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Representatives Wagner, Combs

**Cosponsors: Representatives Seitz, McGregor, J., Stebelton, Brown,
Aslanides, Batchelder, Blessing, Collier, Flowers, Goodwin, Hagan, J.,**

Letson, Raussen, Wachtmann

**Senators Seitz, Austria, Buehrer, Carey, Cates, Fedor, Harris, Kearney,
Miller, D., Miller, R., Mumper, Niehaus, Roberts, Sawyer, Schaffer, Schuler,**

Smith, Spada, Wagoner, Wilson, Cafaro, Faber, Bocchieri

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A B I L L

To amend sections 149.43, 2151.152, 2151.23, 2151.39, 1
3313.64, 5101.29, 5103.031, 5103.032, 5103.035, 2
5103.0312, 5103.0313, 5103.16, 5103.391, 5126.04, 3
5153.122, and 5153.123 and to enact sections 4
5103.23, 5103.231, 5103.232, 5103.233, 5103.234, 5
5103.235, 5103.236, and 5103.237 of the Revised 6
Code relative to training for foster caregivers, 7
the public record status of identifying 8
information of current and prospective foster 9
caregivers, petitioning Congress for expanded 10
usage of Title IV-E funding, the Interstate 11
Compact on the Placement of Children, and the 12
coordination of the provision of services for 13
foster children with mental retardation or 14
developmental disabilities. 15

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

Section 1. That sections 149.43, 2151.152, 5101.29, 5103.031, 16
5103.032, 5103.035, 5103.0312, 5103.0313, 5103.391, 5126.04, 17
5153.122, and 5153.123 of the Revised Code be amended to read as 18
follows: 19

Sec. 149.43. (A) As used in this section: 20

(1) "Public record" means records kept by any public office, 21
including, but not limited to, state, county, city, village, 22
township, and school district units, and records pertaining to the 23
delivery of educational services by an alternative school in this 24
state kept by the nonprofit or for-profit entity operating the 25
alternative school pursuant to section 3313.533 of the Revised 26
Code. "Public record" does not mean any of the following: 27

(a) Medical records; 28

(b) Records pertaining to probation and parole proceedings or 29
to proceedings related to the imposition of community control 30
sanctions and post-release control sanctions; 31

(c) Records pertaining to actions under section 2151.85 and 32
division (C) of section 2919.121 of the Revised Code and to 33
appeals of actions arising under those sections; 34

(d) Records pertaining to adoption proceedings, including the 35
contents of an adoption file maintained by the department of 36
health under section 3705.12 of the Revised Code; 37

(e) Information in a record contained in the putative father 38
registry established by section 3107.062 of the Revised Code, 39
regardless of whether the information is held by the department of 40
job and family services or, pursuant to section 3111.69 of the 41
Revised Code, the office of child support in the department or a 42
child support enforcement agency; 43

(f) Records listed in division (A) of section 3107.42 of the 44

Revised Code or specified in division (A) of section 3107.52 of	45
the Revised Code;	46
(g) Trial preparation records;	47
(h) Confidential law enforcement investigatory records;	48
(i) Records containing information that is confidential under	49
section 2710.03 or 4112.05 of the Revised Code;	50
(j) DNA records stored in the DNA database pursuant to	51
section 109.573 of the Revised Code;	52
(k) Inmate records released by the department of	53
rehabilitation and correction to the department of youth services	54
or a court of record pursuant to division (E) of section 5120.21	55
of the Revised Code;	56
(l) Records maintained by the department of youth services	57
pertaining to children in its custody released by the department	58
of youth services to the department of rehabilitation and	59
correction pursuant to section 5139.05 of the Revised Code;	60
(m) Intellectual property records;	61
(n) Donor profile records;	62
(o) Records maintained by the department of job and family	63
services pursuant to section 3121.894 of the Revised Code;	64
(p) Peace officer, parole officer, prosecuting attorney,	65
assistant prosecuting attorney, correctional employee, youth	66
services employee, firefighter, or EMT residential and familial	67
information;	68
(q) In the case of a county hospital operated pursuant to	69
Chapter 339. of the Revised Code or a municipal hospital operated	70
pursuant to Chapter 749. of the Revised Code, information that	71
constitutes a trade secret, as defined in section 1333.61 of the	72
Revised Code;	73

