

As Passed by the House

**127th General Assembly
Regular Session
2007-2008**

Sub. H. B. No. 213

Representatives Combs, Wagner

**Cosponsors: Representatives McGregor, J., Evans, Yuko, Brown, Stebelton,
Hughes, Bacon, Barrett, Batchelder, Bolon, Boyd, Bulp, Celeste, Coley,
DeGeeter, Dodd, Domenick, Driehaus, Dyer, Fende, Flowers, Gibbs, Goyal,
Hagan, J., Harwood, Hite, Hottinger, Latta, Mandel, Okey, Otterman, Patton,
Schindel, Strahorn, Szollosi, Uecker, Wagoner, Webster, White, Williams, B.,
Wolpert**

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A B I L L

To amend sections 109.57, 109.572, 109.60, 109.99, 1
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2
2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 3
5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 4
5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 5
5104.013, 5104.09, and 5104.30 and to enact 6
sections 109.581, 1901.43, 1907.181, 2301.10, 7
3107.062, 5101.32, 5103.0328, and 5104.022 of the 8
Revised Code to improve foster caregiver 9
background checks, clarify when a court must order 10
a person to be fingerprinted, establish the 11
retained applicant fingerprint database, and make 12
other changes in the law regarding approval of 13
out-of-home care workers, adoptive parents, foster 14
caregivers, and child day-cares. 15

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

Section 1. That sections 109.57, 109.572, 109.60, 109.99, 16
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 17
2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 18
5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 19
5104.012, 5104.013, 5104.09, and 5104.30 be amended and sections 20
109.581, 1901.43, 1907.181, 2301.10, 3107.062, 5101.32, 5103.0328, 21
and 5104.022 of the Revised Code be enacted to read as follows: 22

Sec. 109.57. (A)(1) The superintendent of the bureau of 23
criminal identification and investigation shall procure from 24
wherever procurable and file for record photographs, pictures, 25
descriptions, fingerprints, measurements, and other information 26
that may be pertinent of all persons who have been convicted of 27
committing within this state a felony, any crime constituting a 28
misdemeanor on the first offense and a felony on subsequent 29
offenses, or any misdemeanor described in division (A)(1)(a), 30
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 31
of all children under eighteen years of age who have been 32
adjudicated delinquent children for committing within this state 33
an act that would be a felony or an offense of violence if 34
committed by an adult or who have been convicted of or pleaded 35
guilty to committing within this state a felony or an offense of 36
violence, and of all well-known and habitual criminals. The person 37
in charge of any county, multicounty, municipal, municipal-county, 38
or multicounty-municipal jail or workhouse, community-based 39
correctional facility, halfway house, alternative residential 40
facility, or state correctional institution and the person in 41
charge of any state institution having custody of a person 42
suspected of having committed a felony, any crime constituting a 43
misdemeanor on the first offense and a felony on subsequent 44
offenses, or any misdemeanor described in division (A)(1)(a), 45
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 46

having custody of a child under eighteen years of age with respect 47
to whom there is probable cause to believe that the child may have 48
committed an act that would be a felony or an offense of violence 49
if committed by an adult shall furnish such material to the 50
superintendent of the bureau. Fingerprints, photographs, or other 51
descriptive information of a child who is under eighteen years of 52
age, has not been arrested or otherwise taken into custody for 53
committing an act that would be a felony or an offense of violence 54
if committed by an adult, has not been adjudicated a delinquent 55
child for committing an act that would be a felony or an offense 56
of violence if committed by an adult, has not been convicted of or 57
pleaded guilty to committing a felony or an offense of violence, 58
who is not in any other category of child specified in this 59
division, and is not a child with respect to whom there is 60
probable cause to believe that the child may have committed an act 61
that would be a felony or an offense of violence if committed by 62
an adult shall not be procured by the superintendent or furnished 63
by any person in charge of any county, multicounty, municipal, 64
municipal-county, or multicounty-municipal jail or workhouse, 65
community-based correctional facility, halfway house, alternative 66
residential facility, or state correctional institution, except as 67
authorized in section 2151.313 of the Revised Code. 68

(2) Every clerk of a court of record in this state, other 69
than the supreme court or a court of appeals, shall send to the 70
superintendent of the bureau a weekly report containing a summary 71
of each case involving a felony, involving any crime constituting 72
a misdemeanor on the first offense and a felony on subsequent 73
offenses, involving a misdemeanor described in division (A)(1)(a), 74
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 75
or involving an adjudication in a case in which a child under 76
eighteen years of age was alleged to be a delinquent child for 77
committing an act that would be a felony or an offense of violence 78
if committed by an adult. The clerk of the court of common pleas 79

shall include in the report and summary the clerk sends under this 80
division all information described in divisions (A)(2)(a) to (f) 81
of this section regarding a case before the court of appeals that 82
is served by that clerk. The summary shall be written on the 83
standard forms furnished by the superintendent pursuant to 84
division (B) of this section and shall include the following 85
information: 86

(a) The incident tracking number contained on the standard 87
forms furnished by the superintendent pursuant to division (B) of 88
this section; 89

(b) The style and number of the case; 90

(c) The date of arrest, offense, summons, or arraignment; 91

(d) The date that the person was convicted of or pleaded 92
guilty to the offense, adjudicated a delinquent child for 93
committing the act that would be a felony or an offense of 94
violence if committed by an adult, found not guilty of the 95
offense, ~~or~~ found not to be a delinquent child for committing an 96
act that would be a felony or an offense of violence if committed 97
by an adult, the date of an entry dismissing the charge, an entry 98
declaring a mistrial of the offense in which the person is 99
discharged, an entry finding that the person or child is not 100
competent to stand trial, or an entry of a nolle prosequi, or the 101
date of any other determination that constitutes final resolution 102
of the case; 103

(e) A statement of the original charge with the section of 104
the Revised Code that was alleged to be violated; 105

(f) If the person or child was convicted, pleaded guilty, or 106
was adjudicated a delinquent child, the sentence or terms of 107
probation imposed or any other disposition of the offender or the 108
delinquent child. 109

If the offense involved the disarming of a law enforcement 110

officer or an attempt to disarm a law enforcement officer, the 111
clerk shall clearly state that fact in the summary, and the 112
superintendent shall ensure that a clear statement of that fact is 113
placed in the bureau's records. 114

(3) The superintendent shall cooperate with and assist 115
sheriffs, chiefs of police, and other law enforcement officers in 116
the establishment of a complete system of criminal identification 117
and in obtaining fingerprints and other means of identification of 118
all persons arrested on a charge of a felony, any crime 119
constituting a misdemeanor on the first offense and a felony on 120
subsequent offenses, or a misdemeanor described in division 121
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 122
Revised Code and of all children under eighteen years of age 123
arrested or otherwise taken into custody for committing an act 124
that would be a felony or an offense of violence if committed by 125
an adult. The superintendent also shall file for record the 126
fingerprint impressions of all persons confined in a county, 127
multicounty, municipal, municipal-county, or multicounty-municipal 128
jail or workhouse, community-based correctional facility, halfway 129
house, alternative residential facility, or state correctional 130
institution for the violation of state laws and of all children 131
under eighteen years of age who are confined in a county, 132
multicounty, municipal, municipal-county, or multicounty-municipal 133
jail or workhouse, community-based correctional facility, halfway 134
house, alternative residential facility, or state correctional 135
institution or in any facility for delinquent children for 136
committing an act that would be a felony or an offense of violence 137
if committed by an adult, and any other information that the 138
superintendent may receive from law enforcement officials of the 139
state and its political subdivisions. 140

(4) The superintendent shall carry out Chapter 2950. of the 141
Revised Code with respect to the registration of persons who are 142

convicted of or plead guilty to either a sexually oriented offense 143
that is not a registration-exempt sexually oriented offense or a 144
child-victim oriented offense and with respect to all other duties 145
imposed on the bureau under that chapter. 146

(5) The bureau shall perform centralized recordkeeping 147
functions for criminal history records and services in this state 148
for purposes of the national crime prevention and privacy compact 149
set forth in section 109.571 of the Revised Code and is the 150
criminal history record repository as defined in that section for 151
purposes of that compact. The superintendent or the 152
superintendent's designee is the compact officer for purposes of 153
that compact and shall carry out the responsibilities of the 154
compact officer specified in that compact. 155

(B) The superintendent shall prepare and furnish to every 156
county, multicounty, municipal, municipal-county, or 157
multicounty-municipal jail or workhouse, community-based 158
correctional facility, halfway house, alternative residential 159
facility, or state correctional institution and to every clerk of 160
a court in this state specified in division (A)(2) of this section 161
standard forms for reporting the information required under 162
division (A) of this section. The standard forms that the 163
superintendent prepares pursuant to this division may be in a 164
tangible format, in an electronic format, or in both tangible 165
formats and electronic formats. 166

(C) The superintendent may operate a center for electronic, 167
automated, or other data processing for the storage and retrieval 168
of information, data, and statistics pertaining to criminals and 169
to children under eighteen years of age who are adjudicated 170
delinquent children for committing an act that would be a felony 171
or an offense of violence if committed by an adult, criminal 172
activity, crime prevention, law enforcement, and criminal justice, 173
and may establish and operate a statewide communications network 174

to gather and disseminate information, data, and statistics for 175
the use of law enforcement agencies. The superintendent may 176
gather, store, retrieve, and disseminate information, data, and 177
statistics that pertain to children who are under eighteen years 178
of age and that are gathered pursuant to sections 109.57 to 109.61 179
of the Revised Code together with information, data, and 180
statistics that pertain to adults and that are gathered pursuant 181
to those sections. In addition to any other authorized use of 182
information, data, and statistics of that nature, the 183
superintendent or the superintendent's designee may provide and 184
exchange the information, data, and statistics pursuant to the 185
national crime prevention and privacy compact as described in 186
division (A)(5) of this section. 187

(D) The information and materials furnished to the 188
superintendent pursuant to division (A) of this section and 189
information and materials furnished to any board or person under 190
division (F) or (G) of this section are not public records under 191
section 149.43 of the Revised Code. 192

(E) The attorney general shall adopt rules, in accordance 193
with Chapter 119. of the Revised Code, setting forth the procedure 194
by which a person may receive or release information gathered by 195
the superintendent pursuant to division (A) of this section. A 196
reasonable fee may be charged for this service. If a temporary 197
employment service submits a request for a determination of 198
whether a person the service plans to refer to an employment 199
position has been convicted of or pleaded guilty to an offense 200
listed in division (A)(1), (3), (4), (5), or (6) of section 201
109.572 of the Revised Code, the request shall be treated as a 202
single request and only one fee shall be charged. 203

(F)(1) As used in division (F)(2) of this section, "head 204
start agency" means an entity in this state that has been approved 205
to be an agency for purposes of subchapter II of the "Community 206

Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 207
as amended. 208

(2)(a) In addition to or in conjunction with any request that 209
is required to be made under section 109.572, 2151.86, 3301.32, 210
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 211
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 212
education of any school district; the director of mental 213
retardation and developmental disabilities; any county board of 214
mental retardation and developmental disabilities; any entity 215
under contract with a county board of mental retardation and 216
developmental disabilities; the chief administrator of any 217
chartered nonpublic school; the chief administrator of any home 218
health agency; the chief administrator of or person operating any 219
child day-care center, type A family day-care home, or type B 220
family day-care home licensed or certified under Chapter 5104. of 221
the Revised Code; the administrator of any type C family day-care 222
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 223
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 224
general assembly; the chief administrator of any head start 225
agency; or the executive director of a public children services 226
agency may request that the superintendent of the bureau 227
investigate and determine, with respect to any individual who has 228
applied for employment in any position after October 2, 1989, or 229
any individual wishing to apply for employment with a board of 230
education may request, with regard to the individual, whether the 231
bureau has any information gathered under division (A) of this 232
section that pertains to that individual. On receipt of the 233
request, the superintendent shall determine whether that 234
information exists and, upon request of the person, board, or 235
entity requesting information, also shall request from the federal 236
bureau of investigation any criminal records it has pertaining to 237
that individual. The superintendent or the superintendent's 238
designee also may request criminal history records from other 239

states or the federal government pursuant to the national crime 240
prevention and privacy compact set forth in section 109.571 of the 241
Revised Code. Within thirty days of the date that the 242
superintendent receives a request, the superintendent shall send 243
to the board, entity, or person a report of any information that 244
the superintendent determines exists, including information 245
contained in records that have been sealed under section 2953.32 246
of the Revised Code, and, within thirty days of its receipt, shall 247
send the board, entity, or person a report of any information 248
received from the federal bureau of investigation, other than 249
information the dissemination of which is prohibited by federal 250
law. 251

(b) When a board of education is required to receive 252
information under this section as a prerequisite to employment of 253
an individual pursuant to section 3319.39 of the Revised Code, it 254
may accept a certified copy of records that were issued by the 255
bureau of criminal identification and investigation and that are 256
presented by an individual applying for employment with the 257
district in lieu of requesting that information itself. In such a 258
case, the board shall accept the certified copy issued by the 259
bureau in order to make a photocopy of it for that individual's 260
employment application documents and shall return the certified 261
copy to the individual. In a case of that nature, a district only 262
shall accept a certified copy of records of that nature within one 263
year after the date of their issuance by the bureau. 264

(3) The state board of education may request, with respect to 265
any individual who has applied for employment after October 2, 266
1989, in any position with the state board or the department of 267
education, any information that a school district board of 268
education is authorized to request under division (F)(2) of this 269
section, and the superintendent of the bureau shall proceed as if 270
the request has been received from a school district board of 271

education under division (F)(2) of this section. 272

(4) When the superintendent of the bureau receives a request 273
for information under section 3319.291 of the Revised Code, the 274
superintendent shall proceed as if the request has been received 275
from a school district board of education under division (F)(2) of 276
this section. 277

(5) When a recipient of a classroom reading improvement grant 278
paid under section 3301.86 of the Revised Code requests, with 279
respect to any individual who applies to participate in providing 280
any program or service funded in whole or in part by the grant, 281
the information that a school district board of education is 282
authorized to request under division (F)(2)(a) of this section, 283
the superintendent of the bureau shall proceed as if the request 284
has been received from a school district board of education under 285
division (F)(2)(a) of this section. 286

(G) In addition to or in conjunction with any request that is 287
required to be made under section 3701.881, 3712.09, 3721.121, or 288
3722.151 of the Revised Code with respect to an individual who has 289
applied for employment in a position that involves providing 290
direct care to an older adult, the chief administrator of a home 291
health agency, hospice care program, home licensed under Chapter 292
3721. of the Revised Code, adult day-care program operated 293
pursuant to rules adopted under section 3721.04 of the Revised 294
Code, or adult care facility may request that the superintendent 295
of the bureau investigate and determine, with respect to any 296
individual who has applied after January 27, 1997, for employment 297
in a position that does not involve providing direct care to an 298
older adult, whether the bureau has any information gathered under 299
division (A) of this section that pertains to that individual. 300

In addition to or in conjunction with any request that is 301
required to be made under section 173.27 of the Revised Code with 302
respect to an individual who has applied for employment in a 303

position that involves providing ombudsperson services to 304
residents of long-term care facilities or recipients of 305
community-based long-term care services, the state long-term care 306
ombudsperson, ombudsperson's designee, or director of health may 307
request that the superintendent investigate and determine, with 308
respect to any individual who has applied for employment in a 309
position that does not involve providing such ombudsperson 310
services, whether the bureau has any information gathered under 311
division (A) of this section that pertains to that applicant. 312

In addition to or in conjunction with any request that is 313
required to be made under section 173.394 of the Revised Code with 314
respect to an individual who has applied for employment in a 315
position that involves providing direct care to an individual, the 316
chief administrator of a community-based long-term care agency may 317
request that the superintendent investigate and determine, with 318
respect to any individual who has applied for employment in a 319
position that does not involve providing direct care, whether the 320
bureau has any information gathered under division (A) of this 321
section that pertains to that applicant. 322

On receipt of a request under this division, the 323
superintendent shall determine whether that information exists 324
and, on request of the individual requesting information, shall 325
also request from the federal bureau of investigation any criminal 326
records it has pertaining to the applicant. The superintendent or 327
the superintendent's designee also may request criminal history 328
records from other states or the federal government pursuant to 329
the national crime prevention and privacy compact set forth in 330
section 109.571 of the Revised Code. Within thirty days of the 331
date a request is received, the superintendent shall send to the 332
requester a report of any information determined to exist, 333
including information contained in records that have been sealed 334
under section 2953.32 of the Revised Code, and, within thirty days 335

of its receipt, shall send the requester a report of any 336
information received from the federal bureau of investigation, 337
other than information the dissemination of which is prohibited by 338
federal law. 339

(H) Information obtained by a government entity or person 340
under this section is confidential and shall not be released or 341
disseminated. 342

(I) The superintendent may charge a reasonable fee for 343
providing information or criminal records under division (F)(2) or 344
(G) of this section. 345

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 346
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 347
~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 348
to division (C)(1) of this section, and a set of fingerprint 349
impressions obtained in the manner described in division (C)(2) of 350
this section, the superintendent of the bureau of criminal 351
identification and investigation shall conduct a criminal records 352
check in the manner described in division (B) of this section to 353
determine whether any information exists that indicates that the 354
person who is the subject of the request previously has been 355
convicted of or pleaded guilty to any of the following: 356

(a) A violation of section 2903.01, 2903.02, 2903.03, 357
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 358
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 359
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 360
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 361
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 362
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 363
2925.06, or 3716.11 of the Revised Code, felonious sexual 364
penetration in violation of former section 2907.12 of the Revised 365
Code, a violation of section 2905.04 of the Revised Code as it 366

existed prior to July 1, 1996, a violation of section 2919.23 of 367
the Revised Code that would have been a violation of section 368
2905.04 of the Revised Code as it existed prior to July 1, 1996, 369
had the violation been committed prior to that date, or a 370
violation of section 2925.11 of the Revised Code that is not a 371
minor drug possession offense; 372

(b) A violation of an existing or former law of this state, 373
any other state, or the United States that is substantially 374
equivalent to any of the offenses listed in division (A)(1)(a) of 375
this section. 376

(2) On receipt of a request pursuant to section 5123.081 of 377
the Revised Code with respect to an applicant for employment in 378
any position with the department of mental retardation and 379
developmental disabilities, pursuant to section 5126.28 of the 380
Revised Code with respect to an applicant for employment in any 381
position with a county board of mental retardation and 382
developmental disabilities, or pursuant to section 5126.281 of the 383
Revised Code with respect to an applicant for employment in a 384
direct services position with an entity contracting with a county 385
board for employment, a completed form prescribed pursuant to 386
division (C)(1) of this section, and a set of fingerprint 387
impressions obtained in the manner described in division (C)(2) of 388
this section, the superintendent of the bureau of criminal 389
identification and investigation shall conduct a criminal records 390
check. The superintendent shall conduct the criminal records check 391
in the manner described in division (B) of this section to 392
determine whether any information exists that indicates that the 393
person who is the subject of the request has been convicted of or 394
pleaded guilty to any of the following: 395

(a) A violation of section 2903.01, 2903.02, 2903.03, 396
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 397
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 398

2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 399
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 400
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 401
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 402
2925.03, or 3716.11 of the Revised Code; 403

(b) An existing or former municipal ordinance or law of this 404
state, any other state, or the United States that is substantially 405
equivalent to any of the offenses listed in division (A)(2)(a) of 406
this section. 407

(3) On receipt of a request pursuant to section 173.27, 408
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 409
completed form prescribed pursuant to division (C)(1) of this 410
section, and a set of fingerprint impressions obtained in the 411
manner described in division (C)(2) of this section, the 412
superintendent of the bureau of criminal identification and 413
investigation shall conduct a criminal records check with respect 414
to any person who has applied for employment in a position for 415
which a criminal records check is required by those sections. The 416
superintendent shall conduct the criminal records check in the 417
manner described in division (B) of this section to determine 418
whether any information exists that indicates that the person who 419
is the subject of the request previously has been convicted of or 420
pleaded guilty to any of the following: 421

(a) A violation of section 2903.01, 2903.02, 2903.03, 422
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 423
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 424
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 425
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 426
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 427
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 428
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 429
2925.22, 2925.23, or 3716.11 of the Revised Code; 430

(b) An existing or former law of this state, any other state, 431
or the United States that is substantially equivalent to any of 432
the offenses listed in division (A)(3)(a) of this section. 433

(4) On receipt of a request pursuant to section 3701.881 of 434
the Revised Code with respect to an applicant for employment with 435
a home health agency as a person responsible for the care, 436
custody, or control of a child, a completed form prescribed 437
pursuant to division (C)(1) of this section, and a set of 438
fingerprint impressions obtained in the manner described in 439
division (C)(2) of this section, the superintendent of the bureau 440
of criminal identification and investigation shall conduct a 441
criminal records check. The superintendent shall conduct the 442
criminal records check in the manner described in division (B) of 443
this section to determine whether any information exists that 444
indicates that the person who is the subject of the request 445
previously has been convicted of or pleaded guilty to any of the 446
following: 447

(a) A violation of section 2903.01, 2903.02, 2903.03, 448
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 449
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 450
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 451
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 452
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 453
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 454
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 455
violation of section 2925.11 of the Revised Code that is not a 456
minor drug possession offense; 457

(b) An existing or former law of this state, any other state, 458
or the United States that is substantially equivalent to any of 459
the offenses listed in division (A)(4)(a) of this section. 460

(5) On receipt of a request pursuant to section 5111.95 or 461
5111.96 of the Revised Code with respect to an applicant for 462

employment with a waiver agency participating in a department of 463
job and family services administered home and community-based 464
waiver program or an independent provider participating in a 465
department administered home and community-based waiver program in 466
a position that involves providing home and community-based waiver 467
services to consumers with disabilities, a completed form 468
prescribed pursuant to division (C)(1) of this section, and a set 469
of fingerprint impressions obtained in the manner described in 470
division (C)(2) of this section, the superintendent of the bureau 471
of criminal identification and investigation shall conduct a 472
criminal records check. The superintendent shall conduct the 473
criminal records check in the manner described in division (B) of 474
this section to determine whether any information exists that 475
indicates that the person who is the subject of the request 476
previously has been convicted of or pleaded guilty to any of the 477
following: 478

(a) A violation of section 2903.01, 2903.02, 2903.03, 479
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 480
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 481
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 482
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 483
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 484
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 485
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 486
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 487
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 488
Revised Code, felonious sexual penetration in violation of former 489
section 2907.12 of the Revised Code, a violation of section 490
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 491
violation of section 2919.23 of the Revised Code that would have 492
been a violation of section 2905.04 of the Revised Code as it 493
existed prior to July 1, 1996, had the violation been committed 494
prior to that date; 495

(b) An existing or former law of this state, any other state, 496
or the United States that is substantially equivalent to any of 497
the offenses listed in division (A)(5)(a) of this section. 498

(6) On receipt of a request pursuant to section 3701.881 of 499
the Revised Code with respect to an applicant for employment with 500
a home health agency in a position that involves providing direct 501
care to an older adult, a completed form prescribed pursuant to 502
division (C)(1) of this section, and a set of fingerprint 503
impressions obtained in the manner described in division (C)(2) of 504
this section, the superintendent of the bureau of criminal 505
identification and investigation shall conduct a criminal records 506
check. The superintendent shall conduct the criminal records check 507
in the manner described in division (B) of this section to 508
determine whether any information exists that indicates that the 509
person who is the subject of the request previously has been 510
convicted of or pleaded guilty to any of the following: 511

(a) A violation of section 2903.01, 2903.02, 2903.03, 512
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 513
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 514
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 515
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 516
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 517
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 518
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 519
2925.22, 2925.23, or 3716.11 of the Revised Code; 520

(b) An existing or former law of this state, any other state, 521
or the United States that is substantially equivalent to any of 522
the offenses listed in division (A)(6)(a) of this section. 523

(7) When conducting a criminal records check upon a request 524
pursuant to section 3319.39 of the Revised Code for an applicant 525
who is a teacher, in addition to the determination made under 526
division (A)(1) of this section, the superintendent shall 527

determine whether any information exists that indicates that the 528
person who is the subject of the request previously has been 529
convicted of or pleaded guilty to any offense specified in section 530
3319.31 of the Revised Code. 531

(8) On receipt of a request pursuant to section 2151.86 of 532
the Revised Code, a completed form prescribed pursuant to division 533
(C)(1) of this section, and a set of fingerprint impressions 534
obtained in the manner described in division (C)(2) of this 535
section, the superintendent of the bureau of criminal 536
identification and investigation shall conduct a criminal records 537
check in the manner described in division (B) of this section to 538
determine whether any information exists that indicates that the 539
person who is the subject of the request previously has been 540
convicted of or pleaded guilty to any of the following: 541

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 542
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 543
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 544
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 545
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 546
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 547
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 548
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 549
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 550
of the Revised Code, a violation of section 2905.04 of the Revised 551
Code as it existed prior to July 1, 1996, a violation of section 552
2919.23 of the Revised Code that would have been a violation of 553
section 2905.04 of the Revised Code as it existed prior to July 1, 554
1996, had the violation been committed prior to that date, a 555
violation of section 2925.11 of the Revised Code that is not a 556
minor drug possession offense, two or more OVI or OVUAC violations 557
committed within the three years immediately preceding the 558
submission of the application or petition that is the basis of the 559

request, or felonious sexual penetration in violation of former 560
section 2907.12 of the Revised Code; 561

(b) A violation of an existing or former law of this state, 562
any other state, or the United States that is substantially 563
equivalent to any of the offenses listed in division (A)(8)(a) of 564
this section. 565

(9) ~~When conducting a criminal records check on~~ Upon receipt 566
of a request pursuant to section 5104.012 or 5104.013 of the 567
Revised Code ~~for a person who is an owner, licensee, or~~ 568
~~administrator of a child day care center or type A family day care~~ 569
~~home, an authorized provider of a certified type B family day care~~ 570
~~home, or an adult residing in a type A or certified type B home,~~ 571
~~or when conducting a criminal records check or a request pursuant~~ 572
~~to section 5104.012 of the Revised Code for a person who is an~~ 573
~~applicant for employment in a center, type A home, or certified~~ 574
~~type B home, the superintendent, in addition to the determination~~ 575
~~made under division (A)(1) of this section, shall, a completed~~ 576
form prescribed pursuant to division (C)(1) of this section, and a 577
set of fingerprint impressions obtained in the manner described in 578
division (C)(2) of this section, the superintendent of the bureau 579
of criminal identification and investigation shall conduct a 580
criminal records check in the manner described in division (B) of 581
this section to determine whether any information exists that 582
indicates that the person who is the subject of the request has 583
been convicted of or pleaded guilty to any of the following: 584

