisor hired by a public children services~~ 4223
~~agency shall complete at least sixty hours of in-service training~~ 4224
~~during the first year of the supervisor's continuous employment in~~ 4225
~~that position. After the first year of continuous employment as a~~ 4226
~~supervisor, the supervisor annually shall complete thirty hours of~~ 4227
~~training in areas relevant to the supervisor's assigned duties.~~ 4228

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

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

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

Sec. 5153.124. (A) The director of job and family services

shall adopt rules as necessary to implement the training 4259
requirements of sections 5153.122 and 5153.123 of the Revised 4260
Code. 4261

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

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

Sec. ~~5153.76~~ 5153.126. The executive director of each public 4278
children services agency or a person designated by the executive 4279
director shall work with each PCSA caseworker supervisor employed 4280
by the agency to determine the supervisor's training needs in 4281
accordance with, and ensure the supervisor's compliance with, the 4282
training requirements of section ~~5153.122~~ 5153.123 of the Revised 4283
Code. Once every two years, each PCSA caseworker supervisor and 4284
the executive director of the public children services agency 4285
employing the supervisor, or ~~designated the person designated by~~ 4286
the executive director, shall jointly complete ~~an the supervisor's~~ 4287
individual training needs assessment ~~form~~ created under section 4288

~~5153.65~~ 5103.37 of the Revised Code ~~for each supervisor.~~ 4289

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

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

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

(2) Enter into agreements with the parent, guardian, or other 4311
person having legal custody of any child, or with the department 4312
of job and family services, department of mental health, 4313
department of mental retardation and developmental disabilities, 4314
other department, any certified organization within or outside the 4315
county, or any agency or institution outside the state, having 4316
legal custody of any child, with respect to the custody, care, or 4317
placement of any child, or with respect to any matter, in the 4318

interests of the child, provided the permanent custody of a child 4319
shall not be transferred by a parent to the public children 4320
services agency without the consent of the juvenile court; 4321

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

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

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

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

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

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

(9) Subject to the approval of the board of county 4344
commissioners and the state department of job and family services, 4345
establish and operate a training school or enter into an agreement 4346
with any municipal corporation or other political subdivision of 4347
the county respecting the operation, acquisition, or maintenance 4348

of any children's home, training school, or other institution for 4349
the care of children maintained by such municipal corporation or 4350
political subdivision; 4351

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

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

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

(13) Make investigations at the request of any superintendent 4374
of schools in the county or the principal of any school concerning 4375
the application of any child adjudicated to be an abused, 4376
neglected, or dependent child for release from school, where such 4377
service is not provided through a school attendance department; 4378

(14) Administer funds provided under Title IV-E of the 4379

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

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

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

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

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

(19) Make reasonable efforts to place the child in a timely
manner in accordance with the permanency plan approved under
division (E) of section 2151.417 of the Revised Code and to
complete whatever steps are necessary to finalize the permanent
placement of the child; 4404
4405
4406
4407
4408

(20) Administer a Title IV-A program identified under
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 4409
4410

that the department of job and family services provides for the
public children services agency to administer under the
department's supervision pursuant to section 5101.801 of the
Revised Code;

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

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

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

(1) The ongoing safety of the child;

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

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

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

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

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

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

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

(iv) Regional councils of political subdivisions established 4449
under Chapter 167. of the Revised Code; 4450

(v) Private and government providers of services; 4451

(vi) Managed care organizations and prepaid health plans. 4452

(b) A public children services agency contract under division 4453
(C)(2)(a) of this section regarding the agency's duties under 4454
section 2151.421 of the Revised Code may not provide for the 4455
entity under contract with the agency to perform any service not 4456
authorized by the department's rules. 4457

(c) Only a county children services board appointed under 4458
section 5153.03 of the Revised Code that is a public children 4459
services agency may contract under division (C)(2)(a) of this 4460
section. If an entity specified in division (B) or (C) of section 4461
5153.02 of the Revised Code is the public children services agency 4462
for a county, the board of county commissioners may enter into 4463
contracts pursuant to section 307.982 of the Revised Code 4464
regarding the agency's duties. 4465

Sec. 5153.166. In addition to other rules specifically 4466
authorized by the Revised Code, the director of job and family 4467
services may adopt rules governing public children services 4468
agencies' performance of their family services duties, including 4469

the family services duties that public children services agencies 4470
have under sections 5153.16 to 5153.19 of the Revised Code. 4471

