

**As Reported by the House Criminal Justice Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 213**

**Representatives Combs, Wagner**

**Cosponsors: Representatives McGregor, J., Evans, Yuko, Brown, Stebelton,**

**Hughes**

**—**

**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 age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, who is not in any other category of child specified in this division, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to

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 845  
for licensure, certification, approval for adoption, or employment 846

by, or volunteer service with, a participating entity shall be 847  
reprinted for licensure, certification, approval, employment, or 848  
volunteer service with another participating entity. If an 849  
individual has been reprinted, the superintendent of the bureau of 850  
criminal identification and investigation shall update that 851  
individual's information accordingly. 852

(3) A participating entity shall notify the bureau of 853  
criminal identification and investigation when an individual is no 854  
longer licensed, certified, approved for adoption, or employed by, 855  
or volunteers with, the participating entity, or the individual is 856  
deceased. 857

(D) The superintendent of the bureau of criminal 858  
identification and investigation shall promptly notify a 859  
participating entity when an individual who is licensed, 860  
certified, approved for adoption, or employed by, or volunteers 861  
with, a participating entity is arrested for, or pleads guilty to 862  
or is convicted of, an offense that would disqualify that 863  
individual from licensure, certification, approval, employment, or 864  
volunteering with the participating entity. 865

(E)(1) Information contained in the retained applicant 866  
fingerprint database, and in the notice described in division (D) 867  
of this section, shall be used by the bureau of criminal 868  
identification and investigation and the participating entity for 869  
the purposes of licensure, certification, approval for adoption, 870  
or employment by, or volunteer service with, the participating 871  
entity, and such information is otherwise confidential and not a 872  
public record under section 149.43 of the Revised Code. 873

(2) No person shall knowingly disseminate or use the 874  
information contained in the retained applicant fingerprint 875  
database for any purpose that is not authorized by law or by rules 876  
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 applicant fingerprint database; 911  
912

(2) The collection of fingerprint impressions and a reasonable fee for utilizing the database; 913  
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(3) The expungement of fingerprint impressions and other personal information of individuals who are deceased or are no longer licensed, certified, approved for adoption, or employed by, or volunteer with, a participating entity. 915  
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**Sec. 109.60.** (A)(1) The sheriffs of the several counties and the chiefs of police of cities, immediately upon the arrest of any person for any felony, on suspicion of any felony, for a crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or for any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, and immediately upon the arrest or taking into custody of any child under eighteen years of age for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that would be a felony or an offense of violence if committed by an adult, shall take the person's or child's fingerprints, or cause the same to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation, and immediately shall forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court having jurisdiction over the prosecution of the offense or over the adjudication relative to the act. 919  
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(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 shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

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

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

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

(D) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all

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 board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct the review hearings, the board shall consist of one member representing the general public and four members who are trained or experienced in the care or placement of children and have training or experience in the fields of medicine, psychology, social work, education, or any related field. Of the initial appointments to the board, two shall be for a term of one year, two shall be for a term of two years, and one shall be for a term of three years, with all the terms ending one year after the date on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term.

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

(J) If the hearing held under this section takes the place of an administrative review that otherwise would have been held under section 2151.416 of the Revised Code, the court at the hearing held under this section shall do all of the following in addition to any other requirements of this section:

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

(2) Determine the extent of compliance with the child's case plan;	1730 1731
(3) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care;	1732 1733 1734
(4) Project a likely date by which the child may be safely returned home or placed for adoption or legal custody.	1735 1736
(K)(1) Whenever the court is required to approve a permanency plan under this section or section 2151.415 of the Revised Code, the public children services agency or private child placing agency that filed the complaint in the case, has custody of the child, or will be given custody of the child shall develop a permanency plan for the child. The agency must file the plan with the court prior to the hearing under this section or section 2151.415 of the Revised Code.	1737 1738 1739 1740 1741 1742 1743 1744
(2) The permanency plan developed by the agency must specify whether and, if applicable, when the child will be safely returned home or placed for adoption or legal custody. If the agency determines that there is a compelling reason why returning the child home or placing the child for adoption or legal custody is not in the best interest of the child, the plan shall provide that the child will be placed in a planned permanent living arrangement. A permanency plan developed as a result of a determination made under division (A)(2) of section 2151.419 of the Revised Code may not include any provision requiring the child to be returned home.	1745 1746 1747 1748 1749 1750 1751 1752 1753 1754 1755
<b>Sec. 2151.419.</b> (A)(1) Except as provided in division (A)(2) of this section, at any hearing held pursuant to section 2151.28, division (E) of section 2151.31, or section 2151.314, 2151.33, or 2151.353 of the Revised Code at which the court removes a child from the child's home or continues the removal of a child from the	1756 1757 1758 1759 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 child's home in situations in which division (A)(2)(a), (b), (c), (d), or (e) of this section applies, the court shall issue written findings of fact setting forth the reasons supporting its determination.