(a) A violation of section 2903.01, 2903.02, 2903.03, 585
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 586
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 587
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 588
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 589
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 590
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 591

2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 592
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 593
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, ~~or~~ 2923.01, 2923.12, 594
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 595
3716.11 of the Revised Code, felonious sexual penetration in 596
violation of former section 2907.12 of the Revised Code, a 597
violation of section 2905.04 of the Revised Code as it existed 598
prior to July 1, 1996, a violation of section 2919.23 of the 599
Revised Code that would have been a violation of section 2905.04 600
of the Revised Code as it existed prior to July 1, 1996, had the 601
violation been committed prior to that date, a violation of 602
section 2925.11 of the Revised Code that is not a minor drug 603
possession offense, a violation of section 2923.02 or 2923.03 of 604
the Revised Code that relates to a crime specified in this 605
division ~~or division (A)(1)(a) of this section,~~ or a second 606
violation of section 4511.19 of the Revised Code within five years 607
of the date of application for licensure or certification. 608

(b) A violation of an existing or former law of this state, 609
any other state, or the United States that is substantially 610
equivalent to any of the offenses or violations described in 611
division (A)(9)(a) of this section. 612

(10) Upon receipt of a request pursuant to section 5153.111 613
of the Revised Code, a completed form prescribed pursuant to 614
division (C)(1) of this section, and a set of fingerprint 615
impressions obtained in the manner described in division (C)(2) of 616
this section, the superintendent of the bureau of criminal 617
identification and investigation shall conduct a criminal records 618
check in the manner described in division (B) of this section to 619
determine whether any information exists that indicates that the 620
person who is the subject of the request previously has been 621
convicted of or pleaded guilty to any of the following: 622

(a) A violation of section 2903.01, 2903.02, 2903.03, 623

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 624
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 625
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 626
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 627
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 628
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 629
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 630
felonious sexual penetration in violation of former section 631
2907.12 of the Revised Code, a violation of section 2905.04 of the 632
Revised Code as it existed prior to July 1, 1996, a violation of 633
section 2919.23 of the Revised Code that would have been a 634
violation of section 2905.04 of the Revised Code as it existed 635
prior to July 1, 1996, had the violation been committed prior to 636
that date, or a violation of section 2925.11 of the Revised Code 637
that is not a minor drug possession offense; 638

(b) A violation of an existing or former law of this state, 639
any other state, or the United States that is substantially 640
equivalent to any of the offenses listed in division (A)(10)(a) of 641
this section. 642

(11) On receipt of a request for a criminal records check 643
from an individual pursuant to section 4749.03 or 4749.06 of the 644
Revised Code, accompanied by a completed copy of the form 645
prescribed in division (C)(1) of this section and a set of 646
fingerprint impressions obtained in a manner described in division 647
(C)(2) of this section, the superintendent of the bureau of 648
criminal identification and investigation shall conduct a criminal 649
records check in the manner described in division (B) of this 650
section to determine whether any information exists indicating 651
that the person who is the subject of the request has been 652
convicted of or pleaded guilty to a felony in this state or in any 653
other state. If the individual indicates that a firearm will be 654
carried in the course of business, the superintendent shall 655

require information from the federal bureau of investigation as 656
described in division (B)(2) of this section. The superintendent 657
shall report the findings of the criminal records check and any 658
information the federal bureau of investigation provides to the 659
director of public safety. 660

(12) On receipt of a request pursuant to section 1322.03, 661
1322.031, or 4763.05 of the Revised Code, a completed form 662
prescribed pursuant to division (C)(1) of this section, and a set 663
of fingerprint impressions obtained in the manner described in 664
division (C)(2) of this section, the superintendent of the bureau 665
of criminal identification and investigation shall conduct a 666
criminal records check with respect to any person who has applied 667
for a license, permit, or certification from the department of 668
commerce or a division in the department. The superintendent shall 669
conduct the criminal records check in the manner described in 670
division (B) of this section to determine whether any information 671
exists that indicates that the person who is the subject of the 672
request previously has been convicted of or pleaded guilty to any 673
of the following: a violation of section 2913.02, 2913.11, 674
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 675
criminal offense involving theft, receiving stolen property, 676
embezzlement, forgery, fraud, passing bad checks, money 677
laundering, or drug trafficking, or any criminal offense involving 678
money or securities, as set forth in Chapters 2909., 2911., 2913., 679
2915., 2921., 2923., and 2925. of the Revised Code; or any 680
existing or former law of this state, any other state, or the 681
United States that is substantially equivalent to those offenses. 682

(13) Not later than thirty days after the date the 683
superintendent receives the request, completed form, and 684
fingerprint impressions, the superintendent shall send the person, 685
board, or entity that made the request any information, other than 686
information the dissemination of which is prohibited by federal 687

law, the superintendent determines exists with respect to the 688
person who is the subject of the request that indicates that the 689
person previously has been convicted of or pleaded guilty to any 690
offense listed or described in division (A)(1), (2), (3), (4), 691
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 692
appropriate. The superintendent shall send the person, board, or 693
entity that made the request a copy of the list of offenses 694
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 695
(9), (10), (11), or (12) of this section, as appropriate. If the 696
request was made under section 3701.881 of the Revised Code with 697
regard to an applicant who may be both responsible for the care, 698
custody, or control of a child and involved in providing direct 699
care to an older adult, the superintendent shall provide a list of 700
the offenses specified in divisions (A)(4) and (6) of this 701
section. 702

(B) The superintendent shall conduct any criminal records 703
check requested under section 121.08, 173.27, 173.394, 1322.03, 704
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 705
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 706
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 707
Revised Code as follows: 708

(1) The superintendent shall review or cause to be reviewed 709
any relevant information gathered and compiled by the bureau under 710
division (A) of section 109.57 of the Revised Code that relates to 711
the person who is the subject of the request, including any 712
relevant information contained in records that have been sealed 713
under section 2953.32 of the Revised Code; 714

(2) If the request received by the superintendent asks for 715
information from the federal bureau of investigation, the 716
superintendent shall request from the federal bureau of 717
investigation any information it has with respect to the person 718
who is the subject of the request, including fingerprint based 719

checks of national crime information databases as described in 42 720
U.S.C. 671 if the request is made pursuant to section 2151.86, 721
5104.012, or 5104.013 of the Revised Code or if any other Revised 722
Code section requires fingerprint based checks of that nature, and 723
shall review or cause to be reviewed any information the 724
superintendent receives from that bureau. 725

(3) The superintendent or the superintendent's designee may 726
request criminal history records from other states or the federal 727
government pursuant to the national crime prevention and privacy 728
compact set forth in section 109.571 of the Revised Code. 729

(C)(1) The superintendent shall prescribe a form to obtain 730
the information necessary to conduct a criminal records check from 731
any person for whom a criminal records check is required by 732
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 733
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 734
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 735
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 736
form that the superintendent prescribes pursuant to this division 737
may be in a tangible format, in an electronic format, or in both 738
tangible and electronic formats. 739

(2) The superintendent shall prescribe standard impression 740
sheets to obtain the fingerprint impressions of any person for 741
whom a criminal records check is required by section 121.08, 742
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 743
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 744
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 745
5126.281, or 5153.111 of the Revised Code. Any person for whom a 746
records check is required by any of those sections shall obtain 747
the fingerprint impressions at a county sheriff's office, 748
municipal police department, or any other entity with the ability 749
to make fingerprint impressions on the standard impression sheets 750
prescribed by the superintendent. The office, department, or 751

entity may charge the person a reasonable fee for making the 752
impressions. The standard impression sheets the superintendent 753
prescribes pursuant to this division may be in a tangible format, 754
in an electronic format, or in both tangible and electronic 755
formats. 756

(3) Subject to division (D) of this section, the 757
superintendent shall prescribe and charge a reasonable fee for 758
providing a criminal records check requested under section 121.08, 759
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 760
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 761
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 762
5126.281, or 5153.111 of the Revised Code. The person making a 763
criminal records request under ~~section 121.08, 173.27, 173.394,~~ 764
~~1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881,~~ 765
~~3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012,~~ 766
~~5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or~~ 767
~~5153.111 of the Revised Code~~ any of those sections shall pay the 768
fee prescribed pursuant to this division. A person making a 769
request under section 3701.881 of the Revised Code for a criminal 770
records check for an applicant who may be both responsible for the 771
care, custody, or control of a child and involved in providing 772
direct care to an older adult shall pay one fee for the request. 773

(4) The superintendent of the bureau of criminal 774
identification and investigation may prescribe methods of 775
forwarding fingerprint impressions and information necessary to 776
conduct a criminal records check, which methods shall include, but 777
not be limited to, an electronic method. 778

(D) A determination whether any information exists that 779
indicates that a person previously has been convicted of or 780
pleaded guilty to any offense listed or described in division 781
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 782
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 783

(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 784
that is made by the superintendent with respect to information 785
considered in a criminal records check in accordance with this 786
section is valid for the person who is the subject of the criminal 787
records check for a period of one year from the date upon which 788
the superintendent makes the determination. During the period in 789
which the determination in regard to a person is valid, if another 790
request under this section is made for a criminal records check 791
for that person, the superintendent shall provide the information 792
that is the basis for the superintendent's initial determination 793
at a lower fee than the fee prescribed for the initial criminal 794
records check. 795

(E) As used in this section: 796

(1) "Criminal records check" means any criminal records check 797
conducted by the superintendent of the bureau of criminal 798
identification and investigation in accordance with division (B) 799
of this section. 800

(2) "Home and community-based waiver services" and "waiver 801
agency" have the same meanings as in section 5111.95 of the 802
Revised Code. 803

(3) "Independent provider" has the same meaning as in section 804
5111.96 of the Revised Code. 805

(4) "Minor drug possession offense" has the same meaning as 806
in section 2925.01 of the Revised Code. 807

(5) "Older adult" means a person age sixty or older. 808

(6) "OVI or OVUAC violation" means a violation of section 809
4511.19 of the Revised Code or a violation of an existing or 810
former law of this state, any other state, or the United States 811
that is substantially equivalent to section 4511.19 of the Revised 812
Code. 813

Sec. 109.581. (A) As used in this section: 814

(1) "Individual" means any person who is required by law to 815
submit fingerprint impressions to a participating entity for a 816
criminal records check. 817

(2) "Participating entity" means a state agency or government 818
agency required by statute to submit fingerprint impressions of an 819
individual for a criminal records check as a condition of 820
licensure, certification, approval for adoption, employment, or 821
volunteer service with the agency. 822

(3) "State agency" has the same meaning as in section 9.23 of 823
the Revised Code. 824

(B) The superintendent of the bureau of criminal 825
identification and investigation shall establish and maintain a 826
retained applicant fingerprint database, separate and apart from 827
all other records maintained by the bureau, to notify a 828
participating entity when an individual who is licensed, 829
certified, approval for adoption, or employed by, or volunteers 830
with, the participating entity and is arrested for, or pleads 831
guilty to or is convicted of, an offense that would disqualify 832
that individual from licensure, certification, approval, or 833
employment by, or volunteering with, the participating entity. 834

(C)(1) A participating entity shall ensure that the 835
superintendent of the bureau of criminal identification and 836
investigation receives fingerprint impressions in a manner 837
prescribed by the bureau in rules adopted under this section prior 838
to an individual being licensed, certified, approved for adoption, 839
or employed by, or beginning volunteer service with, the 840
participating entity. The bureau shall enter information and the 841
fingerprint impressions relating to the individual into the 842
retained applicant fingerprint database within thirty days of 843
receiving the information and impressions. 844

(2) An individual who has submitted fingerprint impressions for licensure, certification, approval for adoption, or employment by, or volunteer service with, a participating entity shall be reprinted for licensure, certification, approval, employment, or volunteer service with another participating entity. If an individual has been reprinted, the superintendent of the bureau of criminal identification and investigation shall update that individual's information accordingly. 845
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(3) A participating entity shall notify the bureau of criminal identification and investigation when an individual is no longer licensed, certified, approved for adoption, or employed by, or volunteers with, the participating entity, or the individual is deceased. 853
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(D) The superintendent of the bureau of criminal identification and investigation shall promptly notify a participating entity when an individual who is licensed, certified, approved for adoption, or employed by, or volunteers with, a participating entity is arrested for, or pleads guilty to or is convicted of, an offense that would disqualify that individual from licensure, certification, approval, employment, or volunteering with the participating entity. 858
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(E)(1) Information contained in the retained applicant fingerprint database, and in the notice described in division (D) of this section, shall be used by the bureau of criminal identification and investigation and the participating entity for the purposes of licensure, certification, approval for adoption, or employment by, or volunteer service with, the participating entity, and such information is otherwise confidential and not a public record under section 149.43 of the Revised Code. 866
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(2) No person shall knowingly disseminate or use the information contained in the retained applicant fingerprint database for any purpose that is not authorized by law or by rules 874
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adopted pursuant to this section. 877

(3) No person shall knowingly use the information contained 878
in the retained applicant fingerprint database to harass or 879
intimidate another person. 880

(F)(1) Any law enforcement official, or official employed by 881
the participating entity who receives notification under this 882
section, who disseminates, or fails to disseminate, information 883
contained in the retained applicant fingerprint database in good 884
faith compliance with the duties imposed by this section is immune 885
from civil liability relating to that dissemination or failure to 886
disseminate, unless the official's actions were manifestly outside 887
the scope of duties imposed by this section or unless the official 888
acted with malicious purpose, in bad faith, or in a wanton or 889
reckless manner. 890

(2) A participating entity shall not be found negligent per 891
se in a civil action for failure to submit an individual's 892
information or fingerprint impressions to the bureau of criminal 893
identification and investigation in accordance with this section. 894

(G) Not later than six months after the effective date of 895
this section, each participating entity that is a state agency 896
shall adopt rules in accordance with Chapter 119. of the Revised 897
Code to implement this section. The rules shall be consistent with 898
the provisions of this section that are applicable to the 899
participating entity. Prior to the date on which rules adopted by 900
a participating entity under this division take effect, the 901
participating entity may use information provided under this 902
section, notwithstanding the fact that the rules have not taken 903
effect, and the lack of rules does not limit or restrict the 904
participating entity from using information so provided. 905

(H) The superintendent of the bureau of criminal 906
identification and investigation shall adopt rules in accordance 907

with Chapter 119. of the Revised Code necessary to carry out the 908
purposes of this section, including rules regarding all of the 909
following: 910

(1) The establishment and maintenance of the retained 911
applicant fingerprint database; 912

(2) The collection of fingerprint impressions and a 913
reasonable fee for utilizing the database; 914

(3) The expungement of fingerprint impressions and other 915
personal information of individuals who are deceased or are no 916
longer licensed, certified, approved for adoption, or employed by, 917
or volunteer with, a participating entity. 918

Sec. 109.60. (A)(1) The sheriffs of the several counties and 919
the chiefs of police of cities, immediately upon the arrest of any 920
person for any felony, on suspicion of any felony, for a crime 921
constituting a misdemeanor on the first offense and a felony on 922
subsequent offenses, or for any misdemeanor described in division 923
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 924
Revised Code, and immediately upon the arrest or taking into 925
custody of any child under eighteen years of age for committing an 926
act that would be a felony or an offense of violence if committed 927
by an adult or upon probable cause to believe that a child of that 928
age may have committed an act that would be a felony or an offense 929
of violence if committed by an adult, shall take the person's or 930
child's fingerprints, or cause the same to be taken, according to 931
the fingerprint system of identification on the forms furnished by 932
the superintendent of the bureau of criminal identification and 933
investigation, and immediately shall forward copies of the 934
completed forms, any other description that may be required, and 935
the history of the offense committed to the bureau to be 936
classified and filed and to the clerk of the court having 937
jurisdiction over the prosecution of the offense or over the 938

adjudication relative to the act. 939

(2) ~~If~~ Except as provided in division (B) of this section, if 940
a person or child has not been arrested and first appears before a 941
court or magistrate in response to a summons, or if a sheriff or 942
chief of police has not taken, or caused to be taken, a person's 943
or child's fingerprints in accordance with division (A)(1) of this 944
section by the time of the arraignment or first appearance of the 945
person or child, the court shall order the person or child to 946
appear before the sheriff or chief of police within twenty-four 947
hours to have the person's or child's fingerprints taken. The 948
sheriff or chief of police shall take the person's or child's 949
fingerprints, or cause the fingerprints to be taken, according to 950
the fingerprint system of identification on the forms furnished by 951
the superintendent of the bureau of criminal identification and 952
investigation and, immediately after the person's or child's 953
arraignment or first appearance, forward copies of the completed 954
forms, any other description that may be required, and the history 955
of the offense committed to the bureau to be classified and filed 956
and to the clerk of the court. 957

(3) Every court with jurisdiction over a case involving a 958
person or child with respect to whom division (A)(1) or (2) of 959
this section requires a sheriff or chief of police to take the 960
person's or child's fingerprints shall inquire at the time of the 961
person's or child's sentencing or adjudication whether or not the 962
person or child has been fingerprinted pursuant to division (A)(1) 963
or (2) of this section for the original arrest or court appearance 964
upon which the sentence or adjudication is based. If the person or 965
child was not fingerprinted for the original arrest or court 966
appearance upon which the sentence or adjudication is based, the 967
court shall order the person or child to appear before the sheriff 968
or chief of police within twenty-four hours to have the person's 969
or child's fingerprints taken. The sheriff or chief of police 970

shall take the person's or child's fingerprints, or cause the 971
fingerprints to be taken, according to the fingerprint system of 972
identification on the forms furnished by the superintendent of the 973
bureau of criminal identification and investigation and 974
immediately forward copies of the completed forms, any other 975
description that may be required, and the history of the offense 976
committed to the bureau to be classified and filed and to the 977
clerk of the court. 978

(4) If a person or child is in the custody of a law 979
enforcement agency or a detention facility, as defined in section 980
2921.01 of the Revised Code, and the chief law enforcement officer 981
or chief administrative officer of the detention facility 982
discovers that a warrant has been issued or a bill of information 983
has been filed alleging the person or child to have committed an 984
offense or act other than the offense or act for which the person 985
or child is in custody, and the other alleged offense or act is 986
one for which fingerprints are to be taken pursuant to division 987
(A)(1) of this section, the law enforcement agency or detention 988
facility shall take the fingerprints of the person or child, or 989
cause the fingerprints to be taken, according to the fingerprint 990
system of identification on the forms furnished by the 991
superintendent of the bureau of criminal identification and 992
investigation and immediately forward copies of the completed 993
forms, any other description that may be required, and the history 994
of the offense committed to the bureau to be classified and filed 995
and to the clerk of the court that issued the warrant or with 996
which the bill of information was filed. 997

(5) If an accused is found not guilty of the offense charged 998
or a nolle prosequi is entered in any case, or if any accused 999
child under eighteen years of age is found not to be a delinquent 1000
child for committing an act that would be a felony or an offense 1001
of violence if committed by an adult or not guilty of the felony 1002

or offense of violence charged or a nolle prosequi is entered in 1003
that case, the fingerprints and description shall be given to the 1004
accused upon the accused's request. 1005

(6) The superintendent shall compare the description received 1006
with those already on file in the bureau, and, if the 1007
superintendent finds that the person arrested or taken into 1008
custody has a criminal record or a record as a delinquent child 1009
for having committed an act that would be a felony or an offense 1010
of violence if committed by an adult or is a fugitive from justice 1011
or wanted by any jurisdiction in this or another state, the United 1012
States, or a foreign country for any offense, the superintendent 1013
at once shall inform the arresting officer, the officer taking the 1014
person into custody, or the chief administrative officer of the 1015
county, multicounty, municipal, municipal-county, or 1016
multicounty-municipal jail or workhouse, community-based 1017
correctional facility, halfway house, alternative residential 1018
facility, or state correctional institution in which the person or 1019
child is in custody of that fact and give appropriate notice to 1020
the proper authorities in the jurisdiction in which the person is 1021
wanted, or, if that jurisdiction is a foreign country, give 1022
appropriate notice to federal authorities for transmission to the 1023
foreign country. The names, under which each person whose 1024
identification is filed is known, shall be alphabetically indexed 1025
by the superintendent. 1026

(B) Division (A) of this section does not apply to a violator 1027
of a city ordinance unless the officers have reason to believe 1028
that the violator is a past offender or the crime is one 1029
constituting a misdemeanor on the first offense and a felony on 1030
subsequent offenses, or unless it is advisable for the purpose of 1031
subsequent identification. This section does not apply to any 1032
child under eighteen years of age who was not arrested or 1033
otherwise taken into custody for committing an act that would be a 1034

felony or an offense of violence if committed by an adult or upon 1035
probable cause to believe that a child of that age may have 1036
committed an act that would be a felony or an offense of violence 1037
if committed by an adult, except as provided in section 2151.313 1038
of the Revised Code. 1039

(C)(1) For purposes of division (C) of this section, a law 1040
enforcement agency shall be considered to have arrested a person 1041
if any law enforcement officer who is employed by, appointed by, 1042
or serves that agency arrests the person. As used in division (C) 1043
of this section: 1044

(a) "Illegal methamphetamine manufacturing laboratory" has 1045
the same meaning as in section 3745.13 of the Revised Code. 1046

(b) "Methamphetamine or a methamphetamine product" means 1047
methamphetamine, any salt, isomer, or salt of an isomer of 1048
methamphetamine, or any compound, mixture, preparation, or 1049
substance containing methamphetamine or any salt, isomer, or salt 1050
of an isomer of methamphetamine. 1051

(2) Each law enforcement agency that, in any calendar year, 1052
arrests any person for a violation of section 2925.04 of the 1053
Revised Code that is based on the manufacture of methamphetamine 1054
or a methamphetamine product, a violation of section 2925.041 of 1055
the Revised Code that is based on the possession of chemicals 1056
sufficient to produce methamphetamine or a methamphetamine 1057
product, or a violation of any other provision of Chapter 2925. or 1058
3719. of the Revised Code that is based on the possession of 1059
chemicals sufficient to produce methamphetamine or a 1060
methamphetamine product shall prepare an annual report covering 1061
the calendar year that contains the information specified in 1062
division (C)(3) of this section relative to all arrests for 1063
violations of those sections committed under those circumstances 1064
during that calendar year and relative to illegal methamphetamine 1065
manufacturing laboratories, dump sites, and chemical caches as 1066

specified in that division and shall send the annual report, not 1067
later than the first day of March in the calendar year following 1068
the calendar year covered by the report, to the bureau of criminal 1069
identification and investigation. 1070

The law enforcement agency shall write any annual report 1071
prepared and filed under this division on the standard forms 1072
furnished by the superintendent of the bureau of criminal 1073
identification and investigation pursuant to division (C)(4) of 1074
this section. The annual report shall be a statistical report, and 1075
nothing in the report or in the information it contains shall 1076
identify, or enable the identification of, any person who was 1077
arrested and whose arrest is included in the information contained 1078
in the report. The annual report in the possession of the bureau 1079
and the information it contains are public records for the purpose 1080
of section 149.43 of the Revised Code. 1081

(3) The annual report prepared and filed by a law enforcement 1082
agency under division (C)(2) of this section shall contain all of 1083
the following information for the calendar year covered by the 1084
report: 1085

(a) The total number of arrests made by the agency in that 1086
calendar year for a violation of section 2925.04 of the Revised 1087
Code that is based on the manufacture of methamphetamine or a 1088
methamphetamine product, a violation of section 2925.041 of the 1089
Revised Code that is based on the possession of chemicals 1090
sufficient to produce methamphetamine or a methamphetamine 1091
product, or a violation of any other provision of Chapter 2925. or 1092
3719. of the Revised Code that is based on the possession of 1093
chemicals sufficient to produce methamphetamine or a 1094
methamphetamine product; 1095

(b) The total number of illegal methamphetamine manufacturing 1096
laboratories at which one or more of the arrests reported under 1097
division (C)(3)(a) of this section occurred, or that were 1098

discovered in that calendar year within the territory served by 1099
the agency but at which none of the arrests reported under 1100
division (C)(3)(a) of this section occurred; 1101

(c) The total number of dump sites and chemical caches that 1102
are, or that are reasonably believed to be, related to illegal 1103
methamphetamine manufacturing and that were discovered in that 1104
calendar year within the territory served by the agency. 1105

(4) The superintendent of the bureau of criminal 1106
identification and investigation shall prepare and furnish to each 1107
law enforcement agency in this state standard forms for making the 1108
annual reports required by division (C)(2) of this section. The 1109
standard forms that the superintendent prepares pursuant to this 1110
division may be in a tangible format, in an electronic format, or 1111
in both a tangible format and an electronic format. 1112

(5) The annual report required by division (C)(2) of this 1113
section is separate from, and in addition to, any report, 1114
materials, or information required under division (A) of this 1115
section or under any other provision of sections 109.57 to 109.62 1116
of the Revised Code. 1117

Sec. 109.99. (A) Whoever violates section 109.26 of the 1118
Revised Code shall be fined not less than five hundred nor more 1119
than ten thousand dollars or be imprisoned not less than one month 1120
nor more than one year, or both. 1121

(B) Whoever violates division (G)(1) of section 109.573 of 1122
the Revised Code is guilty of unlawful disclosure of DNA database 1123
information, a misdemeanor of the first degree. 1124

(C) Whoever violates division (G)(2) of section 109.573 of 1125
the Revised Code is guilty of unlawful possession of DNA database 1126
information, a misdemeanor of the first degree. 1127

(D)(1) Whoever violates division (E)(2) of section 109.581 of 1128

the Revised Code is guilty of unlawful dissemination or use of 1129
retained applicant fingerprint database information, a misdemeanor 1130
of the fourth degree. 1131

(2) Whoever violates division (E)(3) of section 109.581 of 1132
the Revised Code is guilty of harassment or intimidation using 1133
retained applicant fingerprint database information, as 1134
applicable, a misdemeanor of the first degree. 1135

(E)(1) Whoever violates division (G)(1) of section 109.35 of 1136
the Revised Code is guilty of entering into a transaction 1137
involving a nonprofit health care entity without the approval of 1138
the attorney general, a felony of the third degree. 1139

(2) Whoever violates division (G)(2) of section 109.35 of the 1140
Revised Code is guilty of receiving improper compensation relating 1141
to a transaction involving a nonprofit health care entity, a 1142
felony of the third degree. 1143