(r) Information pertaining to the recreational activities of a person under the age of eighteen;	74 75
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	76 77 78 79 80
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	81 82 83 84
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	85 86 87 88 89
(v) Records the release of which is prohibited by state or federal law;	90 91
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	92 93 94
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	95 96
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	97 98 99 100 101 102
<u>(z) Records listed in section 5101.29 of the Revised Code.</u>	103

(2) "Confidential law enforcement investigatory record" means 104
any record that pertains to a law enforcement matter of a 105
criminal, quasi-criminal, civil, or administrative nature, but 106
only to the extent that the release of the record would create a 107
high probability of disclosure of any of the following: 108

(a) The identity of a suspect who has not been charged with 109
the offense to which the record pertains, or of an information 110
source or witness to whom confidentiality has been reasonably 111
promised; 112

(b) Information provided by an information source or witness 113
to whom confidentiality has been reasonably promised, which 114
information would reasonably tend to disclose the source's or 115
witness's identity; 116

(c) Specific confidential investigatory techniques or 117
procedures or specific investigatory work product; 118

(d) Information that would endanger the life or physical 119
safety of law enforcement personnel, a crime victim, a witness, or 120
a confidential information source. 121

(3) "Medical record" means any document or combination of 122
documents, except births, deaths, and the fact of admission to or 123
discharge from a hospital, that pertains to the medical history, 124
diagnosis, prognosis, or medical condition of a patient and that 125
is generated and maintained in the process of medical treatment. 126

(4) "Trial preparation record" means any record that contains 127
information that is specifically compiled in reasonable 128
anticipation of, or in defense of, a civil or criminal action or 129
proceeding, including the independent thought processes and 130
personal trial preparation of an attorney. 131

(5) "Intellectual property record" means a record, other than 132
a financial or administrative record, that is produced or 133
collected by or for faculty or staff of a state institution of 134

higher learning in the conduct of or as a result of study or 135
research on an educational, commercial, scientific, artistic, 136
technical, or scholarly issue, regardless of whether the study or 137
research was sponsored by the institution alone or in conjunction 138
with a governmental body or private concern, and that has not been 139
publicly released, published, or patented. 140

(6) "Donor profile record" means all records about donors or 141
potential donors to a public institution of higher education 142
except the names and reported addresses of the actual donors and 143
the date, amount, and conditions of the actual donation. 144

(7) "Peace officer, parole officer, prosecuting attorney, 145
assistant prosecuting attorney, correctional employee, youth 146
services employee, firefighter, or EMT residential and familial 147
information" means any information that discloses any of the 148
following about a peace officer, parole officer, prosecuting 149
attorney, assistant prosecuting attorney, correctional employee, 150
youth services employee, firefighter, or EMT: 151

(a) The address of the actual personal residence of a peace 152
officer, parole officer, assistant prosecuting attorney, 153
correctional employee, youth services employee, firefighter, or 154
EMT, except for the state or political subdivision in which the 155
peace officer, parole officer, assistant prosecuting attorney, 156
correctional employee, youth services employee, firefighter, or 157
EMT resides; 158

(b) Information compiled from referral to or participation in 159
an employee assistance program; 160

(c) The social security number, the residential telephone 161
number, any bank account, debit card, charge card, or credit card 162
number, or the emergency telephone number of, or any medical 163
information pertaining to, a peace officer, parole officer, 164
prosecuting attorney, assistant prosecuting attorney, correctional 165

employee, youth services employee, firefighter, or EMT; 166

(d) The name of any beneficiary of employment benefits, 167
including, but not limited to, life insurance benefits, provided 168
to a peace officer, parole officer, prosecuting attorney, 169
assistant prosecuting attorney, correctional employee, youth 170
services employee, firefighter, or EMT by the peace officer's, 171
parole officer's, prosecuting attorney's, assistant prosecuting 172
attorney's, correctional employee's, youth services employee's, 173
firefighter's, or EMT's employer; 174

(e) The identity and amount of any charitable or employment 175
benefit deduction made by the peace officer's, parole officer's, 176
prosecuting attorney's, assistant prosecuting attorney's, 177
correctional employee's, youth services employee's, firefighter's, 178
or EMT's employer from the peace officer's, parole officer's, 179
prosecuting attorney's, assistant prosecuting attorney's, 180
correctional employee's, youth services employee's, firefighter's, 181
or EMT's compensation unless the amount of the deduction is 182
required by state or federal law; 183