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

**Sec. 2151.421.** (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report

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 Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

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

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

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

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;	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 rights or any grounds for appeal or post-conviction relief to any person.	2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263
(3) A memorandum of understanding shall include all of the following:	2264 2265

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

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

(4) If a public children services agency participated in the 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.

(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.

(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 pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an

investigation of the report;	2297
(b) Whether the agency or center is continuing to investigate the report;	2298 2299
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	2300 2301
(d) The general status of the health and safety of the child who is the subject of the report;	2302 2303
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	2304 2305 2306
(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	2307 2308 2309 2310
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	2311 2312 2313 2314 2315 2316 2317 2318 2319
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.	2320 2321 2322 2323 2324 2325 2326 2327

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

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

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

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

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

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

(2) No later than the end of the day following the day on which a public children services agency receives a report of

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 Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.

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

Any person subject to a criminal records check who receives pursuant to this division 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 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,~~ 2545  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 2546  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 2547  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 2548  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 2549

~~2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2550  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2551  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 2552  
violation of section 2905.04 of the Revised Code as it existed 2553  
prior to July 1, 1996, a violation of section 2919.23 of the 2554  
Revised Code that would have been a violation of section 2905.04 2555  
of the Revised Code as it existed prior to July 1, 1996, had the 2556  
violation been committed prior to that date, a violation of 2557  
section 2925.11 of the Revised Code that is not a minor drug 2558  
possession offense, or felonious sexual penetration in violation 2559  
of former section 2907.12 of the Revised Code;~~ 2560

~~(b) A violation of an existing or former law of this state, 2561  
any other state, or the United States that is substantially 2562  
equivalent to any of the offenses described in division (C)(1)(a) 2563  
of this section.~~ 2564

(2) The appointing or hiring officer may appoint or employ a 2565  
person as a person responsible for a child's care in out-of-home 2566  
care conditionally until the criminal records check required by 2567  
this section is completed and the officer receives the results of 2568  
the criminal records check. If the results of the criminal records 2569  
check indicate that, pursuant to division (C)(1) of this section, 2570  
the person subject to the criminal records check does not qualify 2571  
for appointment or employment, the officer shall release the 2572  
person from appointment or employment. 2573

(3) Prior to certification or recertification under section 2574  
5103.03 of the Revised Code, the prospective foster caregiver 2575  
subject to a criminal records check under division (A)(3) of this 2576  
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 2609  
bureau of criminal identification and investigation in accordance 2610  
with section 109.572 of the Revised Code and pursuant to a request 2611  
made under division (A) of this section is not a public record for 2612  
the purposes of section 149.43 of the Revised Code and shall not 2613

be made available to any person other than the following: 2614

(1) The person who is the subject of the criminal records 2615  
check or the person's representative; ~~the~~ 2616

(2) The appointing or hiring officer, administrative 2617  
director, or attorney requesting the criminal records check or the 2618  
officer's, director's, or attorney's representative; ~~the~~ 2619

(3) The department of job and family services ~~or~~, a county 2620  
department of job and family services, or a public children 2621  
services agency; and any 2622

(4) Any court, hearing officer, or other necessary individual 2623  
involved in a case dealing with the denial of employment, a final 2624  
decree of adoption or interlocutory order of adoption, or a foster 2625  
home certificate. 2626

(F) The director of job and family services shall adopt rules 2627  
in accordance with Chapter 119. of the Revised Code to implement 2628  
this section. The rules shall include rehabilitation standards a 2629  
person who has been convicted of or pleaded guilty to an offense 2630  
listed in division ~~(C)(1) of this section~~ (A)(8) of section 2631  
109.572 of the Revised Code must meet for an appointing or hiring 2632  
officer to appoint or employ the person as a person responsible 2633  
for a child's care in out-of-home care, a probate court to issue a 2634  
final decree of adoption or interlocutory order of adoption making 2635  
the person an adoptive parent, or the department to issue a 2636  
certificate authorizing the prospective foster caregiver to 2637  
operate a foster home or not revoke a foster home certificate for 2638  
a violation specified in section 5103.0328 of the Revised Code. 2639

