

**As Passed by the House**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. Sub. H. B. No. 111**

**Representative Collier**

**Cosponsors: Representatives Patton, McGregor, J., Aslanides, Bacon, Boyd,  
DeBose, Domenick, Evans, Flowers, Hagan, J., Heard, Hughes, Letson,  
Luckie, Schindel, Setzer, Skindell, Williams, S., Yuko**

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**A B I L L**

To amend sections 2151.03 and 2717.01 of the Revised 1  
Code to expand the definition of neglected child 2  
to include a child whose parent, guardian, or 3  
custodian knowingly allows certain sexually 4  
oriented offenders or child-victim offenders to 5  
reside in the same residence as that child, and to 6  
prohibit a court from ordering a statutory change 7  
of name for a person who has committed identity 8  
fraud or who must register under the SORN Law for 9  
having committed a sexually oriented offense or 10  
child-victim oriented offense. 11

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

**Section 1.** That sections 2151.03 and 2717.01 of the Revised 12  
Code be amended to read as follows: 13

**Sec. 2151.03.** (A) As used in this chapter, "neglected child" 14  
includes any child: 15

(1) Who is abandoned by the child's parents, guardian, or 16  
custodian; 17

- (2) Who lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian; 18  
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- (3) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being; 20  
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- (4) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition; 24  
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- (5) Whose parents, legal guardian, or custodian ~~have~~ has placed or attempted to place the child in violation of sections 5103.16 and 5103.17 of the Revised Code; 27  
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- (6) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare; 30  
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- (7) Who is subjected to out-of-home care child neglect; 33
- (8) Whose parents, guardian, or custodian knowingly allows any of the following persons to reside in the same residence as the child: 34  
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- (a) A person who is a habitual sex offender, sexual predator, habitual child-victim offender, or child-victim predator, as defined in section 2950.01 of the Revised Code; 37  
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- (b) A person who was convicted of or pleaded guilty to an aggravated sexually oriented offense, as defined in section 2950.01 of the Revised Code; 40  
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- (c) A person who has been convicted of or has pleaded guilty to a sexually oriented or child-victim oriented offense, as defined in section 2950.01 of the Revised Code, who is not described in division (A)(8)(a) or (A)(8)(b) of this section but who is subject to one of the following imposed for that offense: 43  
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<u>(i) A jail or prison term;</u>	48
<u>(ii) A community control sanction, as defined in section 2929.01 of the Revised Code, other than one imposed under section 2929.18 or 2929.28 of the Revised Code;</u>	49 50 51
<u>(iii) A period of post-release control;</u>	52
<u>(iv) A community control sanction imposed after a judicial release;</u>	53 54
<u>(v) Parole or another type of early release from confinement.</u>	55
<u>(B) A child is not a neglected child under division (A)(8) of this section if either of the following applies to the person living in the same residence as the child:</u>	56 57 58
<u>(1) The person is under eighteen years of age.</u>	59
<u>(2) The person is eighteen years of age or older, resides in the same residence as the person's parent, guardian, or legal custodian, and is enrolled in high school.</u>	60 61 62
<u>(C) Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child. This division does not abrogate or limit any person's responsibility under section 2151.421 of the Revised Code to report child abuse that is known or reasonably suspected or believed to have occurred, child neglect that is known or reasonably suspected or believed to have occurred, and children who are known to face or are reasonably suspected or believed to be facing a threat of suffering abuse or neglect and does not preclude any exercise of the authority of the state, any political subdivision, or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires the provision of medical or surgical</u>	63 64 65 66 67 68 69 70 71 72 73 74 75 76 77

care or treatment. 78

**Sec. 2717.01.** (A) A person desiring a change of name may file 79  
an application in the probate court of the county in which the 80  
person resides. The application shall set forth that the applicant 81  
has been a bona fide resident of that county for at least one year 82  
prior to the filing of the application, the cause for which the 83  
change of name is sought, and the requested new name. The 84  
application shall require the applicant to state whether the 85  
applicant has been convicted of, pleaded guilty to, or been 86  
adjudicated a delinquent child for identity fraud or has a duty to 87  
comply with section 2950.04 or 2950.041 of the Revised Code 88  
because the applicant was convicted of, pleaded guilty to, or was 89  
adjudicated a delinquent child for having committed a sexually 90  
oriented offense or a child-victim oriented offense. 91

Notice of the application shall be given once by publication 92  
in a newspaper of general circulation in the county at least 93  
thirty days before the hearing on the application. The notice 94  
shall set forth the court in which the application was filed, the 95  
case number, and the date and time of the hearing. 96

~~Upon~~ Except as provided by division (C) of this section, upon 97  
proof that proper notice was given and that the facts set forth in 98  
the application show reasonable and proper cause for changing the 99  
name of the applicant, the court may order the change of name. 100

(B) An application for change of name may be made on behalf 101  
of a minor by either of the minor's parents, a legal guardian, or 102  
a guardian ad litem. When application is made on behalf of a 103  
minor, in addition to the notice and proof required pursuant to 104  
division (A) of this section, the consent of both living, legal 105  
parents of the minor shall be filed, or notice of the hearing 106  
shall be given to the parent or parents not consenting by 107  
certified mail, return receipt requested. If there is no known 108

father of the minor, the notice shall be given to the person who 109  
the mother of the minor alleges to be the father. If no father is 110  
so alleged, or if either parent or the address of either parent is 111  
unknown, notice pursuant to division (A) of this section shall be 112  
sufficient as to the father or parent. 113

Any additional notice required by this division may be waived 114  
in writing by any person entitled to the notice. 115

(C)(1) The court shall not order a change of name under 116  
division (A) of this section if the person applying for a change 117  
of name or for whom the application for a change of name is made 118  
has pleaded guilty to, been convicted of, or been adjudicated a 119  
delinquent child for a sexually oriented offense or a child-victim 120  
oriented offense and has a duty to comply with section 2950.04 or 121  
2950.041 of the Revised Code as a result of the guilty plea, 122  
conviction, or adjudication unless the guilty plea, conviction, or 123  
adjudication has been reversed on appeal. 124

(2) The court shall not order a change of name under division 125  
(A) of this section if the person applying for a change of name or 126  
for whom the application for a change of name is made has pleaded 127  
guilty to, been convicted of, or been adjudicated a delinquent 128  
child for committing an act that if committed by an adult would be 129  
a violation of section 2913.49 of the Revised Code unless the 130  
guilty plea, conviction, or adjudication has been reversed on 131  
appeal. 132

(3) As used in this division, "sexually oriented offense" and 133  
"child-victim oriented offense" have the same meanings as in 134  
section 2950.01 of the Revised Code. 135

**Section 2.** That existing sections 2151.03 and 2717.01 of the 136  
Revised Code are hereby repealed. 137