

**As Reported by the Senate Health, Human Services and Aging  
Committee**

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

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

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

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**A B I L L**

To amend sections 109.57, 109.572, 109.60, 1347.08, 1  
1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2  
2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3  
3107.032, 3107.17, 3109.16, 3109.17, 5101.141, 4  
5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5  
5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 6  
5103.039, 5103.0311, 5103.0312, 5103.0313, 7  
5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 8  
5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 9  
5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 10  
5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 11  
5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 12  
5153.77, and 5153.78; to amend, for the purpose of 13  
adopting new section numbers as indicated in 14  
parentheses, sections 5153.60 (5103.30), 5153.61 15  
(5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 16  
5153.64 (5103.363), 5153.65 (5103.37), 5153.66 17  
(5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 18  
5153.71 (5103.41), 5153.72 (5103.42), 5153.73 19  
(5103.421), 5153.74 (5103.422), 5153.75 20  
(5153.125), 5153.76 (5153.126), 5153.77 21  
(5153.127), and 5153.78 (5103.32); to enact 22  
sections 2151.423, 5101.13, 5101.131, 5101.132, 23  
5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 24

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

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

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

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 52  
criminal identification and investigation shall procure from 53

wherever procurable and file for record photographs, pictures, 54  
descriptions, fingerprints, measurements, and other information 55  
that may be pertinent of all persons who have been convicted of 56  
committing within this state a felony, any crime constituting a 57  
misdemeanor on the first offense and a felony on subsequent 58  
offenses, or any misdemeanor described in division (A)(1)(a) or 59  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 60  
under eighteen years of age who have been adjudicated delinquent 61  
children for committing within this state an act that would be a 62  
felony or an offense of violence if committed by an adult or who 63  
have been convicted of or pleaded guilty to committing within this 64  
state a felony or an offense of violence, and of all well-known 65  
and habitual criminals. The person in charge of any county, 66  
multicounty, municipal, municipal-county, or multicounty-municipal 67  
jail or workhouse, community-based correctional facility, halfway 68  
house, alternative residential facility, or state correctional 69  
institution and the person in charge of any state institution 70  
having custody of a person suspected of having committed a felony, 71  
any crime constituting a misdemeanor on the first offense and a 72  
felony on subsequent offenses, or any misdemeanor described in 73  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 74  
Code or having custody of a child under eighteen years of age with 75  
respect to whom there is probable cause to believe that the child 76  
may have committed an act that would be a felony or an offense of 77  
violence if committed by an adult shall furnish such material to 78  
the superintendent of the bureau. Fingerprints, photographs, or 79  
other descriptive information of a child who is under eighteen 80  
years of age, has not been arrested or otherwise taken into 81  
custody for committing an act that would be a felony or an offense 82  
of violence if committed by an adult, has not been adjudicated a 83  
delinquent child for committing an act that would be a felony or 84  
an offense of violence if committed by an adult, has not been 85  
convicted of or pleaded guilty to committing a felony or an 86

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

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

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

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

(c) The date of arrest; 118

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

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

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

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

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

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

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

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

compact officer specified in that compact. 182

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

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

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

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

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

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

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



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

law. 278

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 436  
2925.22, 2925.23, or 3716.11 of the Revised Code; 437

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

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

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

(b) An existing or former law of this state, any other state, 465  
or the United States that is substantially equivalent to any of 466

the offenses listed in division (A)(4)(a) of this section. 467

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

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



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

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

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

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

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

the offenses listed in division (A)(6)(a) of this section. 530

(7) When conducting a criminal records check upon a request 531  
pursuant to section 3319.39 of the Revised Code for an applicant 532  
who is a teacher, in addition to the determination made under 533  
division (A)(1) of this section, the superintendent shall 534  
determine whether any information exists that indicates that the 535  
person who is the subject of the request previously has been 536  
convicted of or pleaded guilty to any offense specified in section 537  
3319.31 of the Revised Code. 538

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 549  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 550  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 551  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 552  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 553  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 554  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 555  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 556  
violation of section 2905.04 of the Revised Code as it existed 557  
prior to July 1, 1996, a violation of section 2919.23 of the 558  
Revised Code that would have been a violation of section 2905.04 559  
of the Revised Code as it existed prior to July 1, 1996, had the 560  
violation been committed prior to that date, a violation of 561

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

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

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

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

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

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

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

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

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

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this section.