(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 2731  
of job and family services shall adopt rules in accordance with 2732  
Chapter 119. of the Revised Code specifying both of the following: 2733

(A) The manner in which a home study is to be conducted and 2734  
2735

the information and documents to be included in a home study 2736  
report, which shall include, pursuant to section 3107.034 of the 2737  
Revised Code, a summary report of a search of the uniform 2738  
statewide automated child welfare information system established 2739  
in section 5101.13 of the Revised Code and a report of a check of 2740  
a central registry of another state if a request for a check of a 2741  
central registry of another state is required under division (A) 2742  
of section 3107.034 of the Revised Code; 2743

(B) A procedure under which a person whose application for 2744  
adoption has been denied as a result of a search of the uniform 2745  
statewide automated child welfare information system established 2746  
in section 5101.13 of the Revised Code as part of the home study 2747  
may appeal the denial to the agency that employed the assessor who 2748  
filed the report. 2749

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent or 2750  
a person eighteen years of age or older who resides with a 2751  
prospective adoptive parent has resided in another state within 2752  
the five-year period immediately prior to the date on which a 2753  
criminal records check is requested for the person under division 2754  
(A) of section 2151.86 of the Revised Code, the administrative 2755  
director of an agency, or attorney, who arranges the adoption for 2756  
the prospective adoptive parent shall request a check of the 2757  
central registry of abuse and neglect of this state from the 2758  
department of job and family services regarding the prospective 2759  
adoptive parent or the person eighteen years of age or older who 2760  
resides with the prospective adoptive parent to enable the agency 2761  
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 the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department.

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

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

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

(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services every two years shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes.

(2) When the department of job and family services is satisfied as to the care given such children, and that the

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  
of reissue is less than fifteen months prior to the proposed  
commitment.

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

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

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

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

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

(H) If the director of job and family services determines  
that an institution or association that cares for children is  
operating without a certificate, the director may petition the  
court of common pleas in the county in which the institution or

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 violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

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

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

**Sec. 5103.0328.** (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.581 of the Revised Code that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that conviction or

guilty plea to the recommending agency relative to the foster caregiver. 3137  
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(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation. 3139  
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(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in division (C)(1)(a) or (b) of section 2151.86 of the Revised Code. 3150  
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**Sec. 5103.16.** ~~(A) Pursuant to section 5103.18 of the Revised Code and except~~ Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of job and family services under section 5103.03 of the Revised Code, without the written consent of the office in the department that oversees the interstate compact on placement of children established under section 5103.20 of the Revised Code, or by a commitment of a juvenile court, or by a commitment of a probate court as provided in this section. A child may be placed temporarily without written consent or court commitment with persons related by blood or marriage or in a legally licensed 3153  
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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 3256  
parent with whom the child is placed has care, custody, and 3257  
control of the child pending further order of the court. 3258

(E) This section does not apply to an adoption by a 3259  
stepparent, a grandparent, or a guardian. 3260

**Sec. 5103.18.** (A)(1) Prior to ~~placement~~ certification or 3261

recertification as a foster home under section 5103.16 5103.03 of 3262  
the Revised Code, an association or institution certified to place 3263  
a child into a foster home a recommending agency shall include 3264  
obtain a summary report of a search of the uniform statewide 3265  
automated child welfare information system, established ~~in~~ under 3266  
section 5101.13 of the Revised Code ~~with records required under~~ 3267  
~~division (B)(1) of section 5103.16 of the Revised Code, from an~~ 3268  
entity listed in section 5101.132 of the Revised Code. 3269

(2) Whenever a prospective foster parent or any other person 3270  
eighteen years of age or older who resides with a prospective 3271  
foster parent has resided in another state within the five-year 3272  
period immediately prior to the date on which a criminal records 3273  
check is requested for the person under division (A) of section 3274  
2151.86 of the Revised Code, the recommending agency shall request 3275  
a check of the central registry of abuse and neglect of this state 3276  
from the department of job and family services regarding the 3277  
prospective foster parent or the person eighteen years of age or 3278  
older who resides with the prospective foster parent to enable the 3279  
agency to check any child abuse and neglect registry maintained by 3280  
that other state. The recommending agency shall make the request 3281  
and shall review the results of the check before the prospective 3282  
foster parent may be finally approved for placement of a child. 3283  
Information received pursuant to such a request shall be 3284  
considered for purposes of this chapter as if it were a summary 3285  
report required under division (A) of this section. The department 3286  
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 3380  
license application fees; 3381