Sec. 5153.17. The public children services agency shall 4472
prepare and keep written records of investigations of families, 4473
children, and foster homes, and of the care, training, and 4474
treatment afforded children, and shall prepare and keep such other 4475
records as are required by the department of job and family 4476
services. Such records shall be confidential, but, except as 4477
provided by division (B) of section 3107.17 of the Revised Code, 4478
shall be open to inspection by the agency, the director of job and 4479
family services, and the director of the county department of job 4480
and family services, and by other persons, upon the written 4481
permission of the executive ~~secretary~~ director. 4482

Section 2. That existing sections 109.57, 109.572, 109.60, 4483
1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 4484
2151.421, 3107.014, 3107.015, 3107.016, 3107.17, 3109.16, 3109.17, 4485
5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 4486
5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 4487
5103.0312, 5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 4488
5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 4489
5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 4490
5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 4491
5153.77, and 5153.78 and sections 5103.037, 5153.68, and 5153.69 4492
of the Revised Code are hereby repealed. 4493

Section 3. The Department of Job and Family Services shall 4494
develop, implement, oversee, and evaluate, on a pilot basis, an 4495
"Alternative Response" approach to reports of child abuse, 4496
neglect, and dependency. The pilot program shall be implemented in 4497
not more than ten counties that are selected by the Department and 4498

that agree to participate in the pilot program. 4499

The pilot program shall last eighteen months, not including 4500
time expended in preparation for the implementation of the pilot 4501
program and any post-pilot program evaluation activity. 4502

The Department shall assure that the Alternative Response 4503
pilot is independently evaluated with respect to outcomes for 4504
children and families, costs, worker satisfaction, and any other 4505
criteria the Department determines will be useful in the 4506
consideration of statewide implementation of an Alternative 4507
Response approach to child protection. The measure associated with 4508
the eighteen-month pilot program shall, for the purposes of the 4509
evaluation, be compared with those same measures in the pilot 4510
counties during the eighteen-month period immediately preceding 4511
the beginning of the pilot-program period. 4512

The Department may adopt rules in accordance with section 4513
111.15 of the Revised Code, as if they were internal management 4514
rules, as necessary to carry out the purposes of this section. 4515

Section 4. The General Assembly hereby respectfully requests 4516
that the Supreme Court adopt rules regarding the standards, 4517
qualifications, and service of guardians ad litem. 4518

Section 5. Not later than September 30, 2006, the Director of 4519
Job and Family Services shall adopt rules as necessary for the 4520
state to comply with 42 U.S.C. 607(i)(2). If necessary to bring 4521
the state into compliance with 42 U.S.C. 607(i)(2), the rules may 4522
deviate from Chapter 5107. of the Revised Code. Rules adopted 4523
under this section that govern financial and other administrative 4524
requirements applicable to the Department of Job and Family 4525
Services and county departments of job and family services shall 4526
be adopted in accordance with section 111.15 of the Revised Code 4527
as if they were internal management rules. All other rules adopted 4528

under this section shall be adopted in accordance with Chapter 4529
119. of the Revised Code. 4530

The Director shall prepare a report that contains 4531
recommendations for codifying in the Revised Code the substance of 4532
the rules adopted under this section. The Director shall submit 4533
the report not later than January 1, 2007, to the Governor, the 4534
Director of Budget and Management, the Speaker and Minority Leader 4535
of the House of Representatives, and the President and Minority 4536
Leader of the Senate. 4537

Section 6. Section 2151.011 of the Revised Code is presented 4538
in this act as a composite of the section as amended by both Am. 4539
Sub. H.B. 11 and Am. Sub. H.B. 106 of the 125th General Assembly. 4540
Section 2151.421 of the Revised Code is presented in this act as a 4541
composite of the section as amended by both Sub. S.B. 66 and Sub. 4542
S.B. 185 of the 125th General Assembly. The General Assembly, 4543
applying the principle stated in division (B) of section 1.52 of 4544
the Revised Code that amendments are to be harmonized if 4545
reasonably capable of simultaneous operation, finds that the 4546
composites are the resulting version of the sections in effect 4547
prior to the effective dates of the sections as presented in this 4548
act. 4549