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

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

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

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

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

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

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

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from

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

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

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

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

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

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

(E) As used in this section: 750



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

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

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

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

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

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

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

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

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

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

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

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

accused upon the accused's request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

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

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

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

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

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

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

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

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

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2151.281.** (A) The court shall appoint a guardian ad 1324  
litem, subject to rules adopted by the supreme court, to protect 1325  
the interest of a child in any proceeding concerning an alleged or 1326  
adjudicated delinquent child or unruly child when either of the 1327  
following applies: 1328

(1) The child has no parent, guardian, or legal custodian. 1329

(2) The court finds that there is a conflict of interest 1330  
between the child and the child's parent, guardian, or legal 1331  
custodian. 1332

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

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

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

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

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

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

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

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

(1) The complaint is dismissed or the request for an extension of a temporary custody agreement or for court approval of the permanent custody agreement is withdrawn or denied;	1392 1393 1394
(2) All dispositional orders relative to the child have terminated;	1395 1396
(3) The legal custody of the child is granted to a relative of the child, or to another person;	1397 1398
(4) The child is placed in an adoptive home or, at the court's discretion, a final decree of adoption is issued with respect to the child;	1399 1400 1401
(5) The child reaches the age of eighteen if the child is not mentally retarded, developmentally disabled, or physically impaired or the child reaches the age of twenty-one if the child is mentally retarded, developmentally disabled, or physically impaired;	1402 1403 1404 1405 1406
(6) The guardian ad litem resigns or is removed by the court and a replacement is appointed by the court.	1407 1408
If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.	1409 1410 1411 1412 1413 1414 1415 1416 1417
(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. <del>If</del> <u>Until the supreme court adopts</u>	1418 1419 1420 1421

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

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

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

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

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

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

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

(1) Place the child in protective supervision; 1455

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

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

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

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

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



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

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

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

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

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

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

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

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

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

order of temporary custody or permanently divests the parents of 1547  
their parental rights, or a full explanation that the granting of 1548  
an order for a planned permanent living arrangement will result in 1549  
the removal of the child from their legal custody if any of the 1550  
conditions listed in divisions (A)(5)(a) to (c) of this section 1551  
are found to exist, and the summons served on the parents contains 1552  
a full explanation of their right to be represented by counsel and 1553  
to have counsel appointed pursuant to Chapter 120. of the Revised 1554  
Code if they are indigent. 1555

If after making disposition as authorized by division (A)(2) 1556  
of this section, a motion is filed that requests permanent custody 1557  
of the child, the court may grant permanent custody of the child 1558  
to the movant in accordance with section 2151.414 of the Revised 1559  
Code. 1560

(C) If the court issues an order for protective supervision 1561  
pursuant to division (A)(1) of this section, the court may place 1562  
any reasonable restrictions upon the child, the child's parents, 1563  
guardian, or custodian, or any other person, including, but not 1564  
limited to, any of the following: 1565

(1) Order a party, within forty-eight hours after the 1566  
issuance of the order, to vacate the child's home indefinitely or 1567  
for a specified period of time; 1568

(2) Order a party, a parent of the child, or a physical 1569  
custodian of the child to prevent any particular person from 1570  
having contact with the child; 1571

(3) Issue an order restraining or otherwise controlling the 1572  
conduct of any person which conduct would not be in the best 1573  
interest of the child. 1574

(D) As part of its dispositional order, the court shall 1575  
journalize a case plan for the child. The journalized case plan 1576  
shall not be changed except as provided in section 2151.412 of the 1577

Revised Code. 1578

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

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

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

was first placed into shelter care, except that, upon the filing  
of a motion pursuant to section 2151.415 of the Revised Code, the  
temporary custody order shall continue and not terminate until the  
court issues a dispositional order under that section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

change with the court at the time it files the summary. The agency  
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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

section. 2015

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

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

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

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

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

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

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

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

neglect or abuse, to enhance their welfare, and, whenever  
possible, to preserve the family unit intact. The agency required  
to provide the services shall be the agency conducting the  
investigation of the report pursuant to section 2151.422 of the  
Revised Code.