(12) Procedures for receiving, recording, and responding to 3382  
complaints about centers; 3383

(13) Procedures for enforcing section 5104.04 of the Revised 3384

Code;	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 for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not	3409 3410 3411 3412 3413 3414 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		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(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 3661  
parent who is not the residential parent, as described in division 3662  
(I) of section 3109.051 of the Revised Code, that are contained in 3663  
a parenting time order or decree issued under that section, 3664  
section 3109.12 of the Revised Code, or any other provision of the 3665  
Revised Code. 3666

(b) If a parent who is the residential parent of a child has 3667  
presented the administrator or the administrator's designee with a 3668

copy of a parenting time order that limits the terms and 3669  
conditions under which the parent who is not the residential 3670  
parent is to have access to the center, as described in division 3671  
(I) of section 3109.051 of the Revised Code, the parent who is not 3672  
the residential parent shall be provided access to the center only 3673  
to the extent authorized in the order. If the residential parent 3674  
has presented such an order, the parent who is not the residential 3675  
parent shall be permitted access to the center only in accordance 3676  
with the most recent order that has been presented to the 3677  
administrator or the administrator's designee by the residential 3678  
parent or the parent who is not the residential parent. 3679

(c) Upon entering the premises pursuant to division (C)(3)(a) 3680  
or (b) of this section, the parent who is the residential parent 3681  
and legal custodian, the parent who is not the residential parent, 3682  
or the custodian or guardian shall notify the administrator or the 3683  
administrator's designee of the parent's, custodian's, or 3684  
guardian's presence. 3685

(D) The director of job and family services, in addition to 3686  
the rules adopted under division (A) of this section, shall adopt 3687  
rules establishing minimum requirements for child day-care 3688  
centers. The rules shall include, but not be limited to, the 3689  
requirements set forth in divisions (B) and (C) of this section. 3690  
Except as provided in section 5104.07 of the Revised Code, the 3691  
rules shall not change the square footage requirements of division 3692  
(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 3726  
children are resting or sleeping on cots. 3727

(d) The maximum number established under division (E)(2) of 3728  
this section is in effect for no more than one and one-half hours 3729  
during a twenty-four-hour day. 3730

(F) The director of job and family services shall adopt rules 3731

pursuant to Chapter 119. of the Revised Code governing the 3732  
operation of type A family day-care homes, including, but not 3733  
limited to, parent cooperative type A homes, part-time type A 3734  
homes, drop-in type A homes, and school child type A homes, which 3735  
shall reflect the various forms of child care and the needs of 3736  
children receiving child care. The rules shall include the 3737  
following: 3738

(1) Submission of a site plan and descriptive plan of 3739  
operation to demonstrate how the type A home proposes to meet the 3740  
requirements of this chapter and rules adopted pursuant to this 3741  
chapter for the initial license application; 3742

(2) Standards for ensuring that the physical surroundings of 3743  
the type A home are safe and sanitary, including, but not limited 3744  
to, the physical environment, the physical plant, and the 3745  
equipment of the type A home; 3746

(3) Standards for the supervision, care, and discipline of 3747  
children receiving child care or publicly funded child care in the 3748  
type A home; 3749

(4) Standards for a program of activities, and for play 3750  
equipment, materials, and supplies, to enhance the development of 3751  
each child; however, any educational curricula, philosophies, and 3752  
methodologies that are developmentally appropriate and that 3753  
enhance the social, emotional, intellectual, and physical 3754  
development of each child shall be permissible; 3755

(5) Admissions policies and procedures, health care policies 3756  
and procedures, including, but not limited to, procedures for the 3757  
isolation of children with communicable diseases, first aid and 3758  
emergency procedures, procedures for discipline and supervision of 3759  
children, standards for the provision of nutritious meals and 3760  
snacks, and procedures for screening children and employees, 3761  
including, but not limited to, any necessary physical examinations 3762

and immunizations;	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 license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	3783 3784 3785 3786 3787 3788
(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;	3789 3790 3791 3792

(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	3793 3794 3795 3796
(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 type A home;	3797 3798 3799 3800
(18) Standards for the maximum number of children per child-care staff member;	3801 3802
(19) Requirements for the amount of usable indoor floor space for each child;	3803 3804
(20) Requirements for safe outdoor play space;	3805
(21) Qualifications and training requirements for administrators and for child-care staff members;	3806 3807
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	3808 3809 3810
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	3811 3812
(24) Any other procedures and standards necessary to carry out this chapter.	3813 3814
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	3815 3816 3817
(1) The rules shall include <del>procedures</del> <u>all of the following</u> :	3818
(a) <u>Procedures</u> , standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	3819 3820 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 <del>family day care</del>	3895
homes that require, at a minimum, that each type B <del>family day care</del>	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	3909
providers;	3910
(o) Procedures for granting a parent who is the residential	3911
parent and legal custodian, or a custodian or guardian access to	3912
the type B home during its hours of operation;	3913