Sec. 1901.43. (A) If a sheriff or chief of police has not 1144
taken, or caused to be taken, a person's or child's fingerprints 1145
in accordance with division (A)(1) of section 109.60 of the 1146
Revised Code with respect to a crime or act set forth in that 1147
division by the time of the arraignment or first appearance of the 1148
person or child with respect to that crime or act, the municipal 1149
court shall order the person or child to appear before the sheriff 1150
or chief of police within twenty-four hours of the arraignment or 1151
first appearance to have the person's or child's fingerprints 1152
taken as provided in division (A)(2) of section 109.60 of the 1153
Revised Code. 1154

(B) If the municipal court has jurisdiction over a case 1155
involving a person or child with respect to whom division (A)(1) 1156
or (2) of section 109.60 of the Revised Code requires a sheriff or 1157
chief of police to take the person's or child's fingerprints, the 1158
municipal court shall inquire at the time of the person's or 1159

child's sentencing or adjudication for the crime or act for which 1160
the fingerprints were required to be taken whether or not the 1161
person or child has been fingerprinted pursuant to division (A)(1) 1162
or (2) of section 109.60 of the Revised Code for the original 1163
arrest or court appearance upon which the sentence or adjudication 1164
is based. If a person or child was not fingerprinted for the 1165
original arrest or court appearance, the municipal court shall 1166
order the person or child to appear before the sheriff or chief of 1167
police within twenty-four hours to have the person's or child's 1168
fingerprints taken as provided in division (A)(3) of section 1169
109.60 of the Revised Code. 1170

Sec. 1907.181. (A) If a sheriff or chief of police has not 1171
taken, or caused to be taken, a person's or child's fingerprints 1172
in accordance with division (A)(1) of section 109.60 of the 1173
Revised Code with respect to a crime or act set forth in that 1174
division by the time of the arraignment or first appearance of the 1175
person or child with respect to that crime or act, the county 1176
court shall order the person or child to appear before the sheriff 1177
or chief of police within twenty-four hours of the arraignment or 1178
first appearance to have the person's or child's fingerprints 1179
taken as provided in division (A)(2) of section 109.60 of the 1180
Revised Code. 1181

(B) If the county court has jurisdiction over a case 1182
involving a person or child with respect to whom division (A)(1) 1183
or (2) of section 109.60 of the Revised Code requires a sheriff or 1184
chief of police to take the person's or child's fingerprints, the 1185
county court shall inquire at the time of the person's or child's 1186
sentencing or adjudication for the crime or act for which the 1187
fingerprints were required to be taken whether or not the person 1188
or child has been fingerprinted pursuant to division (A)(1) or (2) 1189
of section 109.60 of the Revised Code for the original arrest or 1190
court appearance upon which the sentence or adjudication is based. 1191

If a person or child was not fingerprinted for the original arrest 1192
or court appearance, the county court shall order the person or 1193
child to appear before the sheriff or chief of police within 1194
twenty-four hours to have the person's or child's fingerprints 1195
taken as provided in division (A)(3) of section 109.60 of the 1196
Revised Code. 1197

Sec. 2151.413. (A) A public children services agency or 1198
private child placing agency that, pursuant to an order of 1199
disposition under division (A)(2) of section 2151.353 of the 1200
Revised Code or under any version of section 2151.353 of the 1201
Revised Code that existed prior to January 1, 1989, is granted 1202
temporary custody of a child who is not abandoned or orphaned may 1203
file a motion in the court that made the disposition of the child 1204
requesting permanent custody of the child. 1205

(B) A public children services agency or private child 1206
placing agency that, pursuant to an order of disposition under 1207
division (A)(2) of section 2151.353 of the Revised Code or under 1208
any version of section 2151.353 of the Revised Code that existed 1209
prior to January 1, 1989, is granted temporary custody of a child 1210
who is orphaned may file a motion in the court that made the 1211
disposition of the child requesting permanent custody of the child 1212
whenever it can show that no relative of the child is able to take 1213
legal custody of the child. 1214

(C) A public children services agency or private child 1215
placing agency that, pursuant to an order of disposition under 1216
division (A)(5) of section 2151.353 of the Revised Code, places a 1217
child in a planned permanent living arrangement may file a motion 1218
in the court that made the disposition of the child requesting 1219
permanent custody of the child. 1220

(D)(1) Except as provided in division (D)(3) of this section, 1221
if a child has been in the temporary custody of one or more public 1222

children services agencies or private child placing agencies for 1223
twelve or more months of a consecutive twenty-two-month period 1224
~~ending on or after March 18, 1999~~, the agency with custody shall 1225
file a motion requesting permanent custody of the child. If the 1226
child has been in the temporary custody of one or more public 1227
children services agencies or private child placing agencies and 1228
the child was previously in the temporary custody of an equivalent 1229
agency in another state, the agency with custody of the child 1230
shall apply the time in temporary custody in the other state to 1231
the time in temporary custody in this state and, except as 1232
provided in division (D)(3) of this section, if the time spent in 1233
temporary custody equals twelve or more months of a consecutive 1234
twenty-two-month period, the agency with custody may file a motion 1235
requesting permanent custody of the child. The motion shall be 1236
filed in the court that issued the current order of temporary 1237
custody. For the purposes of this division, a child shall be 1238
considered to have entered the temporary custody of an agency on 1239
the earlier of the date the child is adjudicated pursuant to 1240
section 2151.28 of the Revised Code or the date that is sixty days 1241
after the removal of the child from home. 1242

(2) Except as provided in division (D)(3) of this section, if 1243
a court makes a determination pursuant to division (A)(2) of 1244
section 2151.419 of the Revised Code, the public children services 1245
agency or private child placing agency required to develop the 1246
permanency plan for the child under division (K) of section 1247
2151.417 of the Revised Code shall file a motion in the court that 1248
made the determination requesting permanent custody of the child. 1249

(3) An agency shall not file a motion for permanent custody 1250
under division (D)(1) or (2) of this section if any of the 1251
following apply: 1252

(a) The agency documents in the case plan or permanency plan 1253
a compelling reason that permanent custody is not in the best 1254

interest of the child. 1255

(b) If reasonable efforts to return the child to the child's 1256
home are required under section 2151.419 of the Revised Code, the 1257
agency has not provided the services required by the case plan to 1258
the parents of the child or the child to ensure the safe return of 1259
the child to the child's home. 1260

(c) The agency has been granted permanent custody of the 1261
child. 1262

(d) The child has been returned home pursuant to court order 1263
in accordance with division (A)(3) of section 2151.419 of the 1264
Revised Code. 1265

(E) Any agency that files a motion for permanent custody 1266
under this section shall include in the case plan of the child who 1267
is the subject of the motion, a specific plan of the agency's 1268
actions to seek an adoptive family for the child and to prepare 1269
the child for adoption. 1270

(F) The department of job and family services may adopt rules 1271
pursuant to Chapter 119. of the Revised Code that set forth the 1272
time frames for case reviews and for filing a motion requesting 1273
permanent custody under division (D)(1) of this section. 1274

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 1275
section 2151.413 of the Revised Code for permanent custody of a 1276
child, the court shall schedule a hearing and give notice of the 1277
filing of the motion and of the hearing, in accordance with 1278
section 2151.29 of the Revised Code, to all parties to the action 1279
and to the child's guardian ad litem. The notice also shall 1280
contain a full explanation that the granting of permanent custody 1281
permanently divests the parents of their parental rights, a full 1282
explanation of their right to be represented by counsel and to 1283
have counsel appointed pursuant to Chapter 120. of the Revised 1284

Code if they are indigent, and the name and telephone number of 1285
the court employee designated by the court pursuant to section 1286
2151.314 of the Revised Code to arrange for the prompt appointment 1287
of counsel for indigent persons. 1288

The court shall conduct a hearing in accordance with section 1289
2151.35 of the Revised Code to determine if it is in the best 1290
interest of the child to permanently terminate parental rights and 1291
grant permanent custody to the agency that filed the motion. The 1292
adjudication that the child is an abused, neglected, or dependent 1293
child and any dispositional order that has been issued in the case 1294
under section 2151.353 of the Revised Code pursuant to the 1295
adjudication shall not be readjudicated at the hearing and shall 1296
not be affected by a denial of the motion for permanent custody. 1297

(2) The court shall hold the hearing scheduled pursuant to 1298
division (A)(1) of this section not later than one hundred twenty 1299
days after the agency files the motion for permanent custody, 1300
except that, for good cause shown, the court may continue the 1301
hearing for a reasonable period of time beyond the 1302
one-hundred-twenty-day deadline. The court shall issue an order 1303
that grants, denies, or otherwise disposes of the motion for 1304
permanent custody, and journalize the order, not later than two 1305
hundred days after the agency files the motion. 1306

If a motion is made under division (D)(2) of section 2151.413 1307
of the Revised Code and no dispositional hearing has been held in 1308
the case, the court may hear the motion in the dispositional 1309
hearing required by division (B) of section 2151.35 of the Revised 1310
Code. If the court issues an order pursuant to section 2151.353 of 1311
the Revised Code granting permanent custody of the child to the 1312
agency, the court shall immediately dismiss the motion made under 1313
division (D)(2) of section 2151.413 of the Revised Code. 1314

The failure of the court to comply with the time periods set 1315
forth in division (A)(2) of this section does not affect the 1316

authority of the court to issue any order under this chapter and 1317
does not provide any basis for attacking the jurisdiction of the 1318
court or the validity of any order of the court. 1319

(B)(1) Except as provided in division (B)(2) of this section, 1320
the court may grant permanent custody of a child to a movant if 1321
the court determines at the hearing held pursuant to division (A) 1322
of this section, by clear and convincing evidence, that it is in 1323
the best interest of the child to grant permanent custody of the 1324
child to the agency that filed the motion for permanent custody 1325
and that any of the following apply: 1326

(a) The child is not abandoned or orphaned ~~or~~, has not been 1327
in the temporary custody of one or more public children services 1328
agencies or private child placing agencies for twelve or more 1329
months of a consecutive twenty-two-month period ~~ending on or after~~ 1330
~~March 18, 1999, or has not been in the temporary custody of one or~~ 1331
~~more public children services agencies or private child placing~~ 1332
~~agencies for twelve or more months of a consecutive~~ 1333
~~twenty-two-month period if, as described in division (D)(1) of~~ 1334
~~section 2151.413 of the Revised Code, the child was previously in~~ 1335
~~the temporary custody of an equivalent agency in another state,~~ 1336
and the child cannot be placed with either of the child's parents 1337
within a reasonable time or should not be placed with the child's 1338
parents. 1339

(b) The child is abandoned. 1340

(c) The child is orphaned, and there are no relatives of the 1341
child who are able to take permanent custody. 1342

(d) The child has been in the temporary custody of one or 1343
more public children services agencies or private child placing 1344
agencies for twelve or more months of a consecutive 1345
twenty-two-month period ~~ending on or after March 18, 1999, or the~~ 1346
~~child has been in the temporary custody of one or more public~~ 1347

children services agencies or private child placing agencies for 1348
twelve or more months of a consecutive twenty-two-month period 1349
and, as described in division (D)(1) of section 2151.413 of the 1350
Revised Code, the child was previously in the temporary custody of 1351
an equivalent agency in another state. 1352

For the purposes of division (B)(1) of this section, a child 1353
shall be considered to have entered the temporary custody of an 1354
agency on the earlier of the date the child is adjudicated 1355
pursuant to section 2151.28 of the Revised Code or the date that 1356
is sixty days after the removal of the child from home. 1357

(2) With respect to a motion made pursuant to division (D)(2) 1358
of section 2151.413 of the Revised Code, the court shall grant 1359
permanent custody of the child to the movant if the court 1360
determines in accordance with division (E) of this section that 1361
the child cannot be placed with one of the child's parents within 1362
a reasonable time or should not be placed with either parent and 1363
determines in accordance with division (D) of this section that 1364
permanent custody is in the child's best interest. 1365

(C) In making the determinations required by this section or 1366
division (A)(4) of section 2151.353 of the Revised Code, a court 1367
shall not consider the effect the granting of permanent custody to 1368
the agency would have upon any parent of the child. A written 1369
report of the guardian ad litem of the child shall be submitted to 1370
the court prior to or at the time of the hearing held pursuant to 1371
division (A) of this section or section 2151.35 of the Revised 1372
Code but shall not be submitted under oath. 1373

If the court grants permanent custody of a child to a movant 1374
under this division, the court, upon the request of any party, 1375
shall file a written opinion setting forth its findings of fact 1376
and conclusions of law in relation to the proceeding. The court 1377
shall not deny an agency's motion for permanent custody solely 1378
because the agency failed to implement any particular aspect of 1379

the child's case plan. 1380

(D) In determining the best interest of a child at a hearing 1381
held pursuant to division (A) of this section or for the purposes 1382
of division (A)(4) or (5) of section 2151.353 or division (C) of 1383
section 2151.415 of the Revised Code, the court shall consider all 1384
relevant factors, including, but not limited to, the following: 1385

(1) The interaction and interrelationship of the child with 1386
the child's parents, siblings, relatives, foster caregivers and 1387
out-of-home providers, and any other person who may significantly 1388
affect the child; 1389

(2) The wishes of the child, as expressed directly by the 1390
child or through the child's guardian ad litem, with due regard 1391
for the maturity of the child; 1392

(3) The custodial history of the child, including whether the 1393
child has been in the temporary custody of one or more public 1394
children services agencies or private child placing agencies for 1395
twelve or more months of a consecutive twenty-two-month period 1396
~~ending on or after March 18, 1999, or the child has been in the~~ 1397
temporary custody of one or more public children services agencies 1398
or private child placing agencies for twelve or more months of a 1399
consecutive twenty-two-month period and, as described in division 1400
(D)(1) of section 2151.413 of the Revised Code, the child was 1401
previously in the temporary custody of an equivalent agency in 1402
another state; 1403

(4) The child's need for a legally secure permanent placement 1404
and whether that type of placement can be achieved without a grant 1405
of permanent custody to the agency; 1406

(5) Whether any of the factors in divisions (E)(7) to (11) of 1407
this section apply in relation to the parents and child. 1408

For the purposes of this division, a child shall be 1409
considered to have entered the temporary custody of an agency on 1410

the earlier of the date the child is adjudicated pursuant to 1411
section 2151.28 of the Revised Code or the date that is sixty days 1412
after the removal of the child from home. 1413

(E) In determining at a hearing held pursuant to division (A) 1414
of this section or for the purposes of division (A)(4) of section 1415
2151.353 of the Revised Code whether a child cannot be placed with 1416
either parent within a reasonable period of time or should not be 1417
placed with the parents, the court shall consider all relevant 1418
evidence. If the court determines, by clear and convincing 1419
evidence, at a hearing held pursuant to division (A) of this 1420
section or for the purposes of division (A)(4) of section 2151.353 1421
of the Revised Code that one or more of the following exist as to 1422
each of the child's parents, the court shall enter a finding that 1423
the child cannot be placed with either parent within a reasonable 1424
time or should not be placed with either parent: 1425

(1) Following the placement of the child outside the child's 1426
home and notwithstanding reasonable case planning and diligent 1427
efforts by the agency to assist the parents to remedy the problems 1428
that initially caused the child to be placed outside the home, the 1429
parent has failed continuously and repeatedly to substantially 1430
remedy the conditions causing the child to be placed outside the 1431
child's home. In determining whether the parents have 1432
substantially remedied those conditions, the court shall consider 1433
parental utilization of medical, psychiatric, psychological, and 1434
other social and rehabilitative services and material resources 1435
that were made available to the parents for the purpose of 1436
changing parental conduct to allow them to resume and maintain 1437
parental duties. 1438

(2) Chronic mental illness, chronic emotional illness, mental 1439
retardation, physical disability, or chemical dependency of the 1440
parent that is so severe that it makes the parent unable to 1441
provide an adequate permanent home for the child at the present 1442

time and, as anticipated, within one year after the court holds 1443
the hearing pursuant to division (A) of this section or for the 1444
purposes of division (A)(4) of section 2151.353 of the Revised 1445
Code; 1446

(3) The parent committed any abuse as described in section 1447
2151.031 of the Revised Code against the child, caused the child 1448
to suffer any neglect as described in section 2151.03 of the 1449
Revised Code, or allowed the child to suffer any neglect as 1450
described in section 2151.03 of the Revised Code between the date 1451
that the original complaint alleging abuse or neglect was filed 1452
and the date of the filing of the motion for permanent custody; 1453

(4) The parent has demonstrated a lack of commitment toward 1454
the child by failing to regularly support, visit, or communicate 1455
with the child when able to do so, or by other actions showing an 1456
unwillingness to provide an adequate permanent home for the child; 1457

(5) The parent is incarcerated for an offense committed 1458
against the child or a sibling of the child; 1459

(6) The parent has been convicted of or pleaded guilty to an 1460
offense under division (A) or (C) of section 2919.22 or under 1461
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1462
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1463
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1464
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 1465
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 1466
Revised Code and the child or a sibling of the child was a victim 1467
of the offense or the parent has been convicted of or pleaded 1468
guilty to an offense under section 2903.04 of the Revised Code, a 1469
sibling of the child was the victim of the offense, and the parent 1470
who committed the offense poses an ongoing danger to the child or 1471
a sibling of the child. 1472

(7) The parent has been convicted of or pleaded guilty to one 1473

of the following: 1474

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 1475
the Revised Code or under an existing or former law of this state, 1476
any other state, or the United States that is substantially 1477
equivalent to an offense described in those sections and the 1478
victim of the offense was a sibling of the child or the victim was 1479
another child who lived in the parent's household at the time of 1480
the offense; 1481

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 1482
the Revised Code or under an existing or former law of this state, 1483
any other state, or the United States that is substantially 1484
equivalent to an offense described in those sections and the 1485
victim of the offense is the child, a sibling of the child, or 1486
another child who lived in the parent's household at the time of 1487
the offense; 1488

(c) An offense under division (B)(2) of section 2919.22 of 1489
the Revised Code or under an existing or former law of this state, 1490
any other state, or the United States that is substantially 1491
equivalent to the offense described in that section and the child, 1492
a sibling of the child, or another child who lived in the parent's 1493
household at the time of the offense is the victim of the offense; 1494

(d) An offense under section 2907.02, 2907.03, 2907.04, 1495
2907.05, or 2907.06 of the Revised Code or under an existing or 1496
former law of this state, any other state, or the United States 1497
that is substantially equivalent to an offense described in those 1498
sections and the victim of the offense is the child, a sibling of 1499
the child, or another child who lived in the parent's household at 1500
the time of the offense; 1501

(e) A conspiracy or attempt to commit, or complicity in 1502
committing, an offense described in division (E)(7)(a) or (d) of 1503
this section. 1504

(8) The parent has repeatedly withheld medical treatment or 1505
food from the child when the parent has the means to provide the 1506
treatment or food, and, in the case of withheld medical treatment, 1507
the parent withheld it for a purpose other than to treat the 1508
physical or mental illness or defect of the child by spiritual 1509
means through prayer alone in accordance with the tenets of a 1510
recognized religious body. 1511

(9) The parent has placed the child at substantial risk of 1512
harm two or more times due to alcohol or drug abuse and has 1513
rejected treatment two or more times or refused to participate in 1514
further treatment two or more times after a case plan issued 1515
pursuant to section 2151.412 of the Revised Code requiring 1516
treatment of the parent was journalized as part of a dispositional 1517
order issued with respect to the child or an order was issued by 1518
any other court requiring treatment of the parent. 1519

(10) The parent has abandoned the child. 1520

(11) The parent has had parental rights involuntarily 1521
terminated ~~pursuant to this section or section 2151.353 or~~ 1522
~~2151.415 of the Revised Code~~ with respect to a sibling of the 1523
child pursuant to this section or section 2151.353 or 2151.415 of 1524
the Revised Code or under an existing or former law of this state, 1525
any other state, or the United States that is substantially 1526
equivalent to those sections. 1527

(12) The parent is incarcerated at the time of the filing of 1528
the motion for permanent custody or the dispositional hearing of 1529
the child and will not be available to care for the child for at 1530
least eighteen months after the filing of the motion for permanent 1531
custody or the dispositional hearing. 1532

(13) The parent is repeatedly incarcerated, and the repeated 1533
incarceration prevents the parent from providing care for the 1534
child. 1535

(14) The parent for any reason is unwilling to provide food, 1536
clothing, shelter, and other basic necessities for the child or to 1537
prevent the child from suffering physical, emotional, or sexual 1538
abuse or physical, emotional, or mental neglect. 1539

(15) The parent has committed abuse as described in section 1540
2151.031 of the Revised Code against the child or caused or 1541
allowed the child to suffer neglect as described in section 1542
2151.03 of the Revised Code, and the court determines that the 1543
seriousness, nature, or likelihood of recurrence of the abuse or 1544
neglect makes the child's placement with the child's parent a 1545
threat to the child's safety. 1546

(16) Any other factor the court considers relevant. 1547

(F) The parents of a child for whom the court has issued an 1548
order granting permanent custody pursuant to this section, upon 1549
the issuance of the order, cease to be parties to the action. This 1550
division is not intended to eliminate or restrict any right of the 1551
parents to appeal the granting of permanent custody of their child 1552
to a movant pursuant to this section. 1553

Sec. 2151.417. (A) Any court that issues a dispositional 1554
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1555
Revised Code may review at any time the child's placement or 1556
custody arrangement, the case plan prepared for the child pursuant 1557
to section 2151.412 of the Revised Code, the actions of the public 1558
children services agency or private child placing agency in 1559
implementing that case plan, the child's permanency plan, if the 1560
child's permanency plan has been approved, and any other aspects 1561
of the child's placement or custody arrangement. In conducting the 1562
review, the court shall determine the appropriateness of any 1563
agency actions, the safety and appropriateness of continuing the 1564
child's placement or custody arrangement, and whether any changes 1565
should be made with respect to the child's permanency plan or 1566

placement or custody arrangement or with respect to the actions of 1567
the agency under the child's placement or custody arrangement. 1568
Based upon the evidence presented at a hearing held after notice 1569
to all parties and the guardian ad litem of the child, the court 1570
may require the agency, the parents, guardian, or custodian of the 1571
child, and the physical custodians of the child to take any 1572
reasonable action that the court determines is necessary and in 1573
the best interest of the child or to discontinue any action that 1574
it determines is not in the best interest of the child. 1575

(B) If a court issues a dispositional order pursuant to 1576
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1577
court has continuing jurisdiction over the child as set forth in 1578
division (E)(1) of section 2151.353 of the Revised Code. The court 1579
may amend a dispositional order in accordance with division (E)(2) 1580
of section 2151.353 of the Revised Code at any time upon its own 1581
motion or upon the motion of any interested party. The court shall 1582
comply with section 2151.42 of the Revised Code in amending any 1583
dispositional order pursuant to this division. 1584

(C) Any court that issues a dispositional order pursuant to 1585
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 1586
hold a review hearing one year after the earlier of the date on 1587
which the complaint in the case was filed or the child was first 1588
placed into shelter care to review the case plan prepared pursuant 1589
to section 2151.412 of the Revised Code and the child's placement 1590
or custody arrangement, to approve or review the permanency plan 1591
for the child, and to make changes to the case plan and placement 1592
or custody arrangement consistent with the permanency plan. The 1593
court shall schedule the review hearing at the time that it holds 1594
the dispositional hearing pursuant to section 2151.35 of the 1595
Revised Code. 1596

The court shall hold a similar review hearing no later than 1597
every twelve months after the initial review hearing until the 1598

child is adopted, returned to the parents, or the court otherwise 1599
terminates the child's placement or custody arrangement, except 1600
that the dispositional hearing held pursuant to section 2151.415 1601
of the Revised Code shall take the place of the first review 1602
hearing to be held under this section. The court shall schedule 1603
each subsequent review hearing at the conclusion of the review 1604
hearing immediately preceding the review hearing to be scheduled. 1605

(D) If, within fourteen days after a written summary of an 1606
administrative review is filed with the court pursuant to section 1607
2151.416 of the Revised Code, the court does not approve the 1608
proposed change to the case plan filed pursuant to division (E) of 1609
section 2151.416 of the Revised Code or a party or the guardian ad 1610
litem requests a review hearing pursuant to division (E) of that 1611
section, the court shall hold a review hearing in the same manner 1612
that it holds review hearings pursuant to division (C) of this 1613
section, except that if a review hearing is required by this 1614
division and if a hearing is to be held pursuant to division (C) 1615
of this section or section 2151.415 of the Revised Code, the 1616
hearing held pursuant to division (C) of this section or section 1617
2151.415 of the Revised Code shall take the place of the review 1618
hearing required by this division. 1619

(E) If a court determines pursuant to section 2151.419 of the 1620
Revised Code that a public children services agency or private 1621
child placing agency is not required to make reasonable efforts to 1622
prevent the removal of a child from the child's home, eliminate 1623
the continued removal of a child from the child's home, and return 1624
the child to the child's home, and the court does not return the 1625
child to the child's home pursuant to division (A)(3) of section 1626
2151.419 of the Revised Code, the court shall hold a review 1627
hearing to approve the permanency plan for the child and, if 1628
appropriate, to make changes to the child's case plan and the 1629
child's placement or custody arrangement consistent with the 1630

permanency plan. The court may hold the hearing immediately 1631
following the determination under section 2151.419 of the Revised 1632
Code and shall hold it no later than thirty days after making that 1633
determination. 1634

(F) The court shall give notice of the review hearings held 1635
pursuant to this section to every interested party, including, but 1636
not limited to, the appropriate agency employees who are 1637
responsible for the child's care and planning, the child's 1638
parents, any person who had guardianship or legal custody of the 1639
child prior to the custody order, the child's guardian ad litem, 1640
and the child. The court shall summon every interested party to 1641
appear at the review hearing and give them an opportunity to 1642
testify and to present other evidence with respect to the child's 1643
custody arrangement, including, but not limited to, the following: 1644
the case plan for the child, the permanency plan, if one exists; 1645
the actions taken by the child's custodian; the need for a change 1646
in the child's custodian or caseworker; and the need for any 1647
specific action to be taken with respect to the child. The court 1648
shall require any interested party to testify or present other 1649
evidence when necessary to a proper determination of the issues 1650
presented at the review hearing. In any review hearing that 1651
pertains to a permanency plan for a child who will not be returned 1652
to the parent, the court shall consider in-state and out-of-state 1653
placement options and the court shall determine whether the 1654
in-state or the out-of-state placement continues to be appropriate 1655
and in the best interests of the child. In any review hearing that 1656
pertains to a permanency plan for a child, the court or a citizens 1657
board appointed by the court pursuant to division (H) of this 1658
section shall consult with the child, in an age-appropriate 1659
manner, regarding the proposed permanency plan for the child. 1660