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

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

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

children from child abuse and child neglect. 2200

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to inspect the forms upon requesting the clerk of the court to 2413  
produce them. 2414

(E)(1) The department of job and family services shall 2415  
prescribe a form that permits any person who is authorized by 2416  
division (D) of this section to inspect forms that pertain to the 2417  
social or medical histories of the biological parents and that 2418  
were completed pursuant to section 3107.09 or 3107.091 of the 2419  
Revised Code to request notice if any correction or expansion of 2420  
either such history, made pursuant to division (D) of section 2421  
3107.09 of the Revised Code, is made a part of the permanent 2422  
record kept by the court. The form shall be designed to facilitate 2423  
the provision of the information and statements described in 2424  
division (E)(3) of this section. The department shall provide 2425  
copies of the form to each court. A court shall provide a copy of 2426  
the request form to each adoptive parent when a final decree of 2427  
adoption is entered and shall explain to each adoptive parent at 2428  
that time that an adoptive parent who completes and files the form 2429  
will be notified of any correction or expansion of either the 2430  
social or medical history of the biological parents of the adopted 2431  
person made during the minority of the adopted person that is made 2432  
a part of the permanent record kept by the court, and that, during 2433  
the adopted person's minority, the adopted person may inspect the 2434  
forms that pertain to those histories. Upon request, the court 2435  
also shall provide a copy of the request form to any adoptive 2436  
parent during the minority of the adopted person and to an adopted 2437  
person who has reached the age of majority. 2438

(2) Any person who is authorized to inspect forms pursuant to 2439  
division (D) of this section who wishes to be notified of 2440  
corrections or expansions pursuant to division (D) of section 2441  
3107.09 of the Revised Code that are made a part of the permanent 2442  
record kept by the court shall file with the court, on a copy of 2443  
the form prescribed by the department of job and family services 2444

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

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

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

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

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

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

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

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

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

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



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

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

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

administrative functions of the department. Each fiscal year, the 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 for the purpose of funding child abuse and child neglect prevention programs. In addition, the board may accept gifts and donations from any source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. The acceptance and use of federal funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

(8) Establish reporting requirements for advisory boards;

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

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

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

trust fund grant application form; 2598

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) A person may access the information in a manner, to the extent, and for the purposes authorized by rules adopted by the department. 2663  
2664  
2665

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

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

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

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

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

(b) The child's personal incidentals; 2711

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

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



to cover the cost of providing the following:	2716
(a) Liability insurance with respect to the child;	2717
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	2718 2719 2720
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.	2721 2722 2723 2724 2725 2726 2727 2728 2729
(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	2730 2731 2732 2733 2734 2735
(E) The department shall distribute to public children services agencies that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the Ohio child welfare training program established under section <del>5153.60</del> <u>5103.30</u> of the Revised Code and the university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon	2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746

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

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

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

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

(1) They have special needs. 2764

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

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

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

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

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

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

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

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

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

established by rules adopted under this section. If a county  
department of job and family services or a public children  
services agency fails to comply within these time limits, the  
department may take action pursuant to section 5101.24 of the  
Revised Code. If another agency fails to comply within the time  
limits, the department may force compliance by withholding funds  
due the agency or imposing another sanction established by rules  
adopted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code administer the appeals process. 2900

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

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

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

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

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

<u>the following:</u>	2930
<u>(A) Implement sections 5101.60 to 5101.71 of the Revised Code;</u>	2931
<u>(B) Require the county departments to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to 5101.71 of the Revised Code.</u>	2933
<b>Sec. 5101.99.</b> (A) Whoever violates division (A) or (B) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars.	2934
(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.	2935
<u>(C) Whoever violates section 5101.133 of the Revised Code is guilty of a misdemeanor of the fourth degree.</u>	2936
<b>Sec. 5103.031.</b> Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the <u>prospective</u> foster caregiver successfully completes the following amount of preplacement training through a preplacement training program <del>operated</del> <u>approved by the department of job and family services</u> under section <del>5103.034</del> <u>5103.038</u> of the <u>Revised Code</u> or <del>5153.60</del> <u>preplacement training provided under division (C) of section 5103.30</u> of the Revised Code:	2937
(A) If the foster home is a family foster home, at least twenty-four hours;	2938
(B) If the foster home is a specialized foster home, at least thirty-six hours.	2939
<b>Sec. 5103.033.</b> (A) The department of job and family services	2940



may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following amount of training:

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

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

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

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

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

an emergency in or outside of this state or to military duty in or 2989  
outside of this state. 2990

**Sec. 5103.034.** (A) ~~A private~~ Private child placing agency ~~or~~ 2991  
agencies and private noncustodial ~~agency~~ agencies operating a 2992  
preplacement ~~training program~~ or continuing training program 2993  
approved by the department of job and family services under 2994  
section 5103.038 of the Revised Code ~~or the Ohio child welfare~~ 2995  
~~training program operating a preplacement training program or~~ 2996  
~~continuing training program pursuant to section 5153.60 of the~~ 2997  
~~Revised Code~~ shall make the program available to a prospective 2998  
foster caregiver or foster caregivers. The agency or program shall 2999  
make the ~~programs~~ available caregiver without regard to the type 3000  
of recommending agency from which a the prospective foster 3001  
caregiver or foster caregiver seeks a recommendation. 3002

(B) A private child placing agency or private noncustodial 3003  
agency operating a preplacement ~~training program~~ or continuing 3004  
training program approved by the department of job and family 3005  
services under section 5103.038 of the Revised Code may condition 3006  
the enrollment of a prospective foster caregiver or foster 3007  
caregiver in a the program on either or both of the following: 3008

(1) Availability of space in the training program; 3009

(2) ~~If applicable, payment~~ Payment of an instruction or 3010  
registration fee, if any, by the prospective foster caregiver or 3011  
foster caregiver's recommending agency. 3012

(C) ~~The Ohio child welfare training program operating a~~ 3013  
~~preplacement training program or continuing training program~~ 3014  
~~pursuant to section 5153.60 of the Revised Code may condition the~~ 3015  
~~enrollment in a preplacement training program or continuing~~ 3016  
~~training program of a foster caregiver whose recommending agency~~ 3017  
~~is a private child placing agency or private noncustodial agency~~ 3018

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

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

~~(2) Assignment to the program by the foster caregiver's  
recommending agency of the allowance payable under section  
5103.0313 of the Revised Code.~~ 3021  
3022  
3023

~~(D) A private child placing agency or private noncustodial  
agency may contract with an individual or a public or private  
entity to administer operating a preplacement training program or  
continuing training program ~~operated by the agency and~~ approved by  
the department of job and family services under section 5103.038  
of the Revised Code may contract with a person or governmental  
entity to administer the program.~~ 3024  
3025  
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3028  
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3030

**Sec. 5103.035.** A public children services agency, private 3031  
child placing agency, or private noncustodial agency acting as a 3032  
recommending agency for a foster caregiver ~~holding a certificate~~ 3033  
~~issued under section 5103.03 of the Revised Code~~ shall develop and 3034  
implement a written needs assessment and continuing training plan 3035  
for the foster caregiver. Each needs assessment and continuing 3036  
training plan shall satisfy all of the following requirements: 3037

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

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

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

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

(E) Guarantee that the courses the foster caregiver is 3049  
required to complete are available to the foster caregiver at 3050  
reasonable times and places; 3051

(F) Specify ~~whether~~ the number of hours of continuing 3052  
training, if any, the agency will waive ~~any of the hours of~~ 3053  
~~continuing training the foster caregiver is required by~~ pursuant 3054  
to division (B) of section 5103.032 of the Revised Code ~~to~~ 3055  
~~complete if the foster caregiver satisfies the conditions for the~~ 3056  
~~agency to issue a waiver. If the agency will issue a waiver, the~~ 3057  
~~agency shall state in the needs assessment and continuing training~~ 3058  
~~plan the number of hours of continuing training, not to exceed~~ 3059  
~~eight, that the agency will waive.~~ 3060

**Sec. 5103.036.** (A) For the purpose of determining whether a 3061  
prospective foster caregiver or foster caregiver has satisfied the 3062  
requirement of section 5103.031 or 5103.032 of the Revised Code, a 3063  
recommending agency shall accept training obtained from a either 3064  
of the following: 3065