(p) 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; 3914  
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(q) Any other procedures and standards necessary to carry out this chapter. 3917  
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(H) The director shall adopt rules pursuant to Chapter 119. 3919  
of the Revised Code governing the certification of in-home aides. 3920  
The rules shall include procedures, standards, and other necessary 3921  
provisions for granting limited certification to in-home aides who 3922  
provide child care for eligible children who are 3923  
great-grandchildren, grandchildren, nieces, nephews, or siblings 3924  
of the in-home aide or for eligible children whose caretaker 3925  
parent is a grandchild, child, niece, nephew, or sibling of the 3926  
in-home aide. The rules shall require, and shall include 3927  
procedures for the director to ensure, that in-home aides that 3928  
receive a limited certification provide child care to children in 3929  
a safe and sanitary manner. The rules shall provide for 3930  
safeguarding the health, safety, and welfare of children receiving 3931  
publicly funded child care in their own home and shall include the 3932  
following: 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  
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(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home; 3938  
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(3) 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 3940  
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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 4094  
this section a copy of the form prescribed pursuant to division 4095  
(C)(1) of section 109.572 of the Revised Code and a copy of an 4096  
impression sheet prescribed pursuant to division (C)(2) of that 4097  
section and who is requested to complete the form and provide a 4098  
set of fingerprint impressions shall complete the form or provide 4099

all the information necessary to complete the form and shall 4100  
provide the impression sheet with the impressions of the 4101  
applicant's fingerprints. If an applicant, upon request, fails to 4102  
provide the information necessary to complete the form or fails to 4103  
provide impressions of the applicant's fingerprints, the center,  
or type A home, ~~or type B home~~ shall not employ that applicant for 4104  
any position for which a criminal records check is required by 4105  
division (A)(1) of this section. 4106  
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(B)(1) Except as provided in rules adopted under division (E) 4108  
of this section, no child day-care center, or type A family 4109  
day-care home, ~~or certified type B family day care home~~ shall 4110  
employ or contract with another entity for the services of a 4111  
person as a person responsible for the care, custody, or control 4112  
of a child if the person previously has been convicted of or 4113  
pleaded guilty to any of the ~~following~~: 4114

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4115  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4116  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4117  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4118  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4119  
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4120  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4121  
~~2925.06, or 3716.11 of the Revised Code, a violation of section~~ 4122  
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, a~~ 4123  
~~violation of section 2919.23 of the Revised Code that would have~~ 4124  
~~been a violation of section 2905.04 of the Revised Code as it~~ 4125  
~~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 years of age or older who is the subject of a criminal records check pursuant to division (A)(1) of this section, or the authorized provider or person eighteen years of age or older who is the subject of a criminal records check pursuant to division (A)(2) of this section, does not present proof that the owner, licensee, administrator, authorized provider, or person has been a resident of this state for the five year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five year period the superintendent of the bureau of criminal identification and investigation has requested information about the owner, licensee, administrator, authorized provider, or person from the federal bureau of investigation in a criminal records check~~ The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every four years thereafter at the time of a license renewal. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every four years thereafter at the time of a certification renewal. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the owner, licensee, administrator, authorized provider, or person presents proof that the owner, licensee, 4227  
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~~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 section a copy of the form and standard impression sheet described in that division 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 person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.

(D)~~(1)~~ Except as provided in rules adopted under division (G) of this section, the director of job and family services shall not grant a license to a child day-care center or type A family day-care home and a county director of job and family services shall not certify a type B family day-care home if a person for whom a criminal records check was required in connection with the center or home 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 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 or violations described in  
division (D)(1)(a) of this section.~~

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

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

~~(b) A violation of an existing or former law of this state,  
any other state, or the United States that is substantially  
equivalent to any of the offenses or violations described in  
division (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, 4354  
and type B family day-care home shall pay to the bureau of 4355  
criminal identification and investigation the fee prescribed 4356  
pursuant to division (C)(3) of section 109.572 of the Revised Code 4357  
for each criminal records check conducted in accordance with that 4358  
section upon a request made pursuant to division (A) of this 4359  
section. 4360