(f) The name, the residential address, the name of the 184
employer, the address of the employer, the social security number, 185
the residential telephone number, any bank account, debit card, 186
charge card, or credit card number, or the emergency telephone 187
number of the spouse, a former spouse, or any child of a peace 188
officer, parole officer, prosecuting attorney, assistant 189
prosecuting attorney, correctional employee, youth services 190
employee, firefighter, or EMT; 191

(g) A photograph of a peace officer who holds a position or 192
has an assignment that may include undercover or plain clothes 193
positions or assignments as determined by the peace officer's 194
appointing authority. 195

As used in divisions (A)(7) and (B)(9) of this section, 196

"peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age	228
of eighteen or the address or telephone number of that person's	229
parent, guardian, custodian, or emergency contact person;	230
(b) The social security number, birth date, or photographic	231
image of a person under the age of eighteen;	232
(c) Any medical record, history, or information pertaining to	233
a person under the age of eighteen;	234
(d) Any additional information sought or required about a	235
person under the age of eighteen for the purpose of allowing that	236
person to participate in any recreational activity conducted or	237
sponsored by a public office or to use or obtain admission	238
privileges to any recreational facility owned or operated by a	239
public office.	240
(9) "Community control sanction" has the same meaning as in	241
section 2929.01 of the Revised Code.	242
(10) "Post-release control sanction" has the same meaning as	243
in section 2967.01 of the Revised Code.	244
(11) "Redaction" means obscuring or deleting any information	245
that is exempt from the duty to permit public inspection or	246
copying from an item that otherwise meets the definition of a	247
"record" in section 149.011 of the Revised Code.	248
(12) "Designee" and "elected official" have the same meanings	249
as in section 109.43 of the Revised Code.	250
(B)(1) Upon request and subject to division (B)(8) of this	251
section, all public records responsive to the request shall be	252
promptly prepared and made available for inspection to any person	253
at all reasonable times during regular business hours. Subject to	254
division (B)(8) of this section, upon request, a public office or	255
person responsible for public records shall make copies of the	256
requested public record available at cost and within a reasonable	257

period of time. If a public record contains information that is 258
exempt from the duty to permit public inspection or to copy the 259
public record, the public office or the person responsible for the 260
public record shall make available all of the information within 261
the public record that is not exempt. When making that public 262
record available for public inspection or copying that public 263
record, the public office or the person responsible for the public 264
record shall notify the requester of any redaction or make the 265
redaction plainly visible. A redaction shall be deemed a denial of 266
a request to inspect or copy the redacted information, except if 267
federal or state law authorizes or requires a public office to 268
make the redaction. 269

(2) To facilitate broader access to public records, a public 270
office or the person responsible for public records shall organize 271
and maintain public records in a manner that they can be made 272
available for inspection or copying in accordance with division 273
(B) of this section. A public office also shall have available a 274
copy of its current records retention schedule at a location 275
readily available to the public. If a requester makes an ambiguous 276
or overly broad request or has difficulty in making a request for 277
copies or inspection of public records under this section such 278
that the public office or the person responsible for the requested 279
public record cannot reasonably identify what public records are 280
being requested, the public office or the person responsible for 281
the requested public record may deny the request but shall provide 282
the requester with an opportunity to revise the request by 283
informing the requester of the manner in which records are 284
maintained by the public office and accessed in the ordinary 285
course of the public office's or person's duties. 286

(3) If a request is ultimately denied, in part or in whole, 287
the public office or the person responsible for the requested 288
public record shall provide the requester with an explanation, 289

including legal authority, setting forth why the request was 290
denied. If the initial request was provided in writing, the 291
explanation also shall be provided to the requester in writing. 292
The explanation shall not preclude the public office or the person 293
responsible for the requested public record from relying upon 294
additional reasons or legal authority in defending an action 295
commenced under division (C) of this section. 296

(4) Unless specifically required or authorized by state or 297
federal law or in accordance with division (B) of this section, no 298
public office or person responsible for public records may limit 299
or condition the availability of public records by requiring 300
disclosure of the requester's identity or the intended use of the 301
requested public record. Any requirement that the requester 302
disclose the requestor's identity or the intended use of the 303
requested public record constitutes a denial of the request. 304