(G) After the review hearing, the court shall take the 1661
following actions based upon the evidence presented: 1662

(1) If an administrative review has been conducted, determine 1663
whether the conclusions of the review are supported by a 1664
preponderance of the evidence and approve or modify the case plan 1665
based upon that evidence; 1666

(2) If the hearing was held under division (C) or (E) of this 1667
section, approve a permanency plan for the child that specifies 1668
whether and, if applicable, when the child will be safely returned 1669
home or placed for adoption, for legal custody, or in a planned 1670
permanent living arrangement. A permanency plan approved after a 1671
hearing under division (E) of this section shall not include any 1672
provision requiring the child to be returned to the child's home. 1673

(3) If the child is in temporary custody, do all of the 1674
following: 1675

(a) Determine whether the child can and should be returned 1676
home with or without an order for protective supervision; 1677

(b) If the child can and should be returned home with or 1678
without an order for protective supervision, terminate the order 1679
for temporary custody; 1680

(c) If the child cannot or should not be returned home with 1681
an order for protective supervision, determine whether the agency 1682
currently with custody of the child should retain custody or 1683
whether another public children services agency, private child 1684
placing agency, or an individual should be given custody of the 1685
child. 1686

The court shall comply with section 2151.42 of the Revised 1687
Code in taking any action under this division. 1688

(4) If the child is in permanent custody, determine what 1689
actions are required by the custodial agency and of any other 1690
organizations or persons in order to facilitate an adoption of the 1691
child and make any appropriate orders with respect to the custody 1692
arrangement or conditions of the child, including, but not limited 1693

to, a transfer of permanent custody to another public children 1694
services agency or private child placing agency; 1695

(5) Journalize the terms of the updated case plan for the 1696
child. 1697

(H) The court may appoint a referee or a citizens review 1698
board to conduct the review hearings that the court is required by 1699
this section to conduct, subject to the review and approval by the 1700
court of any determinations made by the referee or citizens review 1701
board. If the court appoints a citizens review board to conduct 1702
the review hearings, the board shall consist of one member 1703
representing the general public and four members who are trained 1704
or experienced in the care or placement of children and have 1705
training or experience in the fields of medicine, psychology, 1706
social work, education, or any related field. Of the initial 1707
appointments to the board, two shall be for a term of one year, 1708
two shall be for a term of two years, and one shall be for a term 1709
of three years, with all the terms ending one year after the date 1710
on which the appointment was made. Thereafter, all terms of the 1711
board members shall be for three years and shall end on the same 1712
day of the same month of the year as did the term that they 1713
succeed. Any member appointed to fill a vacancy occurring prior to 1714
the expiration of the term for which the member's predecessor was 1715
appointed shall hold office for the remainder of the term. 1716

(I) A copy of the court's determination following any review 1717
hearing held pursuant to this section shall be sent to the 1718
custodial agency, the guardian ad litem of the child who is the 1719
subject of the review hearing, and, if that child is not the 1720
subject of a permanent commitment hearing, the parents of the 1721
child. 1722

(J) If the hearing held under this section takes the place of 1723
an administrative review that otherwise would have been held under 1724
section 2151.416 of the Revised Code, the court at the hearing 1725

held under this section shall do all of the following in addition 1726
to any other requirements of this section: 1727

(1) Determine the continued necessity for and the safety and 1728
appropriateness of the child's placement; 1729

(2) Determine the extent of compliance with the child's case 1730
plan; 1731

(3) Determine the extent of progress that has been made 1732
toward alleviating or mitigating the causes necessitating the 1733
child's placement in foster care; 1734

(4) Project a likely date by which the child may be safely 1735
returned home or placed for adoption or legal custody. 1736

(K)(1) Whenever the court is required to approve a permanency 1737
plan under this section or section 2151.415 of the Revised Code, 1738
the public children services agency or private child placing 1739
agency that filed the complaint in the case, has custody of the 1740
child, or will be given custody of the child shall develop a 1741
permanency plan for the child. The agency must file the plan with 1742
the court prior to the hearing under this section or section 1743
2151.415 of the Revised Code. 1744

(2) The permanency plan developed by the agency must specify 1745
whether and, if applicable, when the child will be safely returned 1746
home or placed for adoption or legal custody. If the agency 1747
determines that there is a compelling reason why returning the 1748
child home or placing the child for adoption or legal custody is 1749
not in the best interest of the child, the plan shall provide that 1750
the child will be placed in a planned permanent living 1751
arrangement. A permanency plan developed as a result of a 1752
determination made under division (A)(2) of section 2151.419 of 1753
the Revised Code may not include any provision requiring the child 1754
to be returned home. 1755

Sec. 2151.419. (A)(1) Except as provided in division (A)(2) 1756
of this section, at any hearing held pursuant to section 2151.28, 1757
division (E) of section 2151.31, or section 2151.314, 2151.33, or 1758
2151.353 of the Revised Code at which the court removes a child 1759
from the child's home or continues the removal of a child from the 1760
child's home, the court shall determine whether the public 1761
children services agency or private child placing agency that 1762
filed the complaint in the case, removed the child from home, has 1763
custody of the child, or will be given custody of the child has 1764
made reasonable efforts to prevent the removal of the child from 1765
the child's home, to eliminate the continued removal of the child 1766
from the child's home, or to make it possible for the child to 1767
return safely home. The agency shall have the burden of proving 1768
that it has made those reasonable efforts. If the agency removed 1769
the child from home during an emergency in which the child could 1770
not safely remain at home and the agency did not have prior 1771
contact with the child, the court is not prohibited, solely 1772
because the agency did not make reasonable efforts during the 1773
emergency to prevent the removal of the child, from determining 1774
that the agency made those reasonable efforts. In determining 1775
whether reasonable efforts were made, the child's health and 1776
safety shall be paramount. 1777

(2) If any of the following apply, the court shall make a 1778
determination that the agency is not required to make reasonable 1779
efforts to prevent the removal of the child from the child's home, 1780
eliminate the continued removal of the child from the child's 1781
home, and return the child to the child's home: 1782

(a) The parent from whom the child was removed has been 1783
convicted of or pleaded guilty to one of the following: 1784

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 1785
the Revised Code or under an existing or former law of this state, 1786

any other state, or the United States that is substantially 1787
equivalent to an offense described in those sections and the 1788
victim of the offense was a sibling of the child or the victim was 1789
another child who lived in the parent's household at the time of 1790
the offense; 1791

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 1792
the Revised Code or under an existing or former law of this state, 1793
any other state, or the United States that is substantially 1794
equivalent to an offense described in those sections and the 1795
victim of the offense is the child, a sibling of the child, or 1796
another child who lived in the parent's household at the time of 1797
the offense; 1798

(iii) An offense under division (B)(2) of section 2919.22 of 1799
the Revised Code or under an existing or former law of this state, 1800
any other state, or the United States that is substantially 1801
equivalent to the offense described in that section and the child, 1802
a sibling of the child, or another child who lived in the parent's 1803
household at the time of the offense is the victim of the offense; 1804

(iv) An offense under section 2907.02, 2907.03, 2907.04, 1805
2907.05, or 2907.06 of the Revised Code or under an existing or 1806
former law of this state, any other state, or the United States 1807
that is substantially equivalent to an offense described in those 1808
sections and the victim of the offense is the child, a sibling of 1809
the child, or another child who lived in the parent's household at 1810
the time of the offense; 1811

(v) A conspiracy or attempt to commit, or complicity in 1812
committing, an offense described in division (A)(2)(a)(i) or (iv) 1813
of this section. 1814

(b) The parent from whom the child was removed has repeatedly 1815
withheld medical treatment or food from the child when the parent 1816
has the means to provide the treatment or food. If the parent has 1817

withheld medical treatment in order to treat the physical or 1818
mental illness or defect of the child by spiritual means through 1819
prayer alone, in accordance with the tenets of a recognized 1820
religious body, the court or agency shall comply with the 1821
requirements of division (A)(1) of this section. 1822

(c) The parent from whom the child was removed has placed the 1823
child at substantial risk of harm two or more times due to alcohol 1824
or drug abuse and has rejected treatment two or more times or 1825
refused to participate in further treatment two or more times 1826
after a case plan issued pursuant to section 2151.412 of the 1827
Revised Code requiring treatment of the parent was journalized as 1828
part of a dispositional order issued with respect to the child or 1829
an order was issued by any other court requiring such treatment of 1830
the parent. 1831

(d) The parent from whom the child was removed has abandoned 1832
the child. 1833

(e) The parent from whom the child was removed has had 1834
parental rights involuntarily terminated ~~pursuant to section~~ 1835
~~2151.353, 2151.414, or 2151.415 of the Revised Code~~ with respect 1836
to a sibling of the child pursuant to section 2151.353, 2151.414, 1837
or 2151.415 of the Revised Code or under an existing or former law 1838
of this state, any other state, or the United States that is 1839
substantially equivalent to those sections. 1840

(3) At any hearing in which the court determines whether to 1841
return a child to the child's home, the court may issue an order 1842
that returns the child in situations in which the conditions 1843
described in divisions (A)(2)(a) to (e) of this section are 1844
present. 1845

(B)(1) A court that is required to make a determination as 1846
described in division (A)(1) or (2) of this section shall issue 1847
written findings of fact setting forth the reasons supporting its 1848

determination. If the court makes a written determination under 1849
division (A)(1) of this section, it shall briefly describe in the 1850
findings of fact the relevant services provided by the agency to 1851
the family of the child and why those services did not prevent the 1852
removal of the child from the child's home or enable the child to 1853
return safely home. 1854

(2) If a court issues an order that returns the child to the 1855
child's home in situations in which division (A)(2)(a), (b), (c), 1856
(d), or (e) of this section applies, the court shall issue written 1857
findings of fact setting forth the reasons supporting its 1858
determination. 1859

(C) If the court makes a determination pursuant to division 1860
(A)(2) of this section, the court shall conduct a review hearing 1861
pursuant to section 2151.417 of the Revised Code to approve a 1862
permanency plan with respect to the child, unless the court issues 1863
an order returning the child home pursuant to division (A)(3) of 1864
this section. The hearing to approve the permanency plan may be 1865
held immediately following the court's determination pursuant to 1866
division (A)(2) of this section and shall be held no later than 1867
thirty days following that determination. 1868

Sec. 2151.421. (A)(1)(a) No person described in division 1869
(A)(1)(b) of this section who is acting in an official or 1870
professional capacity and knows, or has reasonable cause to 1871
suspect based on facts that would cause a reasonable person in a 1872
similar position to suspect, that a child under eighteen years of 1873
age or a mentally retarded, developmentally disabled, or 1874
physically impaired child under twenty-one years of age has 1875
suffered or faces a threat of suffering any physical or mental 1876
wound, injury, disability, or condition of a nature that 1877
reasonably indicates abuse or neglect of the child shall fail to 1878
immediately report that knowledge or reasonable cause to suspect 1879

to the entity or persons specified in this division. Except as 1880
provided in section 5120.173 of the Revised Code, the person 1881
making the report shall make it to the public children services 1882
agency or a municipal or county peace officer in the county in 1883
which the child resides or in which the abuse or neglect is 1884
occurring or has occurred. In the circumstances described in 1885
section 5120.173 of the Revised Code, the person making the report 1886
shall make it to the entity specified in that section. 1887

(b) Division (A)(1)(a) of this section applies to any person 1888
who is an attorney; physician, including a hospital intern or 1889
resident; dentist; podiatrist; practitioner of a limited branch of 1890
medicine as specified in section 4731.15 of the Revised Code; 1891
registered nurse; licensed practical nurse; visiting nurse; other 1892
health care professional; licensed psychologist; licensed school 1893
psychologist; independent marriage and family therapist or 1894
marriage and family therapist; speech pathologist or audiologist; 1895
coroner; administrator or employee of a child day-care center; 1896
administrator or employee of a residential camp or child day camp; 1897
administrator or employee of a certified child care agency or 1898
other public or private children services agency; school teacher; 1899
school employee; school authority; person engaged in social work 1900
or the practice of professional counseling; agent of a county 1901
humane society; person, other than a cleric, rendering spiritual 1902
treatment through prayer in accordance with the tenets of a 1903
well-recognized religion; employee of a county department of job 1904
and family services who is a professional and who works with 1905
children and families; superintendent, board member, or employee 1906
of a county board of mental retardation; investigative agent 1907
contracted with by a county board of mental retardation; employee 1908
of the department of mental retardation and developmental 1909
disabilities; employee of a facility or home that provides respite 1910
care in accordance with section 5123.171 of the Revised Code; 1911
employee of a home health agency; employee of an entity that 1912

provides homemaker services; a person performing the duties of an 1913
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1914
or third party employed by a public children services agency to 1915
assist in providing child or family related services. 1916

(2) Except as provided in division (A)(3) of this section, an 1917
attorney or a physician is not required to make a report pursuant 1918
to division (A)(1) of this section concerning any communication 1919
the attorney or physician receives from a client or patient in an 1920
attorney-client or physician-patient relationship, if, in 1921
accordance with division (A) or (B) of section 2317.02 of the 1922
Revised Code, the attorney or physician could not testify with 1923
respect to that communication in a civil or criminal proceeding. 1924

(3) The client or patient in an attorney-client or 1925
physician-patient relationship described in division (A)(2) of 1926
this section is deemed to have waived any testimonial privilege 1927
under division (A) or (B) of section 2317.02 of the Revised Code 1928
with respect to any communication the attorney or physician 1929
receives from the client or patient in that attorney-client or 1930
physician-patient relationship, and the attorney or physician 1931
shall make a report pursuant to division (A)(1) of this section 1932
with respect to that communication, if all of the following apply: 1933

(a) The client or patient, at the time of the communication, 1934
is either a child under eighteen years of age or a mentally 1935
retarded, developmentally disabled, or physically impaired person 1936
under twenty-one years of age. 1937

(b) The attorney or physician knows, or has reasonable cause 1938
to suspect based on facts that would cause a reasonable person in 1939
similar position to suspect, as a result of the communication or 1940
any observations made during that communication, that the client 1941
or patient has suffered or faces a threat of suffering any 1942
physical or mental wound, injury, disability, or condition of a 1943
nature that reasonably indicates abuse or neglect of the client or 1944

patient. 1945

(c) The abuse or neglect does not arise out of the client's 1946
or patient's attempt to have an abortion without the notification 1947
of her parents, guardian, or custodian in accordance with section 1948
2151.85 of the Revised Code. 1949

(4)(a) No cleric and no person, other than a volunteer, 1950
designated by any church, religious society, or faith acting as a 1951
leader, official, or delegate on behalf of the church, religious 1952
society, or faith who is acting in an official or professional 1953
capacity, who knows, or has reasonable cause to believe based on 1954
facts that would cause a reasonable person in a similar position 1955
to believe, that a child under eighteen years of age or a mentally 1956
retarded, developmentally disabled, or physically impaired child 1957
under twenty-one years of age has suffered or faces a threat of 1958
suffering any physical or mental wound, injury, disability, or 1959
condition of a nature that reasonably indicates abuse or neglect 1960
of the child, and who knows, or has reasonable cause to believe 1961
based on facts that would cause a reasonable person in a similar 1962
position to believe, that another cleric or another person, other 1963
than a volunteer, designated by a church, religious society, or 1964
faith acting as a leader, official, or delegate on behalf of the 1965
church, religious society, or faith caused, or poses the threat of 1966
causing, the wound, injury, disability, or condition that 1967
reasonably indicates abuse or neglect shall fail to immediately 1968
report that knowledge or reasonable cause to believe to the entity 1969
or persons specified in this division. Except as provided in 1970
section 5120.173 of the Revised Code, the person making the report 1971
shall make it to the public children services agency or a 1972
municipal or county peace officer in the county in which the child 1973
resides or in which the abuse or neglect is occurring or has 1974
occurred. In the circumstances described in section 5120.173 of 1975
the Revised Code, the person making the report shall make it to 1976

the entity specified in that section. 1977

(b) Except as provided in division (A)(4)(c) of this section, 1978
a cleric is not required to make a report pursuant to division 1979
(A)(4)(a) of this section concerning any communication the cleric 1980
receives from a penitent in a cleric-penitent relationship, if, in 1981
accordance with division (C) of section 2317.02 of the Revised 1982
Code, the cleric could not testify with respect to that 1983
communication in a civil or criminal proceeding. 1984

(c) The penitent in a cleric-penitent relationship described 1985
in division (A)(4)(b) of this section is deemed to have waived any 1986
testimonial privilege under division (C) of section 2317.02 of the 1987
Revised Code with respect to any communication the cleric receives 1988
from the penitent in that cleric-penitent relationship, and the 1989
cleric shall make a report pursuant to division (A)(4)(a) of this 1990
section with respect to that communication, if all of the 1991
following apply: 1992

(i) The penitent, at the time of the communication, is either 1993
a child under eighteen years of age or a mentally retarded, 1994
developmentally disabled, or physically impaired person under 1995
twenty-one years of age. 1996

(ii) The cleric knows, or has reasonable cause to believe 1997
based on facts that would cause a reasonable person in a similar 1998
position to believe, as a result of the communication or any 1999
observations made during that communication, the penitent has 2000
suffered or faces a threat of suffering any physical or mental 2001
wound, injury, disability, or condition of a nature that 2002
reasonably indicates abuse or neglect of the penitent. 2003

(iii) The abuse or neglect does not arise out of the 2004
penitent's attempt to have an abortion performed upon a child 2005
under eighteen years of age or upon a mentally retarded, 2006
developmentally disabled, or physically impaired person under 2007

twenty-one years of age without the notification of her parents, 2008
guardian, or custodian in accordance with section 2151.85 of the 2009
Revised Code. 2010

(d) Divisions (A)(4)(a) and (c) of this section do not apply 2011
in a cleric-penitent relationship when the disclosure of any 2012
communication the cleric receives from the penitent is in 2013
violation of the sacred trust. 2014

(e) As used in divisions (A)(1) and (4) of this section, 2015
"cleric" and "sacred trust" have the same meanings as in section 2016
2317.02 of the Revised Code. 2017

(B) Anyone who knows, or has reasonable cause to suspect 2018
based on facts that would cause a reasonable person in similar 2019
circumstances to suspect, that a child under eighteen years of age 2020
or a mentally retarded, developmentally disabled, or physically 2021
impaired person under twenty-one years of age has suffered or 2022
faces a threat of suffering any physical or mental wound, injury, 2023
disability, or other condition of a nature that reasonably 2024
indicates abuse or neglect of the child may report or cause 2025
reports to be made of that knowledge or reasonable cause to 2026
suspect to the entity or persons specified in this division. 2027
Except as provided in section 5120.173 of the Revised Code, a 2028
person making a report or causing a report to be made under this 2029
division shall make it or cause it to be made to the public 2030
children services agency or to a municipal or county peace 2031
officer. In the circumstances described in section 5120.173 of the 2032
Revised Code, a person making a report or causing a report to be 2033
made under this division shall make it or cause it to be made to 2034
the entity specified in that section. 2035

(C) Any report made pursuant to division (A) or (B) of this 2036
section shall be made forthwith either by telephone or in person 2037
and shall be followed by a written report, if requested by the 2038
receiving agency or officer. The written report shall contain: 2039

(1) The names and addresses of the child and the child's 2040
parents or the person or persons having custody of the child, if 2041
known; 2042

(2) The child's age and the nature and extent of the child's 2043
injuries, abuse, or neglect that is known or reasonably suspected 2044
or believed, as applicable, to have occurred or of the threat of 2045
injury, abuse, or neglect that is known or reasonably suspected or 2046
believed, as applicable, to exist, including any evidence of 2047
previous injuries, abuse, or neglect; 2048

(3) Any other information that might be helpful in 2049
establishing the cause of the injury, abuse, or neglect that is 2050
known or reasonably suspected or believed, as applicable, to have 2051
occurred or of the threat of injury, abuse, or neglect that is 2052
known or reasonably suspected or believed, as applicable, to 2053
exist. 2054

Any person, who is required by division (A) of this section 2055
to report child abuse or child neglect that is known or reasonably 2056
suspected or believed to have occurred, may take or cause to be 2057
taken color photographs of areas of trauma visible on a child and, 2058
if medically indicated, cause to be performed radiological 2059
examinations of the child. 2060

(D) As used in this division, "children's advocacy center" 2061
and "sexual abuse of a child" have the same meanings as in section 2062
2151.425 of the Revised Code. 2063

(1) When a municipal or county peace officer receives a 2064
report concerning the possible abuse or neglect of a child or the 2065
possible threat of abuse or neglect of a child, upon receipt of 2066
the report, the municipal or county peace officer who receives the 2067
report shall refer the report to the appropriate public children 2068
services agency. 2069

(2) When a public children services agency receives a report 2070

pursuant to this division or division (A) or (B) of this section, 2071
upon receipt of the report, the public children services agency 2072
shall do both of the following: 2073

(a) Comply with section 2151.422 of the Revised Code; 2074

(b) If the county served by the agency is also served by a 2075
children's advocacy center and the report alleges sexual abuse of 2076
a child or another type of abuse of a child that is specified in 2077
the memorandum of understanding that creates the center as being 2078
within the center's jurisdiction, comply regarding the report with 2079
the protocol and procedures for referrals and investigations, with 2080
the coordinating activities, and with the authority or 2081
responsibility for performing or providing functions, activities, 2082
and services stipulated in the interagency agreement entered into 2083
under section 2151.428 of the Revised Code relative to that 2084
center. 2085

(E) No township, municipal, or county peace officer shall 2086
remove a child about whom a report is made pursuant to this 2087
section from the child's parents, stepparents, or guardian or any 2088
other persons having custody of the child without consultation 2089
with the public children services agency, unless, in the judgment 2090
of the officer, and, if the report was made by physician, the 2091
physician, immediate removal is considered essential to protect 2092
the child from further abuse or neglect. The agency that must be 2093
consulted shall be the agency conducting the investigation of the 2094
report as determined pursuant to section 2151.422 of the Revised 2095
Code. 2096

(F)(1) Except as provided in section 2151.422 of the Revised 2097
Code or in an interagency agreement entered into under section 2098
2151.428 of the Revised Code that applies to the particular 2099
report, the public children services agency shall investigate, 2100
within twenty-four hours, each report of child abuse or child 2101
neglect that is known or reasonably suspected or believed to have 2102

occurred and of a threat of child abuse or child neglect that is 2103
known or reasonably suspected or believed to exist that is 2104
referred to it under this section to determine the circumstances 2105
surrounding the injuries, abuse, or neglect or the threat of 2106
injury, abuse, or neglect, the cause of the injuries, abuse, 2107
neglect, or threat, and the person or persons responsible. The 2108
investigation shall be made in cooperation with the law 2109
enforcement agency and in accordance with the memorandum of 2110
understanding prepared under division (J) of this section. A 2111
representative of the public children services agency shall, at 2112
the time of initial contact with the person subject to the 2113
investigation, inform the person of the specific complaints or 2114
allegations made against the person. The information shall be 2115
given in a manner that is consistent with division (H)(1) of this 2116
section and protects the rights of the person making the report 2117
under this section. 2118

A failure to make the investigation in accordance with the 2119
memorandum is not grounds for, and shall not result in, the 2120
dismissal of any charges or complaint arising from the report or 2121
the suppression of any evidence obtained as a result of the report 2122
and does not give, and shall not be construed as giving, any 2123
rights or any grounds for appeal or post-conviction relief to any 2124
person. The public children services agency shall report each case 2125
to the uniform statewide automated child welfare information 2126
system that the department of job and family services shall 2127
maintain in accordance with section 5101.13 of the Revised Code. 2128
The public children services agency shall submit a report of its 2129
investigation, in writing, to the law enforcement agency. 2130

(2) The public children services agency shall make any 2131
recommendations to the county prosecuting attorney or city 2132
director of law that it considers necessary to protect any 2133
children that are brought to its attention. 2134

(G)(1)(a) Except as provided in division (H)(3) of this 2135
section, anyone or any hospital, institution, school, health 2136
department, or agency participating in the making of reports under 2137
division (A) of this section, anyone or any hospital, institution, 2138
school, health department, or agency participating in good faith 2139
in the making of reports under division (B) of this section, and 2140
anyone participating in good faith in a judicial proceeding 2141
resulting from the reports, shall be immune from any civil or 2142
criminal liability for injury, death, or loss to person or 2143
property that otherwise might be incurred or imposed as a result 2144
of the making of the reports or the participation in the judicial 2145
proceeding. 2146

(b) Notwithstanding section 4731.22 of the Revised Code, the 2147
physician-patient privilege shall not be a ground for excluding 2148
evidence regarding a child's injuries, abuse, or neglect, or the 2149
cause of the injuries, abuse, or neglect in any judicial 2150
proceeding resulting from a report submitted pursuant to this 2151
section. 2152

(2) In any civil or criminal action or proceeding in which it 2153
is alleged and proved that participation in the making of a report 2154
under this section was not in good faith or participation in a 2155
judicial proceeding resulting from a report made under this 2156
section was not in good faith, the court shall award the 2157
prevailing party reasonable attorney's fees and costs and, if a 2158
civil action or proceeding is voluntarily dismissed, may award 2159
reasonable attorney's fees and costs to the party against whom the 2160
civil action or proceeding is brought. 2161

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2162
section, a report made under this section is confidential. The 2163
information provided in a report made pursuant to this section and 2164
the name of the person who made the report shall not be released 2165
for use, and shall not be used, as evidence in any civil action or 2166

proceeding brought against the person who made the report. In a 2167
criminal proceeding, the report is admissible in evidence in 2168
accordance with the Rules of Evidence and is subject to discovery 2169
in accordance with the Rules of Criminal Procedure. 2170

(2) No person shall permit or encourage the unauthorized 2171
dissemination of the contents of any report made under this 2172
section. 2173

(3) A person who knowingly makes or causes another person to 2174
make a false report under division (B) of this section that 2175
alleges that any person has committed an act or omission that 2176
resulted in a child being an abused child or a neglected child is 2177
guilty of a violation of section 2921.14 of the Revised Code. 2178