(F) The report of any criminal records check conducted by the 4361  
bureau of criminal identification and investigation in accordance 4362  
with section 109.572 of the Revised Code and pursuant to a request 4363  
made under division (A) of this section is not a public record for 4364  
the purposes of section 149.43 of the Revised Code and shall not 4365  
be made available to any person other than the person who is the 4366  
subject of the criminal records check or the person's 4367  
representative, the director of job and family services, the 4368  
director of a county department of job and family services, the 4369  
center, type A home, or type B home involved, and any court, 4370  
hearing officer, or other necessary individual involved in a case 4371  
dealing with a denial of licensure or certification related to the 4372  
criminal records check. 4373

(G) The director of job and family services shall adopt rules 4374  
pursuant to Chapter 119. of the Revised Code to implement this 4375  
section, including rules specifying exceptions to the prohibition 4376  
in division (D) of this section for persons who have been 4377  
convicted of an offense listed in that division but who meet 4378  
standards in regard to rehabilitation set by the department. 4379

(H) As used in this section+ 4380

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

~~(2) "Minor drug possession offense" has the same meaning as~~ 4383  
~~in section 2925.01 of the Revised Code.~~ 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~~ 4395  
~~guilty to a violation described in division (A)(9) of section~~ 4396  
~~109.572 of the Revised Code, a violation of section 2903.01,~~ 4397  
~~2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16,~~ 4398  
~~2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05,~~ 4399  
~~2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07,~~ 4400  
~~2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31,~~ 4401  
~~2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04,~~ 4402  
~~2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02,~~ 4403  
~~2917.03, 2917.31, 2919.12, 2919.24, 2919.25, 2921.03, 2921.34, or~~ 4404  
~~2921.35, 2923.12, 2923.13, 2923.161, 2919.22, 2925.02, 2925.03,~~ 4405  
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 4406  
~~violation of section 2925.11 of the Revised Code that is not a~~ 4407  
~~minor drug possession offense, as defined in section 2925.01 of~~ 4408  
~~the Revised Code, felonious sexual penetration in violation of~~ 4409  
~~former section 2907.12 of the Revised Code, or a violation of an~~ 4410  
~~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  
day care home.~~ 4416  
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 4505  
Revised Code and who continue to participate in a work activity, 4506  
developmental activity, or alternative work activity pursuant to 4507  
an assignment under section 5107.42 of the Revised Code; 4508

(4) A family receiving publicly funded child care on October 4509

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 prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of

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) <del>(b)</del> <u>(a)(ii)</u> 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
<b>Section 2.</b> 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
<b>Section 3.</b> (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 4656  
Welfare Information System established under section 5101.13 of 4657  
the Revised Code is implemented statewide by all public children 4658  
services agencies as described in section 5153.02 of the Revised 4659  
Code, agencies or persons required to include a summary report 4660

pursuant to section 3107.033 or 5103.18 of the Revised Code shall 4661  
request a check of the Ohio Central Registry of Abuse and Neglect 4662  
from the Department of Job and Family Services regarding any 4663  
prospective foster parent and any person eighteen years of age or 4664  
older who resides with the prospective foster parent or regarding 4665  
any prospective adoptive parent and any person eighteen years of 4666  
age or older who resides with the prospective adoptive parent, 4667  
whichever is applicable, to enable the agency or person to check 4668  
any child abuse and neglect registry maintained by any state in 4669  
which the prospective foster parent, the prospective adoptive 4670  
parent, or the person eighteen years of age or older who resided 4671  
with the prospective foster parent or prospective adoptive parent 4672  
has resided in the preceding five years. After the Uniform 4673  
Statewide Automated Child Welfare Information System established 4674  
under section 5101.13 of the Revised Code is implemented statewide 4675  
by all public children services agencies as described in section 4676  
5153.02 of the Revised Code, all private agencies, as defined in 4677  
section 5103.02 of the Revised Code, shall request a check of that 4678  
System by the Department of Job and Family Services until the 4679  
private agency can access the System and conduct its own search. 4680

**Section 5.** Section 109.572 of the Revised Code is presented 4681  
in this act as a composite of the section as amended by both Am. 4682  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 4683  
Section 2151.86 of the Revised Code is presented in this act as a 4684  
composite of the section as amended by both Am. Sub. H.B. 106 and 4685  
Am. Sub. H.B. 117 of the 125th General Assembly. The General 4686  
Assembly, applying the principle stated in division (B) of section 4687  
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