(5) A public office or person responsible for public records 305
may ask a requester to make the request in writing, may ask for 306
the requester's identity, and may inquire about the intended use 307
of the information requested, but may do so only after disclosing 308
to the requester that a written request is not mandatory and that 309
the requester may decline to reveal the requester's identity or 310
the intended use and when a written request or disclosure of the 311
identity or intended use would benefit the requester by enhancing 312
the ability of the public office or person responsible for public 313
records to identify, locate, or deliver the public records sought 314
by the requester. 315

(6) If any person chooses to obtain a copy of a public record 316
in accordance with division (B) of this section, the public office 317
or person responsible for the public record may require that 318
person to pay in advance the cost involved in providing the copy 319
of the public record in accordance with the choice made by the 320
person seeking the copy under this division. The public office or 321

the person responsible for the public record shall permit that 322
person to choose to have the public record duplicated upon paper, 323
upon the same medium upon which the public office or person 324
responsible for the public record keeps it, or upon any other 325
medium upon which the public office or person responsible for the 326
public record determines that it reasonably can be duplicated as 327
an integral part of the normal operations of the public office or 328
person responsible for the public record. When the person seeking 329
the copy makes a choice under this division, the public office or 330
person responsible for the public record shall provide a copy of 331
it in accordance with the choice made by the person seeking the 332
copy. Nothing in this section requires a public office or person 333
responsible for the public record to allow the person seeking a 334
copy of the public record to make the copies of the public record. 335

(7) Upon a request made in accordance with division (B) of 336
this section and subject to division (B)(6) of this section, a 337
public office or person responsible for public records shall 338
transmit a copy of a public record to any person by United States 339
mail or by any other means of delivery or transmission within a 340
reasonable period of time after receiving the request for the 341
copy. The public office or person responsible for the public 342
record may require the person making the request to pay in advance 343
the cost of postage if the copy is transmitted by United States 344
mail or the cost of delivery if the copy is transmitted other than 345
by United States mail, and to pay in advance the costs incurred 346
for other supplies used in the mailing, delivery, or transmission. 347

Any public office may adopt a policy and procedures that it 348
will follow in transmitting, within a reasonable period of time 349
after receiving a request, copies of public records by United 350
States mail or by any other means of delivery or transmission 351
pursuant to this division. A public office that adopts a policy 352
and procedures under this division shall comply with them in 353

performing its duties under this division. 354

In any policy and procedures adopted under this division, a 355
public office may limit the number of records requested by a 356
person that the office will transmit by United States mail to ten 357
per month, unless the person certifies to the office in writing 358
that the person does not intend to use or forward the requested 359
records, or the information contained in them, for commercial 360
purposes. For purposes of this division, "commercial" shall be 361
narrowly construed and does not include reporting or gathering 362
news, reporting or gathering information to assist citizen 363
oversight or understanding of the operation or activities of 364
government, or nonprofit educational research. 365

(8) A public office or person responsible for public records 366
is not required to permit a person who is incarcerated pursuant to 367
a criminal conviction or a juvenile adjudication to inspect or to 368
obtain a copy of any public record concerning a criminal 369
investigation or prosecution or concerning what would be a 370
criminal investigation or prosecution if the subject of the 371
investigation or prosecution were an adult, unless the request to 372
inspect or to obtain a copy of the record is for the purpose of 373
acquiring information that is subject to release as a public 374
record under this section and the judge who imposed the sentence 375
or made the adjudication with respect to the person, or the 376
judge's successor in office, finds that the information sought in 377
the public record is necessary to support what appears to be a 378
justiciable claim of the person. 379

(9) Upon written request made and signed by a journalist on 380
or after December 16, 1999, a public office, or person responsible 381
for public records, having custody of the records of the agency 382
employing a specified peace officer, parole officer, prosecuting 383
attorney, assistant prosecuting attorney, correctional employee, 384
youth services employee, firefighter, or EMT shall disclose to the 385

journalist the address of the actual personal residence of the 386
peace officer, parole officer, prosecuting attorney, assistant 387
prosecuting attorney, correctional employee, youth services 388
employee, firefighter, or EMT and, if the peace officer's, parole 389
officer's, prosecuting attorney's, assistant prosecuting 390
attorney's, correctional employee's, youth services employee's, 391
firefighter's, or EMT's spouse, former spouse, or child is 392
employed by a public office, the name and address of the employer 393
of the peace officer's, parole officer's, prosecuting attorney's, 394
assistant prosecuting attorney's, correctional employee's, youth 395
services employee's, firefighter's, or EMT's spouse, former 396
spouse, or child. The request shall include the journalist's name 397
and title and the name and address of the journalist's employer 398
and shall state that disclosure of the information sought would be 399
in the public interest. 400