(4) If a report is made pursuant to division (A) or (B) of 2179
this section and the child who is the subject of the report dies 2180
for any reason at any time after the report is made, but before 2181
the child attains eighteen years of age, the public children 2182
services agency or municipal or county peace officer to which the 2183
report was made or referred, on the request of the child fatality 2184
review board, shall submit a summary sheet of information 2185
providing a summary of the report to the review board of the 2186
county in which the deceased child resided at the time of death. 2187
On the request of the review board, the agency or peace officer 2188
may, at its discretion, make the report available to the review 2189
board. If the county served by the public children services agency 2190
is also served by a children's advocacy center and the report of 2191
alleged sexual abuse of a child or another type of abuse of a 2192
child is specified in the memorandum of understanding that creates 2193
the center as being within the center's jurisdiction, the agency 2194
or center shall perform the duties and functions specified in this 2195
division in accordance with the interagency agreement entered into 2196
under section 2151.428 of the Revised Code relative to that 2197
advocacy center. 2198

(5) A public children services agency shall advise a person 2199
alleged to have inflicted abuse or neglect on a child who is the 2200
subject of a report made pursuant to this section, including a 2201
report alleging sexual abuse of a child or another type of abuse 2202
of a child referred to a children's advocacy center pursuant to an 2203
interagency agreement entered into under section 2151.428 of the 2204
Revised Code, in writing of the disposition of the investigation. 2205
The agency shall not provide to the person any information that 2206
identifies the person who made the report, statements of 2207
witnesses, or police or other investigative reports. 2208

(I) Any report that is required by this section, other than a 2209
report that is made to the state highway patrol as described in 2210
section 5120.173 of the Revised Code, shall result in protective 2211
services and emergency supportive services being made available by 2212
the public children services agency on behalf of the children 2213
about whom the report is made, in an effort to prevent further 2214
neglect or abuse, to enhance their welfare, and, whenever 2215
possible, to preserve the family unit intact. The agency required 2216
to provide the services shall be the agency conducting the 2217
investigation of the report pursuant to section 2151.422 of the 2218
Revised Code. 2219

(J)(1) Each public children services agency shall prepare a 2220
memorandum of understanding that is signed by all of the 2221
following: 2222

(a) If there is only one juvenile judge in the county, the 2223
juvenile judge of the county or the juvenile judge's 2224
representative; 2225

(b) If there is more than one juvenile judge in the county, a 2226
juvenile judge or the juvenile judges' representative selected by 2227
the juvenile judges or, if they are unable to do so for any 2228
reason, the juvenile judge who is senior in point of service or 2229
the senior juvenile judge's representative; 2230

(c) The county peace officer;	2231
(d) All chief municipal peace officers within the county;	2232
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	2233 2234
(f) The prosecuting attorney of the county;	2235
(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;	2236 2237 2238
(h) The county humane society;	2239
(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.	2240 2241 2242 2243 2244
(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	2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261

rights or any grounds for appeal or post-conviction relief to any person. 2262
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(3) A memorandum of understanding shall include all of the following: 2264
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 2266
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(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. 2268
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(4) If a 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, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section. 2276
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(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum. 2281
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(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center 2287
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pursuant to an interagency agreement entered into under section	2293
2151.428 of the Revised Code, to be provided with the following	2294
information:	2295
(a) Whether the agency or center has initiated an	2296
investigation of the report;	2297
(b) Whether the agency or center is continuing to investigate	2298
the report;	2299
(c) Whether the agency or center is otherwise involved with	2300
the child who is the subject of the report;	2301
(d) The general status of the health and safety of the child	2302
who is the subject of the report;	2303
(e) Whether the report has resulted in the filing of a	2304
complaint in juvenile court or of criminal charges in another	2305
court.	2306
(2) A person may request the information specified in	2307
division (K)(1) of this section only if, at the time the report is	2308
made, the person's name, address, and telephone number are	2309
provided to the person who receives the report.	2310
When a municipal or county peace officer or employee of a	2311
public children services agency receives a report pursuant to	2312
division (A) or (B) of this section the recipient of the report	2313
shall inform the person of the right to request the information	2314
described in division (K)(1) of this section. The recipient of the	2315
report shall include in the initial child abuse or child neglect	2316
report that the person making the report was so informed and, if	2317
provided at the time of the making of the report, shall include	2318
the person's name, address, and telephone number in the report.	2319
Each request is subject to verification of the identity of	2320
the person making the report. If that person's identity is	2321
verified, the agency shall provide the person with the information	2322

described in division (K)(1) of this section a reasonable number 2323
of times, except that the agency shall not disclose any 2324
confidential information regarding the child who is the subject of 2325
the report other than the information described in those 2326
divisions. 2327

(3) A request made pursuant to division (K)(1) of this 2328
section is not a substitute for any report required to be made 2329
pursuant to division (A) of this section. 2330

(4) If an agency other than the agency that received or was 2331
referred the report is conducting the investigation of the report 2332
pursuant to section 2151.422 of the Revised Code, the agency 2333
conducting the investigation shall comply with the requirements of 2334
division (K) of this section. 2335

(L) The director of job and family services shall adopt rules 2336
in accordance with Chapter 119. of the Revised Code to implement 2337
this section. The department of job and family services may enter 2338
into a plan of cooperation with any other governmental entity to 2339
aid in ensuring that children are protected from abuse and 2340
neglect. The department shall make recommendations to the attorney 2341
general that the department determines are necessary to protect 2342
children from child abuse and child neglect. 2343

(M)(1) As used in this division: 2344

(a) "Out-of-home care" includes a nonchartered nonpublic 2345
school if the alleged child abuse or child neglect, or alleged 2346
threat of child abuse or child neglect, described in a report 2347
received by a public children services agency allegedly occurred 2348
in or involved the nonchartered nonpublic school and the alleged 2349
perpetrator named in the report holds a certificate, permit, or 2350
license issued by the state board of education under section 2351
3301.071 or Chapter 3319. of the Revised Code. 2352

(b) "Administrator, director, or other chief administrative 2353

officer" means the superintendent of the school district if the 2354
out-of-home care entity subject to a report made pursuant to this 2355
section is a school operated by the district. 2356

(2) No later than the end of the day following the day on 2357
which a public children services agency receives a report of 2358
alleged child abuse or child neglect, or a report of an alleged 2359
threat of child abuse or child neglect, that allegedly occurred in 2360
or involved an out-of-home care entity, the agency shall provide 2361
written notice of the allegations contained in and the person 2362
named as the alleged perpetrator in the report to the 2363
administrator, director, or other chief administrative officer of 2364
the out-of-home care entity that is the subject of the report 2365
unless the administrator, director, or other chief administrative 2366
officer is named as an alleged perpetrator in the report. If the 2367
administrator, director, or other chief administrative officer of 2368
an out-of-home care entity is named as an alleged perpetrator in a 2369
report of alleged child abuse or child neglect, or a report of an 2370
alleged threat of child abuse or child neglect, that allegedly 2371
occurred in or involved the out-of-home care entity, the agency 2372
shall provide the written notice to the owner or governing board 2373
of the out-of-home care entity that is the subject of the report. 2374
The agency shall not provide witness statements or police or other 2375
investigative reports. 2376

(3) No later than three days after the day on which a public 2377
children services agency that conducted the investigation as 2378
determined pursuant to section 2151.422 of the Revised Code makes 2379
a disposition of an investigation involving a report of alleged 2380
child abuse or child neglect, or a report of an alleged threat of 2381
child abuse or child neglect, that allegedly occurred in or 2382
involved an out-of-home care entity, the agency shall send written 2383
notice of the disposition of the investigation to the 2384
administrator, director, or other chief administrative officer and 2385

the owner or governing board of the out-of-home care entity. The 2386
agency shall not provide witness statements or police or other 2387
investigative reports. 2388

Sec. 2151.424. (A) If a child has been placed in a certified 2389
foster home or is in the custody of a relative of the child, other 2390
than a parent of the child, a court, prior to conducting any 2391
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 2392
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2393
or 2151.417 of the Revised Code with respect to the child, shall 2394
notify the foster caregiver or relative of the date, time, and 2395
place of the hearing. At the hearing, the foster caregiver or 2396
relative ~~may~~ shall have the right to present evidence. 2397

(B) If a public children services agency or private child 2398
placing agency has permanent custody of a child and a petition to 2399
adopt the child has been filed under Chapter 3107. of the Revised 2400
Code, the agency, prior to conducting a review under section 2401
2151.416 of the Revised Code, or a court, prior to conducting a 2402
hearing under division (E)(2) or (3) of section 2151.412 or 2403
section 2151.416 or 2151.417 of the Revised Code, shall notify the 2404
prospective adoptive parent of the date, time, and place of the 2405
review or hearing. At the review or hearing, the prospective 2406
adoptive parent ~~may~~ shall have the right to present evidence. 2407

(C) The notice and the opportunity to present evidence do not 2408
make the foster caregiver, relative, or prospective adoptive 2409
parent a party in the action or proceeding pursuant to which the 2410
review or hearing is conducted. 2411

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 2412
entity that appoints or employs any person responsible for a 2413
child's care in out-of-home care shall request the superintendent 2414
of BCII to conduct a criminal records check with respect to any 2415

person who is under final consideration for appointment or 2416
employment as a person responsible for a child's care in 2417
out-of-home care, except that section 3319.39 of the Revised Code 2418
shall apply instead of this section if the out-of-home care entity 2419
is a public school, educational service center, or chartered 2420
nonpublic school. 2421

(2) ~~The~~ At the times specified in this division, the 2422
administrative director of an agency, or attorney, who arranges an 2423
adoption for a prospective adoptive parent shall request the 2424
superintendent of BCII to conduct a criminal records check with 2425
respect to that prospective adoptive parent and a criminal records 2426
check with respect to all persons eighteen years of age or older 2427
who reside with the prospective adoptive parent. The 2428
administrative director or attorney shall request a criminal 2429
records check pursuant to this division at the time of the initial 2430
home study, every four years after the initial home study at the 2431
time of an update, and at the time that an adoptive home study is 2432
completed as a new home study. 2433

(3) Before a recommending agency submits a recommendation to 2434
the department of job and family services on whether the 2435
department should issue a certificate to a foster home under 2436
section 5103.03 of the Revised Code, and every four years 2437
thereafter prior to a recertification under that section, the 2438
administrative director of the agency shall request that the 2439
superintendent of BCII conduct a criminal records check with 2440
respect to the prospective foster caregiver and a criminal records 2441
check with respect to all other persons eighteen years of age or 2442
older who reside with the foster caregiver. 2443

(B)(1) If a person subject to a criminal records check under 2444
division (A)(1) of this section does not present proof that the 2445
person has been a resident of this state for the five-year period 2446
immediately prior to the date upon which the criminal records 2447

check is requested or does not provide evidence that within that 2448
five-year period the superintendent of BCII has requested 2449
information about the person from the federal bureau of 2450
investigation in a criminal records check, the appointing or 2451
hiring officer, ~~administrative director, or attorney~~ shall request 2452
that the superintendent of BCII obtain information from the 2453
federal bureau of investigation as a part of the criminal records 2454
check, including fingerprint based checks of national crime 2455
information databases as described in 42 U.S.C. 671. If ~~the a~~ 2456
person subject to ~~the a~~ criminal records check under division 2457
(A)(1) of this section presents proof that the person has been a 2458
resident of this state for that five-year period, the appointing 2459
or hiring officer, ~~director,~~ or attorney may request that the 2460
superintendent of BCII include information from the federal bureau 2461
of investigation in the criminal records check, including 2462
fingerprint based checks of national crime information databases 2463
as described in 42 U.S.C. 671. 2464

When the administrative director of an agency, or attorney, 2465
who arranges an adoption for a prospective parent requests, at the 2466
time of the initial home study, a criminal records check for a 2467
person pursuant to division (A)(2) of this section, the 2468
administrative director or attorney shall request that the 2469
superintendent of BCII obtain information from the federal bureau 2470
of investigation as part of the criminal records check, including 2471
fingerprint based checks of national crime information databases 2472
as described in 42 U.S.C. 671, for the person subject to the 2473
criminal records check. In all other cases in which the 2474
administrative director of an agency, or attorney, who arranges an 2475
adoption for a prospective parent requests a criminal records 2476
check for a person pursuant to division (A)(2) of this section, 2477
the administrative director or attorney may request that the 2478
superintendent of BCII include information from the federal bureau 2479
of investigation in the criminal records check, including 2480

fingerprint based checks of national crime information databases 2481
as described in 42 U.S.C. 671. 2482

When the administrative director of a recommending agency 2483
requests, before submitting a recommendation to the department of 2484
job and family services on whether the department should issue a 2485
certificate to a foster home under section 5103.03 of the Revised 2486
Code, a criminal records check for a person pursuant to division 2487
(A)(3) of this section, the administrative director shall request 2488
that the superintendent of BCII obtain information from the 2489
federal bureau of investigation as part of a criminal records 2490
check, including fingerprint based checks of national crime 2491
information databases as described in 42 U.S.C. 671, for the 2492
person subject to the criminal records check. In all other cases 2493
in which the administrative director of a recommending agency 2494
requests a criminal records check for a person pursuant to 2495
division (A)(3) of this section, the administrative director may 2496
request that the superintendent of BCII include information from 2497
the federal bureau of investigation in the criminal records check, 2498
including fingerprint based checks of national crime information 2499
databases as described in 42 U.S.C. 671. 2500

(2) An appointing or hiring officer, administrative director, 2501
or attorney required by division (A) of this section to request a 2502
criminal records check shall provide to each person subject to a 2503
criminal records check a copy of the form prescribed pursuant to 2504
division (C)(1) of section 109.572 of the Revised Code and a 2505
standard impression sheet to obtain fingerprint impressions 2506
prescribed pursuant to division (C)(2) of section 109.572 of the 2507
Revised Code, obtain the completed form and impression sheet from 2508
the person, and forward the completed form and impression sheet to 2509
the superintendent of BCII at the time the criminal records check 2510
is requested. 2511

Any person subject to a criminal records check who receives 2512

pursuant to this division a copy of the form prescribed pursuant 2513
to division (C)(1) of section 109.572 of the Revised Code and a 2514
copy of an impression sheet prescribed pursuant to division (C)(2) 2515
of that section and who is requested to complete the form and 2516
provide a set of fingerprint impressions shall complete the form 2517
or provide all the information necessary to complete the form and 2518
shall provide the impression sheet with the impressions of the 2519
person's fingerprints. If a person subject to a criminal records 2520
check, upon request, fails to provide the information necessary to 2521
complete the form or fails to provide impressions of the person's 2522
fingerprints, the appointing or hiring officer shall not appoint 2523
or employ the person as a person responsible for a child's care in 2524
out-of-home care, a probate court may not issue a final decree of 2525
adoption or an interlocutory order of adoption making the person 2526
an adoptive parent, and the department of job and family services 2527
shall not issue a certificate authorizing the prospective foster 2528
caregiver to operate a foster home. 2529

(C)(1) No appointing or hiring officer shall appoint or 2530
employ a person as a person responsible for a child's care in 2531
out-of-home care, the department of job and family services shall 2532
not issue a certificate under section 5103.03 of the Revised Code 2533
authorizing a prospective foster caregiver to operate a foster 2534
home, and no probate court shall issue a final decree of adoption 2535
or an interlocutory order of adoption making a person an adoptive 2536
parent if the person or, in the case of a prospective foster 2537
caregiver or prospective adoptive parent, any person eighteen 2538
years of age or older who resides with the prospective foster 2539
caregiver or prospective adoptive parent previously has been 2540
convicted of or pleaded guilty to any of the ~~following~~ violations 2541
described in division (A)(8) of section 109.572 of the Revised 2542
Code, unless the person meets rehabilitation standards established 2543
in rules adopted under division (F) of this section. 2544

~~(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 been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~

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

(2) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.

(3) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this

section shall notify the recommending agency of the revocation of 2577
any foster home license, certificate, or other similar 2578
authorization in another state occurring within the five years 2579
prior to the date of application to become a foster caregiver in 2580
this state. The failure of a prospective foster caregiver to 2581
notify the recommending agency of any revocation of that type in 2582
another state that occurred within that five-year period shall be 2583
grounds for denial of the person's foster home application or the 2584
revocation of the person's foster home certification, whichever is 2585
applicable. If a person has had a revocation in another state 2586
within the five years prior to the date of the application, the 2587
department of job and family services shall not issue a foster 2588
home certificate to the prospective foster caregiver. 2589

(D) The appointing or hiring officer, administrative 2590
director, or attorney shall pay to the bureau of criminal 2591
identification and investigation the fee prescribed pursuant to 2592
division (C)(3) of section 109.572 of the Revised Code for each 2593
criminal records check conducted in accordance with that section 2594
upon a request pursuant to division (A) of this section. The 2595
officer, director, or attorney may charge the person subject to 2596
the criminal records check a fee for the costs the officer, 2597
director, or attorney incurs in obtaining the criminal records 2598
check. A fee charged under this division shall not exceed the 2599
amount of fees the officer, director, or attorney pays for the 2600
criminal records check. If a fee is charged under this division, 2601
the officer, director, or attorney shall notify the person who is 2602
the applicant at the time of the person's initial application for 2603
appointment or employment, an adoption to be arranged, or a 2604
certificate to operate a foster home of the amount of the fee and 2605
that, unless the fee is paid, the person who is the applicant will 2606
not be considered for appointment or employment or as an adoptive 2607
parent or foster caregiver. 2608

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative; ~~the~~

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative; ~~the~~

(3) The department of job and family services ~~or~~, a county department of job and family services, or a public children services agency; ~~and any~~

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division ~~(C)(1) of this section~~ (A)(8) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, 2640
or attorney required by division (A) of this section to request a 2641
criminal records check shall inform each person who is the 2642
applicant, at the time of the person's initial application for 2643
appointment or employment, an adoption to be arranged, or a foster 2644
home certificate, that the person subject to the criminal records 2645
check is required to provide a set of impressions of the person's 2646
fingerprints and that a criminal records check is required to be 2647
conducted and satisfactorily completed in accordance with section 2648
109.572 of the Revised Code. 2649

(H) The department of job and family services may waive the 2650
requirement that a criminal records check based on fingerprints be 2651
conducted for an adult resident of a prospective adoptive or 2652
foster home or the home of a foster caregiver if the recommending 2653
agency documents to the department's satisfaction that the adult 2654
resident is physically unable to comply with the fingerprinting 2655
requirement and poses no danger to foster children or adoptive 2656
children who may be placed in the home. In such cases, the 2657
recommending or approving agency shall request that the bureau of 2658
criminal identification and investigation conduct a criminal 2659
records check using the person's name and social security number. 2660

(I) As used in this section: 2661

(1) "Children's hospital" means any of the following: 2662

(a) A hospital registered under section 3701.07 of the 2663
Revised Code that provides general pediatric medical and surgical 2664
care, and in which at least seventy-five per cent of annual 2665
inpatient discharges for the preceding two calendar years were 2666
individuals less than eighteen years of age; 2667

(b) A distinct portion of a hospital registered under section 2668
3701.07 of the Revised Code that provides general pediatric 2669
medical and surgical care, has a total of at least one hundred 2670

fifty registered pediatric special care and pediatric acute care 2671
beds, and in which at least seventy-five per cent of annual 2672
inpatient discharges for the preceding two calendar years were 2673
individuals less than eighteen years of age; 2674

(c) A distinct portion of a hospital, if the hospital is 2675
registered under section 3701.07 of the Revised Code as a 2676
children's hospital and the children's hospital meets all the 2677
requirements of division (I)~~(3)~~(1)(a) of this section. 2678

(2) "Criminal records check" has the same meaning as in 2679
section 109.572 of the Revised Code. 2680

~~(3) "Minor drug possession offense" has the same meaning as 2681
in section 2925.01 of the Revised Code. 2682~~

~~(4)~~ "Person responsible for a child's care in out-of-home 2683
care" has the same meaning as in section 2151.011 of the Revised 2684
Code, except that it does not include a prospective employee of 2685
the department of youth services or a person responsible for a 2686
child's care in a hospital or medical clinic other than a 2687
children's hospital. 2688

~~(5)~~(4) "Person subject to a criminal records check" means the 2689
following: 2690

(a) A person who is under final consideration for appointment 2691
or employment as a person responsible for a child's care in 2692
out-of-home care; 2693

(b) A prospective adoptive parent; 2694

(c) A prospective foster caregiver; 2695

(d) A person eighteen years old or older who resides with a 2696
prospective foster caregiver or a prospective adoptive parent. 2697

~~(6)~~(5) "Recommending agency" means a public children services 2698
agency, private child placing agency, or private noncustodial 2699
agency to which the department of job and family services has 2700

delegated a duty to inspect and approve foster homes. 2701

~~(7)~~(6) "Superintendent of BCII" means the superintendent of 2702
the bureau of criminal identification and investigation. 2703

Sec. 2301.10. (A) If a sheriff or chief of police has not 2704
taken, or caused to be taken, a person's or child's fingerprints 2705
in accordance with division (A)(1) of section 109.60 of the 2706
Revised Code with respect to a crime or act set forth in that 2707
division by the time of the arraignment or first appearance of the 2708
person or child with respect to that crime or act, the court of 2709
common pleas shall order the person or child to appear before the 2710
sheriff or chief of police within twenty-four hours of the 2711
arraignment or first appearance to have the person's or child's 2712
fingerprints taken as provided in division (A)(2) of section 2713
109.60 of the Revised Code. 2714

(B) If the court of common pleas has jurisdiction over a case 2715
involving a person or child with respect to whom division (A)(1) 2716
or (2) of section 109.60 of the Revised Code requires a sheriff or 2717
chief of police to take the person's or child's fingerprints, the 2718
court of common pleas shall inquire at the time of the person's or 2719
child's sentencing or adjudication for the crime or act for which 2720
the fingerprints were required to be taken whether or not the 2721
person or child has been fingerprinted pursuant to division (A)(1) 2722
or (2) of section 109.60 of the Revised Code for the original 2723
arrest or court appearance upon which the sentence or adjudication 2724
is based. If a person or child was not fingerprinted for the 2725
original arrest or court appearance, the court of common pleas 2726
shall order the person or child to appear before the sheriff or 2727
chief of police within twenty-four hours to have the person's or 2728
child's fingerprints taken as provided in division (A)(3) of 2729
section 109.60 of the Revised Code. 2730

Sec. 3107.033. Not later than January 1, 2008, the director
of job and family services shall adopt rules in accordance with
Chapter 119. of the Revised Code specifying both of the following:

(A) The manner in which a home study is to be conducted and
the information and documents to be included in a home study
report, which shall include, pursuant to section 3107.034 of the
Revised Code, a summary report of a search of the uniform
statewide automated child welfare information system established
in section 5101.13 of the Revised Code and a report of a check of
a central registry of another state if a request for a check of a
central registry of another state is required under division (A)
of section 3107.034 of the Revised Code;

(B) A procedure under which a person whose application for
adoption has been denied as a result of a search of the uniform
statewide automated child welfare information system established
in section 5101.13 of the Revised Code as part of the home study
may appeal the denial to the agency that employed the assessor who
filed the report.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or
a person eighteen years of age or older who resides with a
prospective adoptive parent has resided in another state within
the five-year period immediately prior to the date on which a
criminal records check is requested for the person under division
(A) of section 2151.86 of the Revised Code, the administrative
director of an agency, or attorney, who arranges the adoption for
the prospective adoptive parent shall request a check of the
central registry of abuse and neglect of this state from the
department of job and family services regarding the prospective
adoptive parent or the person eighteen years of age or older who
resides with the prospective adoptive parent to enable the agency

or attorney to check any child abuse and neglect registry 2762
maintained by that other state. The administrative director or 2763
attorney shall make the request and shall review the results of 2764
the check before a final decree of adoption or an interlocutory 2765
order of adoption making the person an adoptive parent may be 2766
made. Information received pursuant to the request shall be 2767
considered for purposes of this chapter as if it were a summary 2768
report required under section 3107.033 of the Revised Code. The 2769
department of job and family services shall comply with any 2770
request to check the central registry that is similar to the 2771
request described in this division and that is received from any 2772
other state. 2773

(B) The summary report of a search of the uniform statewide 2774
automated child welfare information system established in section 2775
5101.13 of the Revised Code that is required under section 2776
3107.033 of the Revised Code shall contain, if applicable, a 2777
chronological list of abuse and neglect determinations or 2778
allegations of which the person seeking to adopt is subject and in 2779
regards to which a public children services agency has done one of 2780
the following: 2781

(1) Determined that abuse or neglect occurred; 2782

(2) Initiated an investigation, and the investigation is 2783
ongoing; 2784

(3) Initiated an investigation and the agency was unable to 2785
determine whether abuse or neglect occurred. 2786

~~(B)~~(C) The summary report required under section 3107.033 of 2787
the Revised Code shall not contain any of the following: 2788

(1) An abuse and neglect determination of which the person 2789
seeking to adopt is subject and in regards to which a public 2790
children services agency determined that abuse or neglect did not 2791
occur; 2792

(2) Information or reports the dissemination of which is 2793
prohibited by, or interferes with eligibility under, the "Child 2794
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 2795
5101 et seq., as amended; 2796

(3) The name of the person who or entity that made, or 2797
participated in the making of, the report of abuse or neglect. 2798

~~(C)~~(D)(1) An application for adoption may be denied based on 2799
a summary report containing the information described under 2800
division ~~(A)~~(B)(1) of this section, when considered within the 2801
totality of the circumstances. An application that is denied may 2802
be appealed using the procedure adopted pursuant to division (B) 2803
of section 3107.033 of the Revised Code. 2804

(2) An application for adoption shall not be denied solely 2805
based on a summary report containing the information described 2806
under division ~~(A)~~(B)(2) or (3) of this section. 2807

Sec. 3107.062. (A) Notwithstanding the provisions of the 2808
versions of former sections 3107.06 and 3107.07 of the Revised 2809
Code that, pursuant to Section 5 of Am. Sub. H.B. 419 of the 121st 2810
general assembly, apply regarding a putative father's consent to 2811
the adoption of any child born prior to January 1, 1997, on and 2812
after the effective date of this section, both of the following 2813
apply: 2814

(1) The references in division (F)(4) of former section 2815
3107.06 of the Revised Code to the department of human services 2816
are repealed, and division (F)(4) of that former section shall be 2817
considered as reading, and shall be applicable, as follows: "Has 2818
filed an objection to the adoption with the agency having custody 2819
of the minor at any time before the placement of the minor in the 2820
home of the petitioner, or with the probate court within thirty 2821
days of the filing of a petition to adopt the minor or its 2822
placement in the home of the petitioner, whichever occurs first." 2823