(1) Any preplacement ~~training program~~ or continuing training 3066  
program ~~operated~~ approved by the department of job and family 3067  
services under section ~~5103.034 or 5153.60~~ 5103.038 of the Revised 3068  
Code; 3069

(2) The Ohio child welfare training program pursuant to 3070  
divisions (C) and (D) of section 5103.30 of the Revised Code 3071  
~~regardless of whether the program is operated by the recommending~~ 3072  
~~agency. The~~ 3073

(B) A recommending agency may require that ~~the~~ a prospective 3074  
foster caregiver or foster caregiver successfully complete 3075  
additional training as a condition of the agency recommending that 3076  
the department of job and family services certify or recertify the 3077  
prospective foster caregiver or foster caregiver's foster home 3078

under section 5103.03 of the Revised Code. 3079

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

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

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

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

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

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

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

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

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

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

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

(G) Behavior management techniques; 3132

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

(I) Cultural issues in placement; 3134

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

(K) Community health and social services available to 3137

children and their families; 3138

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

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

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

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

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

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

(4) Infant care; 3161

(5) Early childhood development. 3162

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

specified in section 5103.37 of the Revised Code. 3343

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

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

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

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

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

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

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

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

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

(B) Staff of public children services agencies; 3384

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A child day camp; 3624

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

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

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

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

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

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

(N) "Child care resource and referral services" means all of the following services:	3638 3639
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	3640 3641 3642
(2) Provision of individualized consumer education to families seeking child care;	3643 3644
(3) Provision of timely referrals of available child care providers to families seeking child care;	3645 3646
(4) Recruitment of child care providers;	3647
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	3648 3649 3650 3651
(6) Collection and analysis of data on the supply of and demand for child care in the community;	3652 3653
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	3654 3655 3656
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	3657 3658 3659
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	3660 3661
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	3662 3663 3664 3665
(11) Cooperation with the county department of job and family	3666



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

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

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

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

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

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

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

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

(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 3697  
5107.10 of the Revised Code, less any amounts required by federal 3698  
statutes or regulations to be disregarded. 3699

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

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

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

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

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

equipment, materials, and supplies. 3728

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

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

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

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

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

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

any child. 3759

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

information system has been finalized statewide; 3882

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

department of job and family services pursuant to section 5104.03	3975
of the Revised Code;	3976
<del>(B)</del> (2) A type B family day-care home certified by the county	3977
department of job and family services pursuant to section 5104.11	3978
of the Revised Code;	3979
<del>(C)</del> (3) A type B family day-care home that has received a	3980
limited certification pursuant to rules adopted under division	3981
(G)(1) of section 5104.011 of the Revised Code;	3982
<del>(D)</del> (4) An in-home aide who has been certified by the county	3983
department of job and family services pursuant to section 5104.12	3984
of the Revised Code;	3985
<del>(E)</del> (5) A child day camp approved pursuant to section 5104.22	3986
of the Revised Code;	3987
<del>(F)</del> (6) A licensed preschool program;	3988
<del>(G)</del> (7) A licensed school child program;	3989
<del>(H)</del> (8) A border state child care provider, except that a	3990
border state child care provider may provide publicly funded child	3991
care only to an individual who resides in an Ohio county that	3992
borders the state in which the provider is located.	3993
<u>(B) Publicly funded child day-care may be provided in a</u>	3994
<u>child's own home only by an in-home aide.</u>	3995
<b>Sec. 5153.01.</b> (A) As used in the Revised Code, "public	3996
children services agency" means an entity specified in section	3997
5153.02 of the Revised Code that has assumed the powers and duties	3998
of the children services function prescribed by this chapter for a	3999
county.	4000
(B) As used in this chapter:	4001
(1) "Certified foster home" means a foster home, as defined	4002
in section 5103.02 of the Revised Code, certified under section	4003

5103.03 of the Revised Code. 4004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

dealing with the denial of employment to the applicant. 4130

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

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

(G) As used in this section: 4147

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

supervision of the director of job and family services; 4375

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

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

(1) The ongoing safety of the child; 4385

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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