As used in this division, "journalist" means a person engaged 401
in, connected with, or employed by any news medium, including a 402
newspaper, magazine, press association, news agency, or wire 403
service, a radio or television station, or a similar medium, for 404
the purpose of gathering, processing, transmitting, compiling, 405
editing, or disseminating information for the general public. 406

(C)(1) If a person allegedly is aggrieved by the failure of a 407
public office or the person responsible for public records to 408
promptly prepare a public record and to make it available to the 409
person for inspection in accordance with division (B) of this 410
section or by any other failure of a public office or the person 411
responsible for public records to comply with an obligation in 412
accordance with division (B) of this section, the person allegedly 413
aggrieved may commence a mandamus action to obtain a judgment that 414
orders the public office or the person responsible for the public 415
record to comply with division (B) of this section, that awards 416
court costs and reasonable attorney's fees to the person that 417

instituted the mandamus action, and, if applicable, that includes 418
an order fixing statutory damages under division (C)(1) of this 419
section. The mandamus action may be commenced in the court of 420
common pleas of the county in which division (B) of this section 421
allegedly was not complied with, in the supreme court pursuant to 422
its original jurisdiction under Section 2 of Article IV, Ohio 423
Constitution, or in the court of appeals for the appellate 424
district in which division (B) of this section allegedly was not 425
complied with pursuant to its original jurisdiction under Section 426
3 of Article IV, Ohio Constitution. 427

If a requestor transmits a written request by hand delivery 428
or certified mail to inspect or receive copies of any public 429
record in a manner that fairly describes the public record or 430
class of public records to the public office or person responsible 431
for the requested public records, except as otherwise provided in 432
this section, the requestor shall be entitled to recover the 433
amount of statutory damages set forth in this division if a court 434
determines that the public office or the person responsible for 435
public records failed to comply with an obligation in accordance 436
with division (B) of this section. 437

The amount of statutory damages shall be fixed at one hundred 438
dollars for each business day during which the public office or 439
person responsible for the requested public records failed to 440
comply with an obligation in accordance with division (B) of this 441
section, beginning with the day on which the requester files a 442
mandamus action to recover statutory damages, up to a maximum of 443
one thousand dollars. The award of statutory damages shall not be 444
construed as a penalty, but as compensation for injury arising 445
from lost use of the requested information. The existence of this 446
injury shall be conclusively presumed. The award of statutory 447
damages shall be in addition to all other remedies authorized by 448
this section. 449

The court may reduce an award of statutory damages or not 450
award statutory damages if the court determines both of the 451
following: 452

(a) That, based on the ordinary application of statutory law 453
and case law as it existed at the time of the conduct or 454
threatened conduct of the public office or person responsible for 455
the requested public records that allegedly constitutes a failure 456
to comply with an obligation in accordance with division (B) of 457
this section and that was the basis of the mandamus action, a 458
well-informed public office or person responsible for the 459
requested public records reasonably would believe that the conduct 460
or threatened conduct of the public office or person responsible 461
for the requested public records did not constitute a failure to 462
comply with an obligation in accordance with division (B) of this 463
section; 464

(b) That a well-informed public office or person responsible 465
for the requested public records reasonably would believe that the 466
conduct or threatened conduct of the public office or person 467
responsible for the requested public records would serve the 468
public policy that underlies the authority that is asserted as 469
permitting that conduct or threatened conduct. 470

(2)(a) If the court issues a writ of mandamus that orders the 471
public office or the person responsible for the public record to 472
comply with division (B) of this section and determines that the 473
circumstances described in division (C)(1) of this section exist, 474
the court shall determine and award to the relator all court 475
costs. 476