(2) The references in division (B) of former section 3107.07 2824
of the Revised Code to the department of human services are 2825
repealed, and division (B) of that former section shall be 2826
considered as reading, and shall be applicable, as follows: "The 2827
putative father of a minor if the putative father fails to file an 2828
objection with the court or the agency having custody of the minor 2829
as provided in division (F)(4) of section 3107.06 of the Revised 2830
Code, or files an objection with the court or agency and the court 2831
finds, after proper service of notice and hearing, that he is not 2832
the father of the minor, or that he has willfully abandoned or 2833
failed to care for and support the minor, or abandoned the mother 2834
of the minor during her pregnancy and up to the time of her 2835
surrender of the minor, or its placement in the home of the 2836
petitioner, whichever occurs first." 2837

(B) As used in this section: 2838

(1) "Former section 3107.06 of the Revised Code" means the 2839
version of that section that was in effect immediately prior to 2840
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 2841
the 121st general assembly. 2842

(2) "Former section 3107.07 of the Revised Code" means the 2843
version of that section that was in effect immediately prior to 2844
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 2845
the 121st general assembly. 2846

Sec. 3107.14. (A) The petitioner and the person sought to be 2847
adopted shall appear at the hearing on the petition, unless the 2848
presence of either is excused by the court for good cause shown. 2849

(B) The court may continue the hearing from time to time to 2850
permit further observation, investigation, or consideration of any 2851
facts or circumstances affecting the granting of the petition, and 2852
may examine the petitioners separate and apart from each other. 2853

(C) If, at the conclusion of the hearing, the court finds 2854
that the required consents have been obtained or excused and that 2855
the adoption is in the best interest of the person sought to be 2856
adopted as supported by the evidence, it may issue, subject to 2857
division (C)(1)(a) of section 2151.86, section 3107.064, and 2858
division (E) of section 3107.09 of the Revised Code, and any other 2859
limitations specified in this chapter, a final decree of adoption 2860
or an interlocutory order of adoption, which by its own terms 2861
automatically becomes a final decree of adoption on a date 2862
specified in the order, which, except as provided in division (B) 2863
of section 3107.13 of the Revised Code, shall not be less than six 2864
months or more than one year from the date of issuance of the 2865
order, unless sooner vacated by the court for good cause shown. In 2866
determining whether the adoption is in the best interest of the 2867
person sought to be adopted, the court shall not consider the age 2868
of the petitioner if the petitioner is old enough to adopt as 2869
provided by section 3107.03 of the Revised Code. 2870

In an interlocutory order of adoption, the court shall 2871
provide for observation, investigation, and a further report on 2872
the adoptive home during the interlocutory period. 2873

(D) If the requirements for a decree under division (C) of 2874
this section have not been satisfied or the court vacates an 2875
interlocutory order of adoption, or if the court finds that a 2876
person sought to be adopted was placed in the home of the 2877
petitioner in violation of law, the court shall dismiss the 2878
petition and may determine the agency or person to have temporary 2879
or permanent custody of the person, which may include the agency 2880
or person that had custody prior to the filing of the petition or 2881
the petitioner, if the court finds it is in the best interest of 2882
the person as supported by the evidence, or if the person is a 2883
minor, the court may certify the case to the juvenile court of the 2884
county where the minor is then residing for appropriate action and 2885

disposition. 2886

(E) The issuance of a final decree or interlocutory order of 2887
adoption for an adult adoption under division (A)(4) of section 2888
3107.02 of the Revised Code shall not disqualify that adult for 2889
services under section 2151.82 or 2151.83 of the Revised Code. 2890

Sec. 5101.13. (A) The department of job and family services 2891
shall establish and maintain a uniform statewide automated child 2892
welfare information system in accordance with the requirements of 2893
42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 2894
guidelines. The information system shall contain records regarding 2895
any of the following: 2896

(1) Investigations of children and families, and children's 2897
care in out-of-home care, in accordance with sections 2151.421 and 2898
5153.16 of the Revised Code; 2899

(2) Care and treatment provided to children and families; 2900

(3) Any other information related to children and families 2901
that state or federal law, regulation, or rule requires the 2902
department or a public children services agency to maintain. 2903

(B) The department shall plan implementation of the 2904
information system on a county_by_county basis and shall finalize 2905
statewide implementation by all public children services agencies 2906
as described in section 5153.02 of the Revised Code not later than 2907
January 1, 2008. 2908

(C) The department shall promptly notify all public children 2909
services agencies of the initiation and completion of statewide 2910
implementation of the statewide information system established 2911
under division (A) of this section. 2912

(D) "Out-of-home care" has the same meaning as in section 2913
2151.011 of the Revised Code. 2914

Sec. 5101.132. (A) Information contained in the information 2915
system established and maintained under section 5101.13 of the 2916
Revised Code may be accessed only as follows: 2917

~~(A)~~(1) The department of job and family services ~~and~~, a 2918
public children services agency, a title IV-E agency, a 2919
prosecuting attorney, a private child placing agency, and a 2920
private noncustodial agency may access the information when either 2921
of the following is the case: 2922

~~(1)~~(a) The access is directly connected with assessment, 2923
investigation, or services regarding a child or family; 2924

~~(2)~~(b) The access is permitted by state or federal law, rule, 2925
or regulation. 2926

~~(B)~~(2) A person may access the information in a manner, to 2927
the extent, and for the purposes authorized by rules adopted by 2928
the department. 2929

(B) As used in this section, "title IV-E agency" means a 2930
public children services agency or a public entity with which the 2931
department of job and family services has a title IV-E subgrant 2932
agreement in effect. 2933

Sec. 5101.134. (A) Notwithstanding any provision of the 2934
Revised Code that requires confidentiality of information that is 2935
contained in the uniform statewide automated child welfare 2936
information system established in section 5101.13 of the Revised 2937
Code, the department of job and family services shall adopt rules 2938
in accordance with Chapter 119. of the Revised Code regarding a 2939
private child placing agency's or private noncustodial agency's 2940
access, data entry, and use of information in the uniform 2941
statewide automated child welfare information system. 2942

(B)(1) The department of job and family services may adopt 2943
rules in accordance with section 111.15 of the Revised Code, as if 2944

they were internal management rules, as necessary to carry out the 2945
purposes of sections 5101.13 to 5101.133 of the Revised Code. 2946

(2) The department may adopt rules in accordance with Chapter 2947
119. of the Revised Code as necessary to carry out the purposes of 2948
division ~~(B)~~(A)(2) of section 5101.132 of the Revised Code. 2949

(C) Public children services agencies shall implement and use 2950
the information system established pursuant to section 5101.13 of 2951
the Revised Code in accordance with rules adopted by the 2952
department. 2953

Sec. 5101.32. (A) The department of job and family services 2954
shall work with the superintendent of the bureau of criminal 2955
identification and investigation to develop procedures and formats 2956
necessary to produce the notices described in division (D) of 2957
section 109.581 of the Revised Code in a format that is acceptable 2958
for use by the department. The department may adopt rules in 2959
accordance with section 111.15 of the Revised Code, as if they 2960
were internal management rules, necessary for such collaboration. 2961

(B) In addition to the rules required by division (G) of 2962
section 109.581 of the Revised Code, the department of job and 2963
family services may adopt rules in accordance with Chapter 119. of 2964
the Revised Code necessary for utilizing the information received 2965
pursuant to section 109.581 of the Revised Code. 2966

Sec. 5103.03. (A) The director of job and family services 2967
shall adopt rules as necessary for the adequate and competent 2968
management of institutions or associations. 2969

(B)(1) Except for facilities under the control of the 2970
department of youth services, places of detention for children 2971
established and maintained pursuant to sections 2152.41 to 2152.44 2972
of the Revised Code, and child day-care centers subject to Chapter 2973
5104. of the Revised Code, the department of job and family 2974

services every two years shall pass upon the fitness of every 2975
institution and association that receives, or desires to receive 2976
and care for children, or places children in private homes. 2977

(2) When the department of job and family services is 2978
satisfied as to the care given such children, and that the 2979
requirements of the statutes and rules covering the management of 2980
such institutions and associations are being complied with, it 2981
shall issue to the institution or association a certificate to 2982
that effect. A certificate is valid for two years, unless sooner 2983
revoked by the department. When determining whether an institution 2984
or association meets a particular requirement for certification, 2985
the department may consider the institution or association to have 2986
met the requirement if the institution or association shows to the 2987
department's satisfaction that it has met a comparable requirement 2988
to be accredited by a nationally recognized accreditation 2989
organization. 2990

(3) The department may issue a temporary certificate valid 2991
for less than one year authorizing an institution or association 2992
to operate until minimum requirements have been met. 2993

(4) An institution or association that knowingly makes a 2994
false statement that is included as a part of certification under 2995
this section is guilty of the offense of falsification under 2996
section 2921.13 of the Revised Code and the department shall not 2997
certify that institution or association. 2998

(5) The department shall not issue a certificate to a 2999
prospective foster home or prospective specialized foster home 3000
pursuant to this section if the prospective foster home or 3001
prospective specialized foster home operates as a type A family 3002
day-care home pursuant to Chapter 5104. of the Revised Code. The 3003
department shall not issue a certificate to a prospective 3004
specialized foster home if the prospective specialized foster home 3005
operates a type B family day-care home pursuant to Chapter 5104. 3006

of the Revised Code. 3007

(C) The department may revoke a certificate if it finds that 3008
the institution or association is in violation of law or rule. No 3009
juvenile court shall commit a child to an association or 3010
institution that is required to be certified under this section if 3011
its certificate has been revoked or, if after revocation, the date 3012
of reissue is less than fifteen months prior to the proposed 3013
commitment. 3014

(D) Every two years, on a date specified by the department, 3015
each institution or association desiring certification or 3016
recertification shall submit to the department a report showing 3017
its condition, management, competency to care adequately for the 3018
children who have been or may be committed to it or to whom it 3019
provides care or services, the system of visitation it employs for 3020
children placed in private homes, and other information the 3021
department requires. 3022

(E) The department shall, not less than once each year, send 3023
a list of certified institutions and associations to each juvenile 3024
court and certified association or institution. 3025

(F) No person shall receive children or receive or solicit 3026
money on behalf of such an institution or association not so 3027
certified or whose certificate has been revoked. 3028

(G)(1) The director may delegate by rule any duties imposed 3029
on it by this section to inspect and approve family foster homes 3030
and specialized foster homes to public children services agencies, 3031
private child placing agencies, or private noncustodial agencies. 3032

(2) The director shall adopt rules that require a foster 3033
caregiver or other individual certified to operate a foster home 3034
under this section to notify the recommending agency that the 3035
foster caregiver or other individual is certified to operate a 3036
type B family day-care home under Chapter 5104. of the Revised 3037

Code. 3038

(H) If the director of job and family services determines 3039
that an institution or association that cares for children is 3040
operating without a certificate, the director may petition the 3041
court of common pleas in the county in which the institution or 3042
association is located for an order enjoining its operation. The 3043
court shall grant injunctive relief upon a showing that the 3044
institution or association is operating without a certificate. 3045

(I) If both of the following are the case, the director of 3046
job and family services may petition the court of common pleas of 3047
any county in which an institution or association that holds a 3048
certificate under this section operates for an order, and the 3049
court may issue an order, preventing the institution or 3050
association from receiving additional children into its care or an 3051
order removing children from its care: 3052

(1) The department has evidence that the life, health, or 3053
safety of one or more children in the care of the institution or 3054
association is at imminent risk. 3055

(2) The department has issued a proposed adjudication order 3056
pursuant to Chapter 119. of the Revised Code to deny renewal of or 3057
revoke the certificate of the institution or association. 3058

Sec. 5103.0319. (A) No foster caregiver or prospective foster 3059
caregiver shall fail to notify the recommending agency that 3060
recommended or is recommending the foster caregiver or prospective 3061
foster caregiver for certification in writing if a person at least 3062
twelve years of age but less than eighteen years of age residing 3063
with the foster caregiver or prospective foster caregiver has been 3064
convicted of or pleaded guilty to any of the following or has been 3065
adjudicated to be a delinquent child for committing an act that if 3066
committed by an adult would have constituted such a violation: 3067

(1) A violation of section 2903.01, 2903.02, 2903.03, 3068
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3069
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3070
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3071
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3072
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3073
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3074
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 3075
violation of section 2905.04 of the Revised Code as it existed 3076
prior to July 1, 1996, a violation of section 2919.23 of the 3077
Revised Code that would have been a violation of section 2905.04 3078
of the Revised Code as it existed prior to July 1, 1996, had the 3079
violation been committed prior to that date, a violation of 3080
section 2925.11 of the Revised Code that is not a minor drug 3081
possession offense, a violation of section 2923.01 of the Revised 3082
Code that involved an attempt to commit aggravated murder or 3083
murder, an OVI or OVUAC violation if the person previously was 3084
convicted of or pleaded guilty to one or more OVI or OVUAC 3085
violations within the three years immediately preceding the 3086
current violation, or felonious sexual penetration in violation of 3087
former section 2907.12 of the Revised Code; 3088

(2) An offense that would be a felony if committed by an 3089
adult and the court determined that the child, if an adult, would 3090
be guilty of a specification found in section 2941.141, 2941.144, 3091
or 2941.145 of the Revised Code or in another section of the 3092
Revised Code that relates to the possession or use of a firearm, 3093
as defined in section 2923.11 of the Revised Code, during the 3094
commission of the act for which the child was adjudicated a 3095
delinquent child; 3096

(3) A violation of an existing or former law of this state, 3097
any other state, or the United States that is substantially 3098
equivalent to any of the offenses described in division (A)(1) or 3099

(2) of this section. 3100

(B) If a recommending agency learns that a foster caregiver 3101
has failed to comply with division (A) of this section, it shall 3102
notify the department of job and family services and the 3103
department shall revoke the foster caregiver's foster home 3104
certificate. 3105

(C) As used in this section, "OVI or OVUAC violation" means a 3106
violation of section 4511.19 of the Revised Code or a violation of 3107
an existing or former law of this state, any other state, or the 3108
United States that is substantially equivalent to section 4511.19 3109
of the Revised Code. 3110

Sec. 5103.0326. (A) A recommending agency may recommend that 3111
the department of job and family services not renew a foster home 3112
certificate under section 5103.03 of the Revised Code if the 3113
foster caregiver refused to accept the placement of any children 3114
into the foster home during the current certification period. 3115
Based on the agency's recommendation, the department may refuse to 3116
renew a foster home certificate. 3117

(B) The department of job and family services may revoke the 3118
certification of any foster caregiver who has not cared for one or 3119
more foster children in the foster caregiver's home within the 3120
preceding twelve months. Prior to the revocation of any 3121
certification pursuant to this division, the recommending agency 3122
shall have the opportunity to provide good cause for the 3123
department to continue the certification and not revoke the 3124
certification. If the department decides to revoke the 3125
certification, the department shall notify the recommending agency 3126
that the certification will be revoked. 3127

Sec. 5103.0328. (A) Not later than ninety-six hours after 3128
receiving notice from the superintendent of the bureau of criminal 3129

identification and investigation pursuant to section 109.581 of 3130
the Revised Code that a foster caregiver has been convicted of or 3131
pleaded guilty to any foster caregiver-disqualifying offense, and 3132
not later than ninety-six hours after learning in any other manner 3133
that a foster caregiver has been convicted of or pleaded guilty to 3134
any foster caregiver-disqualifying offense, the department of job 3135
and family services shall provide notice of that conviction or 3136
guilty plea to the recommending agency relative to the foster 3137
caregiver. 3138

(B) If a recommending agency receives notice from the 3139
department of job and family services pursuant to division (A) of 3140
this section that a foster caregiver has been convicted of or 3141
pleaded guilty to any foster caregiver-disqualifying offense, or 3142
if a recommending agency learns in any other manner that a foster 3143
caregiver has been convicted of or pleaded guilty to any foster 3144
caregiver-disqualifying offense, the recommending agency shall 3145
assess the foster caregiver's overall situation for safety 3146
concerns and forward any recommendations, if applicable, for 3147
revoking the foster caregiver's certificate to the department for 3148
the department's review for possible revocation. 3149

(C) As used in this section, "foster caregiver-disqualifying 3150
offense" means any offense or violation listed or described in 3151
division (C)(1)(a) or (b) of section 2151.86 of the Revised Code. 3152

Sec. 5103.16. ~~(A) Pursuant to section 5103.18 of the Revised~~ 3153
~~Code and except~~ Except as otherwise provided in this section, no 3154
child shall be placed or accepted for placement under any written 3155
or oral agreement or understanding that transfers or surrenders 3156
the legal rights, powers, or duties of the legal parent, parents, 3157
or guardian of the child into the temporary or permanent custody 3158
of any association or institution that is not certified by the 3159
department of job and family services under section 5103.03 of the 3160

Revised Code, without the written consent of the office in the 3161
department that oversees the interstate compact on placement of 3162
children established under section 5103.20 of the Revised Code, or 3163
by a commitment of a juvenile court, or by a commitment of a 3164
probate court as provided in this section. A child may be placed 3165
temporarily without written consent or court commitment with 3166
persons related by blood or marriage or in a legally licensed 3167
boarding home. 3168

(B)(1) Associations and institutions certified under section 3169
5103.03 of the Revised Code for the purpose of placing children in 3170
free foster homes or for legal adoption shall keep a record of the 3171
temporary and permanent surrenders of children. This record shall 3172
be available for separate statistics, which shall include a copy 3173
of an official birth record and all information concerning the 3174
social, mental, and medical history of the children that will aid 3175
in an intelligent disposition of the children in case that becomes 3176
necessary because the parents or guardians fail or are unable to 3177
reassume custody. 3178

(2) No child placed on a temporary surrender with an 3179
association or institution shall be placed permanently in a foster 3180
home or for legal adoption. All surrendered children who are 3181
placed permanently in foster homes or for adoption shall have been 3182
permanently surrendered, and a copy of the permanent surrender 3183
shall be a part of the separate record kept by the association or 3184
institution. 3185

(C) Any agreement or understanding to transfer or surrender 3186
the legal rights, powers, or duties of the legal parent or parents 3187
and place a child with a person seeking to adopt the child under 3188
this section shall be construed to contain a promise by the person 3189
seeking to adopt the child to pay the expenses listed in divisions 3190
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 3191
if the person seeking to adopt the child refuses to accept 3192

placement of the child, to pay the temporary costs of routine 3193
maintenance and medical care for the child in a hospital, foster 3194
home, or other appropriate place for up to thirty days or until 3195
other custody is established for the child, as provided by law, 3196
whichever is less. 3197

(D) No child shall be placed or received for adoption or with 3198
intent to adopt unless placement is made by a public children 3199
services agency, an institution or association that is certified 3200
by the department of job and family services under section 5103.03 3201
of the Revised Code to place children for adoption, or custodians 3202
in another state or foreign country, or unless all of the 3203
following criteria are met: 3204

(1) Prior to the placement and receiving of the child, the 3205
parent or parents of the child personally have applied to, and 3206
appeared before, the probate court of the county in which the 3207
parent or parents reside, or in which the person seeking to adopt 3208
the child resides, for approval of the proposed placement 3209
specified in the application and have signed and filed with the 3210
court a written statement showing that the parent or parents are 3211
aware of their right to contest the decree of adoption subject to 3212
the limitations of section 3107.16 of the Revised Code; 3213

(2) The court ordered an independent home study of the 3214
proposed placement to be conducted as provided in section 3107.031 3215
of the Revised Code, and after completion of the home study, the 3216
court determined that the proposed placement is in the best 3217
interest of the child; 3218

(3) The court has approved of record the proposed placement. 3219

In determining whether a custodian has authority to place 3220
children for adoption under the laws of a foreign country, the 3221
probate court shall determine whether the child has been released 3222
for adoption pursuant to the laws of the country in which the 3223

child resides, and if the release is in a form that satisfies the 3224
requirements of the immigration and naturalization service of the 3225
United States department of justice for purposes of immigration to 3226
this country pursuant to section 101(b)(1)(F) of the "Immigration 3227
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 3228
(b)(1)(F), as amended or reenacted. 3229

If the parent or parents of the child are deceased or have 3230
abandoned the child, as determined under division (A) of section 3231
3107.07 of the Revised Code, the application for approval of the 3232
proposed adoptive placement may be brought by the relative seeking 3233
to adopt the child, or by the department, board, or organization 3234
not otherwise having legal authority to place the orphaned or 3235
abandoned child for adoption, but having legal custody of the 3236
orphaned or abandoned child, in the probate court of the county in 3237
which the child is a resident, or in which the department, board, 3238
or organization is located, or where the person or persons with 3239
whom the child is to be placed reside. Unless the parent, parents, 3240
or guardian of the person of the child personally have appeared 3241
before the court and applied for approval of the placement, notice 3242
of the hearing on the application shall be served on the parent, 3243
parents, or guardian. 3244

The consent to placement, surrender, or adoption executed by 3245
a minor parent before a judge of the probate court or an 3246
authorized deputy or referee of the court, whether executed within 3247
or outside the confines of the court, is as valid as though 3248
executed by an adult. A consent given as above before an employee 3249
of a children services agency that is licensed as provided by law, 3250
is equally effective, if the consent also is accompanied by an 3251
affidavit executed by the witnessing employee or employees to the 3252
effect that the legal rights of the parents have been fully 3253
explained to the parents, prior to the execution of any consent, 3254
and that the action was done after the birth of the child. 3255

If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

(E) This section does not apply to an adoption by a stepparent, a grandparent, or a guardian.

Sec. 5103.18. (A)~~(1)~~ Prior to ~~placement certification or recertification as a foster home~~ under section ~~5103.16~~ 5103.03 of the Revised Code, ~~an association or institution certified to place a child into a foster home~~ a recommending agency shall ~~include~~ obtain a summary report of a search of the uniform statewide automated child welfare information system, ~~established in~~ under section 5101.13 of the Revised Code ~~with records required under division (B)(1) of section 5103.16 of the Revised Code,~~ from an entity listed in section 5101.132 of the Revised Code.

(2) Whenever a prospective foster parent or any other person eighteen years of age or older who resides with a prospective foster parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the recommending agency shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective foster parent or the person eighteen years of age or older who resides with the prospective foster parent to enable the agency to check any child abuse and neglect registry maintained by that other state. The recommending agency shall make the request and shall review the results of the check before the prospective foster parent may be finally approved for placement of a child. Information received pursuant to such a request shall be considered for purposes of this chapter as if it were a summary report required under division (A) of this section. The department

of job and family services shall comply with any request to check 3287
the central registry that is similar to the request described in 3288
this division and that is received from any other state. 3289

(B)(1) The summary report required under division (A) of this 3290
section shall contain, if applicable, a chronological list of 3291
abuse and neglect determinations or allegations of which a person 3292
seeking to become a foster caregiver of a child is subject and in 3293
regards to which a public children services agency has done one of 3294
the following: 3295

(a) Determined that abuse or neglect occurred; 3296

(b) Initiated an investigation, and the investigation is 3297
ongoing; 3298

(c) Initiated an investigation, and the agency was unable to 3299
determine whether abuse or neglect occurred. 3300

(2) The summary report required under division (A) of this 3301
section shall not contain any of the following: 3302

(a) An abuse and neglect determination of which a person 3303
seeking to become a foster caregiver of a child is subject and in 3304
regards to which a public children services agency determined that 3305
abuse or neglect did not occur; 3306

(b) Information or reports the dissemination of which is 3307
prohibited by, or interferes with eligibility under, the "Child 3308
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 3309
5101 et seq., as amended; 3310

(c) The name of the person who or entity that made, or 3311
participated in the making of, the report of abuse or neglect. 3312

(C)(1) A foster ~~placement~~ home certification or 3313
recertification may be denied based on a summary report containing 3314
the information described under division (B)(1)(a) of this 3315
section, when considered within the totality of the circumstances. 3316

(2) A foster ~~placement~~ home certification or recertification 3317
shall not be denied solely based on a summary report containing 3318
the information described under division (B)(1)(b) or (c) of this 3319
section. 3320

(D) Not later than January 1, 2008, the director of job and 3321
family services shall adopt rules in accordance with Chapter 119. 3322
of the Revised Code necessary for the implementation and execution 3323
of this section. 3324

Sec. 5104.011. (A) The director of job and family services 3325
shall adopt rules pursuant to Chapter 119. of the Revised Code 3326
governing the operation of child day-care centers, including, but 3327
not limited to, parent cooperative centers, part-time centers, 3328
drop-in centers, and school child centers, which rules shall 3329
reflect the various forms of child care and the needs of children 3330
receiving child care or publicly funded child care and shall 3331
include specific rules for school child care centers that are 3332
developed in consultation with the department of education. The 3333
rules shall not require an existing school facility that is in 3334
compliance with applicable building codes to undergo an additional 3335
building code inspection or to have structural modifications. The 3336
rules shall include the following: 3337

(1) Submission of a site plan and descriptive plan of 3338
operation to demonstrate how the center proposes to meet the 3339
requirements of this chapter and rules adopted pursuant to this 3340
chapter for the initial license application; 3341

(2) Standards for ensuring that the physical surroundings of 3342
the center are safe and sanitary including, but not limited to, 3343
the physical environment, the physical plant, and the equipment of 3344
the center; 3345

(3) Standards for the supervision, care, and discipline of 3346
children receiving child care or publicly funded child care in the 3347

center; 3348

(4) Standards for a program of activities, and for play 3349
equipment, materials, and supplies, to enhance the development of 3350
each child; however, any educational curricula, philosophies, and 3351
methodologies that are developmentally appropriate and that 3352
enhance the social, emotional, intellectual, and physical 3353
development of each child shall be permissible. As used in this 3354
division, "program" does not include instruction in religious or 3355
moral doctrines, beliefs, or values that is conducted at child 3356
day-care centers owned and operated by churches and does include 3357
methods of disciplining children at child day-care centers. 3358

(5) Admissions policies and procedures, health care policies 3359
and procedures, including, but not limited to, procedures for the 3360
isolation of children with communicable diseases, first aid and 3361
emergency procedures, procedures for discipline and supervision of 3362
children, standards for the provision of nutritious meals and 3363
snacks, and procedures for screening children and employees, 3364
including, but not limited to, any necessary physical examinations 3365
and immunizations; 3366

(6) Methods for encouraging parental participation in the 3367
center and methods for ensuring that the rights of children, 3368
parents, and employees are protected and that responsibilities of 3369
parents and employees are met; 3370

(7) Procedures for ensuring the safety and adequate 3371
supervision of children traveling off the premises of the center 3372
while under the care of a center employee; 3373

(8) Procedures for record keeping, organization, and 3374
administration; 3375

(9) Procedures for issuing, renewing, denying, and revoking a 3376
license that are not otherwise provided for in Chapter 119. of the 3377
Revised Code; 3378

(10) Inspection procedures;	3379
(11) Procedures and standards for setting initial and renewal license application fees;	3380 3381
(12) Procedures for receiving, recording, and responding to complaints about centers;	3382 3383
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3384 3385
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	3386 3387 3388 3389 3390
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	3391 3392 3393 3394 3395 3396
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	3397 3398 3399 3400
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	3401 3402 3403 3404
(18) A procedure for reporting of injuries of children that occur at the center;	3405 3406
(19) Any other procedures and standards necessary to carry out this chapter.	3407 3408

(B)(1) The child day-care center shall have, for each child 3409
for whom the center is licensed, at least thirty-five square feet 3410
of usable indoor floor space wall-to-wall regularly available for 3411
the child care operation exclusive of any parts of the structure 3412
in which the care of children is prohibited by law or by rules 3413
adopted by the board of building standards. The minimum of 3414
thirty-five square feet of usable indoor floor space shall not 3415
include hallways, kitchens, storage areas, or any other areas that 3416
are not available for the care of children, as determined by the 3417
director, in meeting the space requirement of this division, and 3418
bathrooms shall be counted in determining square footage only if 3419
they are used exclusively by children enrolled in the center, 3420
except that the exclusion of hallways, kitchens, storage areas, 3421
bathrooms not used exclusively by children enrolled in the center, 3422
and any other areas not available for the care of children from 3423
the minimum of thirty-five square feet of usable indoor floor 3424
space shall not apply to: 3425

(a) Centers licensed prior to or on September 1, 1986, that 3426
continue under licensure after that date; 3427

(b) Centers licensed prior to or on September 1, 1986, that 3428
are issued a new license after that date solely due to a change of 3429
ownership of the center. 3430

(2) The child day-care center shall have on the site a safe 3431
outdoor play space which is enclosed by a fence or otherwise 3432
protected from traffic or other hazards. The play space shall 3433
contain not less than sixty square feet per child using such space 3434
at any one time, and shall provide an opportunity for supervised 3435
outdoor play each day in suitable weather. The director may exempt 3436
a center from the requirement of this division, if an outdoor play 3437
space is not available and if all of the following are met: 3438

(a) The center provides an indoor recreation area that has 3439
not less than sixty square feet per child using the space at any 3440

one time, that has a minimum of one thousand four hundred forty 3441
square feet of space, and that is separate from the indoor space 3442
required under division (B)(1) of this section. 3443

(b) The director has determined that there is regularly 3444
available and scheduled for use a conveniently accessible and safe 3445
park, playground, or similar outdoor play area for play or 3446
recreation. 3447

(c) The children are closely supervised during play and while 3448
traveling to and from the area. 3449

The director also shall exempt from the requirement of this 3450
division a child day-care center that was licensed prior to 3451
September 1, 1986, if the center received approval from the 3452
director prior to September 1, 1986, to use a park, playground, or 3453
similar area, not connected with the center, for play or 3454
recreation in lieu of the outdoor space requirements of this 3455
section and if the children are closely supervised both during 3456
play and while traveling to and from the area and except if the 3457
director determines upon investigation and inspection pursuant to 3458
section 5104.04 of the Revised Code and rules adopted pursuant to 3459
that section that the park, playground, or similar area, as well 3460
as access to and from the area, is unsafe for the children. 3461

(3) The child day-care center shall have at least two 3462
responsible adults available on the premises at all times when 3463
seven or more children are in the center. The center shall 3464
organize the children in the center in small groups, shall provide 3465
child-care staff to give continuity of care and supervision to the 3466
children on a day-by-day basis, and shall ensure that no child is 3467
left alone or unsupervised. Except as otherwise provided in 3468
division (E) of this section, the maximum number of children per 3469
child-care staff member and maximum group size, by age category of 3470
children, are as follows: 3471

	Maximum Number of		3472
	Children Per	Maximum	3473
Age Category	Child-Care	Group	3474
of Children	Staff Member	Size	3475
(a) Infants:			3476
(i) Less than twelve			3477
months old	5:1, or		3478
	12:2 if two		3479
	child-care		3480
	staff members		3481
	are in the room	12	3482
(ii) At least twelve			3483
months old, but			3484
less than eighteen			3485
months old	6:1	12	3486
(b) Toddlers:			3487
(i) At least eighteen			3488
months old, but			3489
less than thirty			3490
months old	7:1	14	3491
(ii) At least thirty months			3492
old, but less than			3493
three years old	8:1	16	3494
(c) Preschool			3495
children:			3496
(i) Three years old	12:1	24	3497
(ii) Four years old and			3498
five years old who			3499
are not school			3500
children	14:1	28	3501
(d) School children:			3502
(i) A child who is			3503
enrolled in or is			3504

eligible to be			3505
enrolled in a grade			3506
of kindergarten			3507
or above, but			3508
is less than			3509
eleven years old	18:1	36	3510
(ii) Eleven through fourteen			3511
years old	20:1	40	3512

Except as otherwise provided in division (E) of this section, 3513
the maximum number of children per child-care staff member and 3514
maximum group size requirements of the younger age group shall 3515
apply when age groups are combined. 3516

(4)(a) The child day-care center administrator shall show the 3517
director both of the following: 3518

(i) Evidence of at least high school graduation or 3519
certification of high school equivalency by the state board of 3520
education or the appropriate agency of another state; 3521

(ii) Evidence of having completed at least two years of 3522
training in an accredited college, university, or technical 3523
college, including courses in child development or early childhood 3524
education, or at least two years of experience in supervising and 3525
giving daily care to children attending an organized group 3526
program. 3527

(b) In addition to the requirements of division (B)(4)(a) of 3528
this section, any administrator employed or designated on or after 3529
September 1, 1986, shall show evidence of, and any administrator 3530
employed or designated prior to September 1, 1986, shall show 3531
evidence within six years after such date of, at least one of the 3532
following: 3533

(i) Two years of experience working as a child-care staff 3534
member in a center and at least four courses in child development 3535

or early childhood education from an accredited college, 3536
university, or technical college, except that a person who has two 3537
years of experience working as a child-care staff member in a 3538
particular center and who has been promoted to or designated as 3539
administrator of that center shall have one year from the time the 3540
person was promoted to or designated as administrator to complete 3541
the required four courses; 3542

(ii) Two years of training, including at least four courses 3543
in child development or early childhood education from an 3544
accredited college, university, or technical college; 3545

(iii) A child development associate credential issued by the 3546
national child development associate credentialing commission; 3547

(iv) An associate or higher degree in child development or 3548
early childhood education from an accredited college, technical 3549
college, or university, or a license designated for teaching in an 3550
associate teaching position in a preschool setting issued by the 3551
state board of education. 3552

(5) All child-care staff members of a child day-care center 3553
shall be at least eighteen years of age, and shall furnish the 3554
director evidence of at least high school graduation or 3555
certification of high school equivalency by the state board of 3556
education or the appropriate agency of another state or evidence 3557
of completion of a training program approved by the department of 3558
job and family services or state board of education, except as 3559
follows: 3560

(a) A child-care staff member may be less than eighteen years 3561
of age if the staff member is either of the following: 3562

(i) A graduate of a two-year vocational child-care training 3563
program approved by the state board of education; 3564

(ii) A student enrolled in the second year of a vocational 3565
child-care training program approved by the state board of 3566

education which leads to high school graduation, provided that the 3567
student performs the student's duties in the child day-care center 3568
under the continuous supervision of an experienced child-care 3569
staff member, receives periodic supervision from the vocational 3570
child-care training program teacher-coordinator in the student's 3571
high school, and meets all other requirements of this chapter and 3572
rules adopted pursuant to this chapter. 3573

(b) A child-care staff member shall be exempt from the 3574
educational requirements of this division if the staff member: 3575

(i) Prior to January 1, 1972, was employed or designated by a 3576
child day-care center and has been continuously employed since 3577
either by the same child day-care center employer or at the same 3578
child day-care center; or 3579

(ii) Is a student enrolled in the second year of a vocational 3580
child-care training program approved by the state board of 3581
education which leads to high school graduation, provided that the 3582
student performs the student's duties in the child day-care center 3583
under the continuous supervision of an experienced child-care 3584
staff member, receives periodic supervision from the vocational 3585
child-care training program teacher-coordinator in the student's 3586
high school, and meets all other requirements of this chapter and 3587
rules adopted pursuant to this chapter. 3588

(6) Every child care staff member of a child day-care center 3589
annually shall complete fifteen hours of inservice training in 3590
child development or early childhood education, child abuse 3591
recognition and prevention, first aid, and in prevention, 3592
recognition, and management of communicable diseases, until a 3593
total of forty-five hours of training has been completed, unless 3594
the staff member furnishes one of the following to the director: 3595

(a) Evidence of an associate or higher degree in child 3596
development or early childhood education from an accredited 3597

college, university, or technical college; 3598

(b) A license designated for teaching in an associate 3599
teaching position in a preschool setting issued by the state board 3600
of education; 3601

(c) Evidence of a child development associate credential; 3602

(d) Evidence of a preprimary credential from the American 3603
Montessori society or the association Montessori ~~international~~ 3604
internationale. For the purposes of division (B)(6) of this 3605
section, "hour" means sixty minutes. 3606

(7) The administrator of each child day-care center shall 3607
prepare at least once annually and for each group of children at 3608
the center a roster of names and telephone numbers of parents, 3609
custodians, or guardians of each group of children attending the 3610
center and upon request shall furnish the roster for each group to 3611
the parents, custodians, or guardians of the children in that 3612
group. The administrator may prepare a roster of names and 3613
telephone numbers of all parents, custodians, or guardians of 3614
children attending the center and upon request shall furnish the 3615
roster to the parents, custodians, or guardians of the children 3616
who attend the center. The administrator shall not include in any 3617
roster the name or telephone number of any parent, custodian, or 3618
guardian who requests the administrator not to include the 3619
parent's, custodian's, or guardian's name or number and shall not 3620
furnish any roster to any person other than a parent, custodian, 3621
or guardian of a child who attends the center. 3622

(C)(1) Each child day-care center shall have on the center 3623
premises and readily available at all times at least one 3624
child-care staff member who has completed a course in first aid 3625
and in prevention, recognition, and management of communicable 3626
diseases which is approved by the state department of health and a 3627
staff member who has completed a course in child abuse recognition 3628

and prevention training which is approved by the department of job 3629
and family services. 3630

(2) The administrator of each child day-care center shall 3631
maintain enrollment, health, and attendance records for all 3632
children attending the center and health and employment records 3633
for all center employees. The records shall be confidential, 3634
except as otherwise provided in division (B)(7) of this section 3635
and except that they shall be disclosed by the administrator to 3636
the director upon request for the purpose of administering and 3637
enforcing this chapter and rules adopted pursuant to this chapter. 3638
Neither the center nor the licensee, administrator, or employees 3639
of the center shall be civilly or criminally liable in damages or 3640
otherwise for records disclosed to the director by the 3641
administrator pursuant to this division. It shall be a defense to 3642
any civil or criminal charge based upon records disclosed by the 3643
administrator to the director that the records were disclosed 3644
pursuant to this division. 3645

(3)(a) Any parent who is the residential parent and legal 3646
custodian of a child enrolled in a child day-care center and any 3647
custodian or guardian of such a child shall be permitted unlimited 3648
access to the center during its hours of operation for the 3649
purposes of contacting their children, evaluating the care 3650
provided by the center, evaluating the premises of the center, or 3651
for other purposes approved by the director. A parent of a child 3652
enrolled in a child day-care center who is not the child's 3653
residential parent shall be permitted unlimited access to the 3654
center during its hours of operation for those purposes under the 3655
same terms and conditions under which the residential parent of 3656
that child is permitted access to the center for those purposes. 3657
However, the access of the parent who is not the residential 3658
parent is subject to any agreement between the parents and, to the 3659
extent described in division (C)(3)(b) of this section, is subject 3660

to any terms and conditions limiting the right of access of the parent who is not the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.

(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division

(B)(1) or (2) of this section; the maximum number of children per 3693
child-care staff member and maximum group size requirements of 3694
division (B)(3) of this section; the educational and experience 3695
requirements of division (B)(4) of this section; the age, 3696
educational, and experience requirements of division (B)(5) of 3697
this section; the number of inservice training hours required 3698
under division (B)(6) of this section; or the requirement for at 3699
least annual preparation of a roster for each group of children of 3700
names and telephone numbers of parents, custodians, or guardians 3701
of each group of children attending the center that must be 3702
furnished upon request to any parent, custodian, or guardian of 3703
any child in that group required under division (B)(7) of this 3704
section; however, the rules shall provide procedures for 3705
determining compliance with those requirements. 3706

(E)(1) When age groups are combined, the maximum number of 3707
children per child-care staff member shall be determined by the 3708
age of the youngest child in the group, except that when no more 3709
than one child thirty months of age or older receives services in 3710
a group in which all the other children are in the next older age 3711
group, the maximum number of children per child-care staff member 3712
and maximum group size requirements of the older age group 3713
established under division (B)(3) of this section shall apply. 3714

(2) The maximum number of toddlers or preschool children per 3715
child-care staff member in a room where children are napping shall 3716
be twice the maximum number of children per child-care staff 3717
member established under division (B)(3) of this section if all 3718
the following criteria are met: 3719

(a) At least one child-care staff member is present in the 3720
room. 3721

(b) Sufficient child-care staff members are on the child 3722
day-care center premises to meet the maximum number of children 3723
per child-care staff member requirements established under 3724

division (B)(3) of this section.	3725
(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.	3726 3727
(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours during a twenty-four-hour day.	3728 3729 3730
(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:	3731 3732 3733 3734 3735 3736 3737 3738
(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	3739 3740 3741 3742
(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home;	3743 3744 3745 3746
(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	3747 3748 3749
(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	3750 3751 3752 3753 3754 3755

(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	3756 3757 3758 3759 3760 3761 3762 3763
(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	3764 3765 3766 3767
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	3768 3769 3770
(8) Procedures for record keeping, organization, and administration;	3771 3772
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	3773 3774 3775
(10) Inspection procedures;	3776
(11) Procedures and standards for setting initial and renewal license application fees;	3777 3778
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	3779 3780
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3781 3782
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or	3783 3784 3785

license which any person may use to report a suspected violation	3786
by the type A home of this chapter or rules adopted pursuant this	3787
chapter;	3788
(15) Requirements for the training of administrators and	3789
child-care staff members in first aid, in prevention, recognition,	3790
and management of communicable diseases, and in child abuse	3791
recognition and prevention;	3792
(16) Procedures to be used by licensees for checking the	3793
references of potential employees of type A homes and procedures	3794
to be used by the director for checking the references of	3795
applicants for licenses to operate type A homes;	3796
(17) Standards providing for the special needs of children	3797
who are handicapped or who require treatment for health conditions	3798
while the child is receiving child care or publicly funded child	3799
care in the type A home;	3800
(18) Standards for the maximum number of children per	3801
child-care staff member;	3802
(19) Requirements for the amount of usable indoor floor space	3803
for each child;	3804
(20) Requirements for safe outdoor play space;	3805
(21) Qualifications and training requirements for	3806
administrators and for child-care staff members;	3807
(22) Procedures for granting a parent who is the residential	3808
parent and legal custodian, or a custodian or guardian access to	3809
the type A home during its hours of operation;	3810
(23) Standards for the preparation and distribution of a	3811
roster of parents, custodians, and guardians;	3812
(24) Any other procedures and standards necessary to carry	3813
out this chapter.	3814
(G) The director of job and family services shall adopt rules	3815

pursuant to Chapter 119. of the Revised Code governing the 3816
certification of type B family day-care homes. 3817

(1) The rules shall include ~~procedures~~ all of the following: 3818

(a) Procedures, standards, and other necessary provisions for 3819
granting limited certification to type B family day-care homes 3820
that are operated by the following adult providers: 3821

~~(a)~~(i) Persons who provide child care for eligible children 3822
who are great-grandchildren, grandchildren, nieces, nephews, or 3823
siblings of the provider or for eligible children whose caretaker 3824
parent is a grandchild, child, niece, nephew, or sibling of the 3825
provider; 3826

~~(b)~~(ii) Persons who provide child care for eligible children 3827
all of whom are the children of the same caretaker parent-; 3828

~~The rules shall require, and shall include procedures~~ (b) 3829
Procedures for the director to ensure, that type B ~~family day-care~~ 3830
homes that receive a limited certification provide child care to 3831
children in a safe and sanitary manner; 3832

(c) Requirements for the type B home to notify parents with 3833
children in the type B home that the type B home is also certified 3834
as a foster home under section 5103.03 of the Revised Code. With 3835

With regard to providers who apply for limited certification, 3836
a provider shall be granted a provisional limited certification on 3837
signing a declaration under oath attesting that the provider meets 3838
the standards for limited certification. Such provisional limited 3839
certifications shall remain in effect for no more than sixty 3840
calendar days and shall entitle the provider to offer publicly 3841
funded child care during the provisional period. Except as 3842
otherwise provided in division (G)(1) of this section, section 3843
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 3844
section 5104.11 of the Revised Code, prior to the expiration of 3845
the provisional limited certificate, a county department of job 3846

and family services shall inspect the home and shall grant limited 3847
certification to the provider if the provider meets the 3848
requirements of this division. Limited certificates remain valid 3849
for two years unless earlier revoked. Except as otherwise provided 3850
in division (G)(1) of this section, providers operating under 3851
limited certification shall be inspected annually. 3852

If a provider is a person described in division (G)(1)(a)(i) 3853
of this section or a person described in division (G)(1)(~~b~~)(a)(ii) 3854
of this section who is a friend of the caretaker parent, the 3855
provider and the caretaker parent may verify in writing to the 3856
county department of job and family services that minimum health 3857
and safety requirements are being met in the home. Except as 3858
otherwise provided in section 5104.013 or 5104.09 or in division 3859
(A)(2) of section 5104.11 of the Revised Code, if such 3860
verification is provided, the county shall waive any inspection 3861
required by this chapter and grant limited certification to the 3862
provider. 3863

(2) The rules shall provide for safeguarding the health, 3864
safety, and welfare of children receiving child care or publicly 3865
funded child care in a certified type B home and shall include the 3866
following: 3867

(a) Standards for ensuring that the type B home and the 3868
physical surroundings of the type B home are safe and sanitary, 3869
including, but not limited to, physical environment, physical 3870
plant, and equipment; 3871

(b) Standards for the supervision, care, and discipline of 3872
children receiving child care or publicly funded child care in the 3873
home; 3874

(c) Standards for a program of activities, and for play 3875
equipment, materials, and supplies to enhance the development of 3876
each child; however, any educational curricula, philosophies, and 3877

methodologies that are developmentally appropriate and that	3878
enhance the social, emotional, intellectual, and physical	3879
development of each child shall be permissible;	3880
(d) Admission policies and procedures, health care, first aid	3881
and emergency procedures, procedures for the care of sick	3882
children, procedures for discipline and supervision of children,	3883
nutritional standards, and procedures for screening children and	3884
authorized providers, including, but not limited to, any necessary	3885
physical examinations and immunizations;	3886
(e) Methods of encouraging parental participation and	3887
ensuring that the rights of children, parents, and authorized	3888
providers are protected and the responsibilities of parents and	3889
authorized providers are met;	3890
(f) Standards for the safe transport of children when under	3891
the care of authorized providers;	3892
(g) Procedures for issuing, renewing, denying, refusing to	3893
renew, or revoking certificates;	3894
(h) Procedures for the inspection of type B family day care	3895
homes that require, at a minimum, that each type B family day care	3896
home be inspected prior to certification to ensure that the home	3897
is safe and sanitary;	3898
(i) Procedures for record keeping and evaluation;	3899
(j) Procedures for receiving, recording, and responding to	3900
complaints;	3901
(k) Standards providing for the special needs of children who	3902
are handicapped or who receive treatment for health conditions	3903
while the child is receiving child care or publicly funded child	3904
care in the type B home;	3905
(l) Requirements for the amount of usable indoor floor space	3906
for each child;	3907

(m) Requirements for safe outdoor play space;	3908
(n) Qualification and training requirements for authorized providers;	3909 3910
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	3911 3912 3913
(p) <u>Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;</u>	3914 3915 3916
(q) Any other procedures and standards necessary to carry out this chapter.	3917 3918
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:	3919 3920 3921 3922 3923 3924 3925 3926 3927 3928 3929 3930 3931 3932 3933
(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;	3934 3935 3936 3937
(2) Standards for the supervision, care, and discipline of	3938

children receiving publicly funded child care in their own home;	3939
(3) Standards for a program of activities, and for play	3940
equipment, materials, and supplies to enhance the development of	3941
each child; however, any educational curricula, philosophies, and	3942
methodologies that are developmentally appropriate and that	3943
enhance the social, emotional, intellectual, and physical	3944
development of each child shall be permissible;	3945
(4) Health care, first aid, and emergency procedures,	3946
procedures for the care of sick children, procedures for	3947
discipline and supervision of children, nutritional standards, and	3948
procedures for screening children and in-home aides, including,	3949
but not limited to, any necessary physical examinations and	3950
immunizations;	3951
(5) Methods of encouraging parental participation and	3952
ensuring that the rights of children, parents, and in-home aides	3953
are protected and the responsibilities of parents and in-home	3954
aides are met;	3955
(6) Standards for the safe transport of children when under	3956
the care of in-home aides;	3957
(7) Procedures for issuing, renewing, denying, refusing to	3958
renew, or revoking certificates;	3959
(8) Procedures for inspection of homes of children receiving	3960
publicly funded child care in their own homes;	3961
(9) Procedures for record keeping and evaluation;	3962
(10) Procedures for receiving, recording, and responding to	3963
complaints;	3964
(11) Qualifications and training requirements for in-home	3965
aides;	3966
(12) Standards providing for the special needs of children	3967
who are handicapped or who receive treatment for health conditions	3968

while the child is receiving publicly funded child care in the 3969
child's own home; 3970

(13) Any other procedures and standards necessary to carry 3971
out this chapter. 3972

(I) To the extent that any rules adopted for the purposes of 3973
this section require a health care professional to perform a 3974
physical examination, the rules shall include as a health care 3975
professional a physician assistant, a clinical nurse specialist, a 3976
certified nurse practitioner, or a certified nurse-midwife. 3977

(J)(1) The director of job and family services shall do all 3978
of the following: 3979

(a) ~~Send~~ Provide or make available in either paper or 3980
electronic form to each licensee notice of proposed rules 3981
governing the licensure of child day-care centers and type A 3982
homes; 3983

(b) Give public notice of hearings regarding the rules to 3984
each licensee at least thirty days prior to the date of the public 3985
hearing, in accordance with section 119.03 of the Revised Code; 3986

(c) At least thirty days before the effective date of a rule, 3987
provide, in either paper or electronic form, a copy of the adopted 3988
rule to each licensee. 3989

(2) The director shall do all of the following: 3990

(a) Send to each county director of job and family services a 3991
notice of proposed rules governing the certification of type B 3992
family homes and in-home aides that includes an internet web site 3993
address where the proposed rules can be viewed; 3994

(b) Give public notice of hearings regarding the proposed 3995
rules not less than thirty days in advance; 3996

(c) Provide to each county director of job and family 3997
services an electronic copy of each adopted rule at least 3998

forty-five days prior to the rule's effective date. 3999

(3) The county director of job and family services shall ~~send~~ 4000
~~copies of proposed rules~~ provide or make available in either paper 4001
or electronic form to each authorized provider and in-home aide 4002
copies of proposed rules and shall give public notice of hearings 4003
regarding the rules to each authorized provider and in-home aide 4004
at least thirty days prior to the date of the public hearing, in 4005
accordance with section 119.03 of the Revised Code. At least 4006
thirty days before the effective date of a rule, the county 4007
director of job and family services shall provide, in either paper 4008
or electronic form, copies of the adopted rule to each authorized 4009
provider and in-home aide. 4010

(4) Additional copies of proposed and adopted rules shall be 4011
made available by the director of job and family services to the 4012
public on request at no charge. 4013

(5) The director of job and family services shall recommend 4014
standards for imposing sanctions on persons and entities that are 4015
licensed or certified under this chapter and that violate any 4016
provision of this chapter. The standards shall be based on the 4017
scope and severity of the violations. The director shall provide 4018
copies of the recommendations to the governor, the speaker and 4019
minority leader of the house of representatives, and the president 4020
and minority leader of the senate and, on request, shall make 4021
copies available to the public. 4022

(6) The director of job and family services shall adopt rules 4023
pursuant to Chapter 119. of the Revised Code that establish 4024
standards for the training of individuals whom any county 4025
department of job and family services employs, with whom any 4026
county department of job and family services contracts, or with 4027
whom the director of job and family services contracts, to inspect 4028
or investigate type B family day-care homes pursuant to section 4029
5104.11 of the Revised Code. The department shall provide training 4030

in accordance with those standards for individuals in the 4031
categories described in this division. 4032

(K) The director of job and family services shall review all 4033
rules adopted pursuant to this chapter at least once every seven 4034
years. 4035

(L) Notwithstanding any provision of the Revised Code, the 4036
director of job and family services shall not regulate in any way 4037
under this chapter or rules adopted pursuant to this chapter, 4038
instruction in religious or moral doctrines, beliefs, or values. 4039

Sec. 5104.012. (A)(1) ~~The~~ At the times specified in this 4040
division, the administrator of a child day-care center or a type A 4041
family day-care home ~~and the provider of a certified type B family~~ 4042
~~day-care home~~ shall request the superintendent of the bureau of 4043
criminal identification and investigation to conduct a criminal 4044
records check with respect to any applicant who has applied to the 4045
center, or type A home, ~~or certified type B home~~ for employment as 4046
a person responsible for the care, custody, or control of a child. 4047
~~If the applicant does not present proof that the applicant has~~ 4048
~~been a resident of this state for the five year period immediately~~ 4049
~~prior to the date upon which the criminal records check is~~ 4050
~~requested or does not provide evidence that within that five year~~ 4051
~~period the superintendent has requested information about the~~ 4052
~~applicant from the federal bureau of investigation in a criminal~~ 4053
~~records check~~ 4054

The administrator shall request a criminal records check 4055
pursuant to this division at the time of the applicant's initial 4056
application for employment and every four years thereafter at the 4057
time of a license renewal. When the administrator requests 4058
pursuant to this division a criminal records check for an 4059
applicant at the time of the applicant's initial application for 4060
employment, the administrator ~~or provider~~ shall request that the 4061

superintendent obtain information from the federal bureau of 4062
investigation as a part of the criminal records check for the 4063
applicant. ~~If the applicant presents proof that the applicant has~~ 4064
~~been a resident of this state for that five year period, the~~ 4065
~~administrator or provider may request that the superintendent~~ 4066
~~include information from the federal bureau of investigation in~~ 4067
~~the criminal records check, including fingerprint based checks of~~ 4068
national crime information databases as described in 42 U.S.C. 4069
671, for the person subject to the criminal records check. In all 4070
other cases in which the administrator requests a criminal records 4071
check for an applicant pursuant to this division, the 4072
administrator may request that the superintendent include 4073
information from the federal bureau of investigation in the 4074
criminal records check, including fingerprint based checks of 4075
national crime information databases as described in 42 U.S.C. 4076
671. 4077

(2) A person required by division (A)(1) of this section to 4078
request a criminal records check shall provide to each applicant a 4079
copy of the form prescribed pursuant to division (C)(1) of section 4080
109.572 of the Revised Code, provide to each applicant a standard 4081
impression sheet to obtain fingerprint impressions prescribed 4082
pursuant to division (C)(2) of section 109.572 of the Revised 4083
Code, obtain the completed form and impression sheet from each 4084
applicant, and forward the completed form and impression sheet to 4085
the superintendent of the bureau of criminal identification and 4086
investigation at the time the person requests a criminal records 4087
check pursuant to division (A)(1) of this section. On and after 4088
the effective date of this amendment, the administrator of a child 4089
day-care center or a type A family day-care home shall review the 4090
results of the criminal records check before the applicant has 4091
sole responsibility for the care, custody, or control of any 4092
child. 4093

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center, ~~or type A home, or type B home~~ 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 under division (E) of this section, no child day-care center, ~~or type A family day-care home, or certified type B family day-care home~~ shall employ or contract with another entity for the services of 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, 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 4126
that date, a violation of section 2925.11 of the Revised Code that 4127
is not a minor drug possession offense, or felonious sexual 4128
penetration in violation of former section 2907.12 of the Revised 4129
Code; 4130~~

~~(b) A violation of an existing or former law of this state, 4131
any other state, or the United States that is substantially 4132
equivalent to any of the offenses or violations described in 4133
division (B)(1)(a) of this section violations described in 4134
division (A)(9) of section 109.572 of the Revised Code. 4135~~

(2) A child day-care center, or type A family day-care home, 4136
~~or certified type B family day-care home~~ may employ an applicant 4137
conditionally until the criminal records check required by this 4138
section is completed and the center or home receives the results 4139
of the criminal records check. If the results of the criminal 4140
records check indicate that, pursuant to division (B)(1) of this 4141
section, the applicant does not qualify for employment, the center 4142
or home shall release the applicant from employment. 4143

(C)(1) Each child day-care center, and type A family day-care 4144
~~home, and certified type B family day-care home~~ shall pay to the 4145
bureau of criminal identification and investigation the fee 4146
prescribed pursuant to division (C)(3) of section 109.572 of the 4147
Revised Code for each criminal records check conducted in 4148
accordance with that section upon the request pursuant to division 4149
(A)(1) of this section of the administrator or provider of the 4150
center or home. 4151

(2) A child day-care center, and type A family day-care home, 4152
~~and certified type B family day-care home~~ may charge an applicant 4153
a fee for the costs it incurs in obtaining a criminal records 4154
check under this section. A fee charged under this division shall 4155
not exceed the amount of fees the center or home pays under 4156
division (C)(1) of this section. If a fee is charged under this 4157

division, the center or home shall notify the applicant at the 4158
time of the applicant's initial application for employment of the 4159
amount of the fee and that, unless the fee is paid, the center, or 4160
type A home, ~~or type B home~~ will not consider the applicant for 4161
employment. 4162

(D) The report of any criminal records check conducted by the 4163
bureau of criminal identification and investigation in accordance 4164
with section 109.572 of the Revised Code and pursuant to a request 4165
under division (A)(1) of this section is not a public record for 4166
the purposes of section 149.43 of the Revised Code and shall not 4167
be made available to any person other than the applicant who is 4168
the subject of the criminal records check or the applicant's 4169
representative; the center, or type A home, ~~or certified type B~~ 4170
~~home~~ requesting the criminal records check or its representative; 4171
the department of job and family services or a county department 4172
of job and family services; and any court, hearing officer, or 4173
other necessary individual involved in a case dealing with the 4174
denial of employment to the applicant. 4175

(E) The director of job and family services shall adopt rules 4176
pursuant to Chapter 119. of the Revised Code to implement this 4177
section, including rules specifying circumstances under which a 4178
center or home may hire a person who has been convicted of an 4179
offense listed in division (B)(1) of this section but who meets 4180
standards in regard to rehabilitation set by the department. 4181

(F) Any person required by division (A)(1) of this section to 4182
request a criminal records check shall inform each person, at the 4183
time of the person's initial application for employment, that the 4184
person is required to provide a set of impressions of the person's 4185
fingerprints and that a criminal records check is required to be 4186
conducted and satisfactorily completed in accordance with section 4187
109.572 of the Revised Code if the person comes under final 4188
consideration for appointment or employment as a precondition to 4189

employment for that position. 4190

(G) As used in this section: 4191

(1) "Applicant" means a person who is under final 4192
consideration for appointment to or employment in a position with 4193
a child day-care center, or a type A family day-care home, ~~or a~~ 4194
~~certified type B family day-care home~~ as a person responsible for 4195
the care, custody, or control of a child; an in-home aide 4196
certified pursuant to section 5104.12 of the Revised Code; or any 4197
person who would serve in any position with a child day-care 4198
center, or a type A family day-care home, ~~or a certified type B~~ 4199
~~family day-care home~~ as a person responsible for the care, 4200
custody, or control of a child pursuant to a contract with another 4201
entity. 4202

(2) "Criminal records check" has the same meaning as in 4203
section 109.572 of the Revised Code. 4204

~~(3) "Minor drug possession offense" has the same meaning as~~ 4205
~~in section 2925.01 of the Revised Code.~~ 4206

Sec. 5104.013. (A)(1) ~~The~~ At the times specified in division 4207
(A)(3) of this section, the director of job and family services, 4208
as part of the process of licensure of child day-care centers and 4209
type A family day-care homes, shall request the superintendent of 4210
the bureau of criminal identification and investigation to conduct 4211
a criminal records check with respect to the following persons: 4212

(a) Any owner, licensee, or administrator of a child day-care 4213
center; 4214

(b) Any owner, licensee, or administrator of a type A family 4215
day-care home and any person eighteen years of age or older who 4216
resides in a type A family day-care home. 4217

(2) ~~The~~ At the times specified in division (A)(3) of this 4218
section, the director of a county department of job and family 4219

services, as part of the process of certification of type B family 4220
day-care homes, shall request the superintendent of the bureau of 4221
criminal identification and investigation to conduct a criminal 4222
records check with respect to any authorized provider of a 4223
certified type B family day-care home and any person eighteen 4224
years of age or older who resides in a certified type B family 4225
day-care home. 4226

~~(3) If the owner, licensee, administrator, or person eighteen 4227
years of age or older who is the subject of a criminal records 4228
check pursuant to division (A)(1) of this section, or the 4229
authorized provider or person eighteen years of age or older who 4230
is the subject of a criminal records check pursuant to division 4231
(A)(2) of this section, does not present proof that the owner, 4232
licensee, administrator, authorized provider, or person has been a 4233
resident of this state for the five year period immediately prior 4234
to the date upon which the criminal records check is requested or 4235
does not provide evidence that within that five year period the 4236
superintendent of the bureau of criminal identification and 4237
investigation has requested information about the owner, licensee, 4238
administrator, authorized provider, or person from the federal 4239
bureau of investigation in a criminal records check The director 4240
of job and family services shall request a criminal records check 4241
pursuant to division (A)(1) of this section at the time of the 4242
initial application for licensure and every four years thereafter 4243
at the time of a license renewal. The director of a county 4244
department of job and family services shall request a criminal 4245
records check pursuant to division (A)(2) of this section at the 4246
time of the initial application for certification and every four 4247
years thereafter at the time of a certification renewal. When the 4248
director of job and family services or the director of a county 4249
department of job and family services requests pursuant to 4250
division (A)(1) or (2) of this section a criminal records check 4251
for a person at the time of the person's initial application for 4252~~

licensure or certification, the director shall request that the 4253
superintendent of the bureau of criminal identification and 4254
investigation obtain information from the federal bureau of 4255
investigation as a part of the criminal records check for the 4256
applicant. ~~If the owner, licensee, administrator, authorized~~ 4257
~~provider, or person presents proof that the owner, licensee,~~ 4258
~~administrator, authorized provider, or person has been a resident~~ 4259
~~of this state for that five year period, the director may request~~ 4260
~~that the superintendent include information from the federal~~ 4261
~~bureau of investigation in the criminal records check~~ person, 4262
including fingerprint based checks of national crime information 4263
databases as described in 42 U.S.C. 671 for the person subject to 4264
the criminal records check. In all other cases in which the 4265
director of job and family services or the director of a county 4266
department of job and family services requests a criminal records 4267
check for an applicant pursuant to division (A)(1) or (2) of this 4268
section, the director may request that the superintendent include 4269
information from the federal bureau of investigation in the 4270
criminal records check, including fingerprint based checks of 4271
national crime information databases as described in 42 U.S.C. 4272
671. 4273

(4) The director of job and family services shall review the 4274
results of a criminal records check subsequent to a request made 4275
pursuant to divisions (A)(1) and (3) of this section prior to 4276
approval of a license. The director of a county department of job 4277
and family services shall review the results of a criminal records 4278
check subsequent to a request made pursuant to divisions (A)(2) 4279
and (3) of this section prior to approval of certification. 4280

(B) The director of job and family services or the director 4281
of a county department of job and family services shall provide to 4282
each person for whom a criminal records check is required under 4283
this section a copy of the form prescribed pursuant to division 4284

(C)(1) of section 109.572 of the Revised Code and a standard 4285
impression sheet to obtain fingerprint impressions prescribed 4286
pursuant to division (C)(2) of that section, obtain the completed 4287
form and impression sheet from that person, and forward the 4288
completed form and impression sheet to the superintendent of the 4289
bureau of criminal identification and investigation. 4290

(C) A person who receives pursuant to division (B) of this 4291
section a copy of the form and standard impression sheet described 4292
in that division and who is requested to complete the form and 4293
provide a set of fingerprint impressions shall complete the form 4294
or provide all the information necessary to complete the form and 4295
shall provide the impression sheet with the impressions of the 4296
person's fingerprints. If the person, upon request, fails to 4297
provide the information necessary to complete the form or fails to 4298
provide impressions of the person's fingerprints, the director may 4299
consider the failure as a reason to deny licensure or 4300
certification. 4301

(D)~~(1)~~ Except as provided in rules adopted under division (G) 4302
of this section, the director of job and family services shall not 4303
grant a license to a child day-care center or type A family 4304
day-care home and a county director of job and family services 4305
shall not certify a type B family day-care home if a person for 4306
whom a criminal records check was required in connection with the 4307
center or home previously has been convicted of or pleaded guilty 4308
to any of the ~~following~~: 4309

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4310
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4311
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4312
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4313
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4314
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4315
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4316

~~2925.06, or 3716.11 of the Revised Code, a violation of section 4317
2905.04 as it existed prior to July 1, 1996, a violation of 4318
section 2919.23 of the Revised Code that would have been a 4319
violation of section 2905.04 of the Revised Code as it existed 4320
prior to July 1, 1996, had the violation been committed prior to 4321
that date, a violation of section 2925.11 of the Revised Code that 4322
is not a minor drug possession offense, or felonious sexual 4323
penetration in violation of former section 2907.12 of the Revised 4324
Code; 4325~~

~~(b) A violation of an existing or former law of this state, 4326
any other state, or the United States that is substantially 4327
equivalent to any of the offenses or violations described in 4328
division (D)(1)(a) of this section. 4329~~

~~(2) In addition to the prohibition described in division 4330
(D)(1) of this section, and except as provided in rules adopted 4331
under division (C) of this section, the director shall not grant a 4332
license to a child day care center or type A family day care home 4333
and a county director shall not certify a type B family day care 4334
home if an owner, licensee, or administrator of a child day care 4335
center or type A family day care home or an authorized provider of 4336
a certified type B family day care home previously has been 4337
convicted of or pleaded guilty to any of the following: 4338~~

~~(a) A violation of section 2913.02, 2913.03, 2913.04, 4339
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 4340
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 4341
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 4342
2921.13, or 2923.01 of the Revised Code, a violation of section 4343
2923.02 or 2923.03 of the Revised Code that relates to a crime 4344
specified in this division or division (D)(1) of this section, or 4345
a second violation of section 4511.19 of the Revised Code within 4346
five years of the date of application for licensure or 4347
certification. 4348~~

~~(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 (D)(2)(a) of this section~~ violations described in division (A)(9) of section 109.572 of the Revised Code.

(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.

(F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the criminal records check.

(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (D) of this section for persons who have been convicted of an offense listed in that division but who meet standards in regard to rehabilitation set by the department.

(H) As used in this section:

~~(1) "Criminal, "criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 4381
4382

~~(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~ 4383
4384

Sec. 5104.022. The department of job and family services 4385
shall not license a prospective type A family day-care home if 4386
that prospective family day-care home is certified to be a foster 4387
home or specialized foster home pursuant to Chapter 5103. of the 4388
Revised Code. A county department of job and family services shall 4389
not certify a prospective type B family day-care home if that 4390
prospective family day-care home is certified to be a specialized 4391
foster home pursuant to Chapter 5103. of the Revised Code. 4392

Sec. 5104.09. (A)(1) Except as provided in rules adopted 4393
pursuant to division (D) of this section: 4394

~~(a) No, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(9) of section 109.572 of the Revised Code, a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 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, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.24, 2919.25, 2921.03, 2921.34, or 2921.35, 2923.12, 2923.13, 2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, as defined in section 2925.01 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, or a violation of an~~ 4395
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existing or former law or ordinance of any municipal corporation, 4411
this state, any other state, or the United States that is 4412
substantially equivalent to any of those violations ~~shall be~~ 4413
~~certified as an in-home aide or be employed in any capacity in or~~ 4414
~~own or operate a child day care center, type A family day care~~ 4415
~~home, type B family day care home, or certified type B family~~ 4416
~~day care home.~~ 4417

~~(b) No individual who has been convicted of or pleaded guilty~~ 4418
~~to a violation of section 2913.02, 2913.03, 2913.04, 2913.041,~~ 4419
~~2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33,~~ 4420
~~2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441,~~ 4421
~~2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or~~ 4422
~~2923.01 of the Revised Code, a violation of section 2923.02 or~~ 4423
~~2923.03 of the Revised Code that relates to a crime specified in~~ 4424
~~this division or division (A)(1)(a) of this section, a second~~ 4425
~~violation of section 4511.19 of the Revised Code within five years~~ 4426
~~of the date of operation of the child day care center or family~~ 4427
~~day care home, or two violations of section 4511.19 of the Revised~~ 4428
~~Code during operation of the center or home, or a violation of an~~ 4429
~~existing or former law of this state, any other state, or the~~ 4430
~~United States that is substantially equivalent to any of those~~ 4431
~~violations shall be certified as an in-home aide or be employed in~~ 4432
any capacity in or own or operate a child day-care center, type A 4433
family day-care home, type B family day-care home, or certified 4434
type B family day-care home. 4435

(2) Each employee of a child day-care center and type A home 4436
and every person eighteen years of age or older residing in a type 4437
A home shall sign a statement on forms prescribed by the director 4438
of job and family services attesting to the fact that the employee 4439
or resident person has not been convicted of or pleaded guilty to 4440
any offense set forth in division (A)(1)(a) of this section and 4441
that no child has been removed from the employee's or resident 4442

person's home pursuant to section 2151.353 of the Revised Code. 4443
Each licensee of a type A home shall sign a statement on a form 4444
prescribed by the director attesting to the fact that no person 4445
who resides at the type A home and who is under the age of 4446
eighteen has been adjudicated a delinquent child for committing a 4447
violation of any section listed in division (A)(1)~~(a)~~ of this 4448
section. The statements shall be kept on file at the center or 4449
type A home. 4450

(3) Each in-home aide and every person eighteen years of age 4451
or older residing in a certified type B home shall sign a 4452
statement on forms prescribed by the director of job and family 4453
services attesting that the aide or resident person has not been 4454
convicted of or pleaded guilty to any offense set forth in 4455
division (A)(1)~~(a)~~ of this section and that no child has been 4456
removed from the aide's or resident person's home pursuant to 4457
section 2151.353 of the Revised Code. Each authorized provider 4458
shall sign a statement on forms prescribed by the director 4459
attesting that the provider has not been convicted of or pleaded 4460
guilty to any offense set forth in division (A)(1)~~(a)~~ ~~or (b)~~ of 4461
this section and that no child has been removed from the 4462
provider's home pursuant to section 2151.353 of the Revised Code. 4463
Each authorized provider shall sign a statement on a form 4464
prescribed by the director attesting to the fact that no person 4465
who resides at the certified type B home and who is under the age 4466
of eighteen has been adjudicated a delinquent child for committing 4467
a violation of any section listed in division (A)(1)~~(a)~~ of this 4468
section. The statements shall be kept on file at the county 4469
department of job and family services. 4470

(4) Each administrator and licensee of a center or type A 4471
home shall sign a statement on a form prescribed by the director 4472
of job and family services attesting that the administrator or 4473
licensee has not been convicted of or pleaded guilty to any 4474

offense set forth in division (A)(1)~~(a) or (b)~~ of this section and 4475
that no child has been removed from the administrator's or 4476
licensee's home pursuant to section 2151.353 of the Revised Code. 4477
The statement shall be kept on file at the center or type A home. 4478

(B) No in-home aide, no administrator, licensee, authorized 4479
provider, or employee of a center, type A home, or certified type 4480
B home, and no person eighteen years of age or older residing in a 4481
type A home or certified type B home shall withhold information 4482
from, or falsify information on, any statement required pursuant 4483
to division (A)(2), (3), or (4) of this section. 4484

(C) No administrator, licensee, or child-care staff member 4485
shall discriminate in the enrollment of children in a child 4486
day-care center upon the basis of race, color, religion, sex, or 4487
national origin. 4488

(D) The director of job and family services shall adopt rules 4489
pursuant to Chapter 119. of the Revised Code to implement this 4490
section, including rules specifying exceptions to the prohibition 4491
in division (A)~~(1)~~ of this section for persons who have been 4492
convicted of an offense listed in that division but meet 4493
rehabilitation standards set by the department. 4494

Sec. 5104.30. (A) The department of job and family services 4495
is hereby designated as the state agency responsible for 4496
administration and coordination of federal and state funding for 4497
publicly funded child care in this state. Publicly funded child 4498
care shall be provided to the following: 4499

(1) Recipients of transitional child care as provided under 4500
section 5104.34 of the Revised Code; 4501

(2) Participants in the Ohio works first program established 4502
under Chapter 5107. of the Revised Code; 4503

(3) Individuals who would be participating in the Ohio works 4504

first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to 4536
prepare any rules required under this chapter and to administer 4537
and coordinate federal and state funding for publicly funded child 4538
care. 4539

(2) Not more than five per cent of the aggregate amount of 4540
the federal funds received for a fiscal year may be expended for 4541
administrative costs. 4542

(3) The department shall allocate and use at least four per 4543
cent of the federal funds for the following: 4544

(a) Activities designed to provide comprehensive consumer 4545
education to parents and the public; 4546

(b) Activities that increase parental choice; 4547

(c) Activities, including child care resource and referral 4548
services, designed to improve the quality, and increase the 4549
supply, of child care. 4550

(4) The department shall ensure that the federal funds will 4551
be used only to supplement, and will not be used to supplant, 4552
federal, state, and local funds available on the effective date of 4553
the child care block grant act for publicly funded child care and 4554
related programs. A county department of job and family services 4555
may purchase child care from funds obtained through any other 4556
means. 4557

(D) The department shall encourage the development of 4558
suitable child care throughout the state, especially in areas with 4559
high concentrations of recipients of public assistance and 4560
families with low incomes. The department shall encourage the 4561
development of suitable child care designed to accommodate the 4562
special needs of migrant workers. On request, the department, 4563
through its employees or contracts with state or community child 4564
care resource and referral service organizations, shall provide 4565
consultation to groups and individuals interested in developing 4566

child care. The department of job and family services may enter 4567
into interagency agreements with the department of education, the 4568
board of regents, the department of development, and other state 4569
agencies and entities whenever the cooperative efforts of the 4570
other state agencies and entities are necessary for the department 4571
of job and family services to fulfill its duties and 4572
responsibilities under this chapter. 4573

The department shall develop and maintain a registry of 4574
persons providing child care. The director shall adopt rules 4575
pursuant to Chapter 119. of the Revised Code establishing 4576
procedures and requirements for the registry's administration. 4577

(E)(1) The director shall adopt rules in accordance with 4578
Chapter 119. of the Revised Code establishing both of the 4579
following: 4580

(a) Reimbursement ceilings for providers of publicly funded 4581
child care; 4582

(b) A procedure for reimbursing and paying providers of 4583
publicly funded child care. 4584

(2) In establishing reimbursement ceilings under division 4585
(E)(1)(a) of this section, the director shall do all of the 4586
following: 4587

(a) Use the information obtained under division (B)(3) of 4588
section 5104.04 of the Revised Code; 4589

(b) Establish an enhanced reimbursement ceiling for providers 4590
who provide child care for caretaker parents who work 4591
nontraditional hours; 4592

(c) For a type B family day-care home provider that has 4593
received limited certification pursuant to rules adopted under 4594
division (G)(1) of section 5104.011 of the Revised Code, establish 4595
a reimbursement ceiling that is the following: 4596

(i) If the provider is a person described in division 4597
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 4598
per cent of the reimbursement ceiling that applies to a type B 4599
family day-care home certified by the same county department of 4600
job and family services pursuant to section 5104.11 of the Revised 4601
Code; 4602

(ii) If the provider is a person described in division 4603
(G)(1)(~~b~~)(a)(ii) of section 5104.011 of the Revised Code, sixty 4604
per cent of the reimbursement ceiling that applies to a type B 4605
family day-care home certified by the same county department 4606
pursuant to section 5104.11 of the Revised Code. 4607

(3) In establishing reimbursement ceilings under division 4608
(E)(1)(a) of this section, the director may establish different 4609
reimbursement ceilings based on any of the following: 4610

(a) Geographic location of the provider; 4611

(b) Type of care provided; 4612

(c) Age of the child served; 4613

(d) Special needs of the child served; 4614

(e) Whether the expanded hours of service are provided; 4615

(f) Whether weekend service is provided; 4616

(g) Whether the provider has exceeded the minimum 4617
requirements of state statutes and rules governing child care; 4618

(h) Any other factors the director considers appropriate. 4619

Section 2. That existing sections 109.57, 109.572, 109.60, 4620
109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 4621
2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 4622
5101.134, 5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 4623
5104.011, 5104.012, 5104.013, 5104.09, and 5104.30 of the Revised 4624
Code are hereby repealed. 4625

Section 3. (A) In addition to the actions authorized by 4626
section 5101.24 of the Revised Code, not later than thirty days 4627
after the effective date of this act, the Director of Job and 4628
Family Services shall convene a work group to study and make 4629
recommendations to the Director regarding both of the following: 4630

(1) Support for positive child and family outcomes offered to 4631
public children services agencies, private child placing agencies, 4632
and private noncustodial agencies by the Department of Job and 4633
Family Services; 4634

(2) The establishment of fines and sanctions for public 4635
children services agencies, private child placing agencies, and 4636
private noncustodial agencies that do not comply with foster care 4637
related laws or rules. 4638

(B) The work group shall include representatives of public 4639
children services agencies, private child placing agencies, 4640
private noncustodial agencies, the Ohio Family Care Association, 4641
the Ohio Association of Child Caring Agencies, the Public Children 4642
Services Association of Ohio, the Ohio Job and Family Services 4643
Directors' Association, the County Commissioners' Association of 4644
Ohio, foster caregivers, and current and former foster children. 4645

(C) The work group shall prepare a report that contains 4646
recommendations regarding Department support for local agencies 4647
and the establishment of fines and sanctions either in law, rule, 4648
or both. The work group shall submit the report not later than 4649
June 30, 2008, to the Director. The Director shall review the 4650
recommendations and create an executive summary of the 4651
recommendations and submit the summary to the Governor, the 4652
Speaker of the House of Representatives, and the President of the 4653
Senate. The work group shall cease to exist upon submission of the 4654
executive summary. 4655

Section 4. Until the Uniform Statewide Automated Child Welfare Information System established under section 5101.13 of the Revised Code is implemented statewide by all public children services agencies as described in section 5153.02 of the Revised Code, agencies or persons required to include a summary report pursuant to section 3107.033 or 5103.18 of the Revised Code shall request a check of the Ohio Central Registry of Abuse and Neglect from the Department of Job and Family Services regarding any prospective foster parent and any person eighteen years of age or older who resides with the prospective foster parent or regarding any prospective adoptive parent and any person eighteen years of age or older who resides with the prospective adoptive parent, whichever is applicable, to enable the agency or person to check any child abuse and neglect registry maintained by any state in which the prospective foster parent, the prospective adoptive parent, or the person eighteen years of age or older who resided with the prospective foster parent or prospective adoptive parent has resided in the preceding five years. After the Uniform Statewide Automated Child Welfare Information System established under section 5101.13 of the Revised Code is implemented statewide by all public children services agencies as described in section 5153.02 of the Revised Code, all private agencies, as defined in section 5103.02 of the Revised Code, shall request a check of that System by the Department of Job and Family Services until the private agency can access the System and conduct its own search.

Section 5. Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. Section 2151.86 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 106 and Am. Sub. H.B. 117 of the 125th General Assembly. The General Assembly, applying the principle stated in division (B) of section

1.52 of the Revised Code that amendments are to be harmonized if	4688
reasonably capable of simultaneous operation, finds that the	4689
composites are the resulting versions of the sections in effect	4690
prior to the effective date of the sections as presented in this	4691
act.	4692