(b) If the court renders a judgment that orders the public 477
office or the person responsible for the public record to comply 478
with division (B) of this section, the court may award reasonable 479
attorney's fees subject to reduction as described in division 480
(C)(2)(c) of this section. The court shall award reasonable 481

attorney's fees, subject to reduction as described in division 482
(C)(2)(c) of this section when either of the following applies: 483

(i) The public office or the person responsible for the 484
public records failed to respond affirmatively or negatively to 485
the public records request in accordance with the time allowed 486
under division (B) of this section. 487

(ii) The public office or the person responsible for the 488
public records promised to permit the relator to inspect or 489
receive copies of the public records requested within a specified 490
period of time but failed to fulfill that promise within that 491
specified period of time. 492

(c) Court costs and reasonable attorney's fees awarded under 493
this section shall be construed as remedial and not punitive. 494
Reasonable attorney's fees shall include reasonable fees incurred 495
to produce proof of the reasonableness and amount of the fees and 496
to otherwise litigate entitlement to the fees. The court may 497
reduce an award of attorney's fees to the relator or not award 498
attorney's fees to the relator if the court determines both of the 499
following: 500

(i) That, based on the ordinary application of statutory law 501
and case law as it existed at the time of the conduct or 502
threatened conduct of the public office or person responsible for 503
the requested public records that allegedly constitutes a failure 504
to comply with an obligation in accordance with division (B) of 505
this section and that was the basis of the mandamus action, a 506
well-informed public office or person responsible for the 507
requested public records reasonably would believe that the conduct 508
or threatened conduct of the public office or person responsible 509
for the requested public records did not constitute a failure to 510
comply with an obligation in accordance with division (B) of this 511
section; 512

(ii) That a well-informed public office or person responsible 513
for the requested public records reasonably would believe that the 514
conduct or threatened conduct of the public office or person 515
responsible for the requested public records as described in 516
division (C)(2)(c)(i) of this section would serve the public 517
policy that underlies the authority that is asserted as permitting 518
that conduct or threatened conduct. 519

(D) Chapter 1347. of the Revised Code does not limit the 520
provisions of this section. 521

(E)(1) To ensure that all employees of public offices are 522
appropriately educated about a public office's obligations under 523
division (B) of this section, all elected officials or their 524
appropriate designees shall attend training approved by the 525
attorney general as provided in section 109.43 of the Revised 526
Code. In addition, all public offices shall adopt a public records 527
policy in compliance with this section for responding to public 528
records requests. In adopting a public records policy under this 529
division, a public office may obtain guidance from the model 530
public records policy developed and provided to the public office 531
by the attorney general under section 109.43 of the Revised Code. 532
Except as otherwise provided in this section, the policy may not 533
limit the number of public records that the public office will 534
make available to a single person, may not limit the number of 535
public records that it will make available during a fixed period 536
of time, and may not establish a fixed period of time before it 537
will respond to a request for inspection or copying of public 538
records, unless that period is less than eight hours. 539

(2) The public office shall distribute the public records 540
policy adopted by the public office under division (E)(1) of this 541
section to the employee of the public office who is the records 542
custodian or records manager or otherwise has custody of the 543
records of that office. The public office shall require that 544

employee to acknowledge receipt of the copy of the public records 545
policy. The public office shall create a poster that describes its 546
public records policy and shall post the poster in a conspicuous 547
place in the public office and in all locations where the public 548
office has branch offices. The public office may post its public 549
records policy on the internet web site of the public office if 550
the public office maintains an internet web site. A public office 551
that has established a manual or handbook of its general policies 552
and procedures for all employees of the public office shall 553
include the public records policy of the public office in the 554
manual or handbook. 555

(F)(1) The bureau of motor vehicles may adopt rules pursuant 556
to Chapter 119. of the Revised Code to reasonably limit the number 557
of bulk commercial special extraction requests made by a person 558
for the same records or for updated records during a calendar 559
year. The rules may include provisions for charges to be made for 560
bulk commercial special extraction requests for the actual cost of 561
the bureau, plus special extraction costs, plus ten per cent. The 562
bureau may charge for expenses for redacting information, the 563
release of which is prohibited by law. 564

(2) As used in division (F)(1) of this section: 565

(a) "Actual cost" means the cost of depleted supplies, 566
records storage media costs, actual mailing and alternative 567
delivery costs, or other transmitting costs, and any direct 568
equipment operating and maintenance costs, including actual costs 569
paid to private contractors for copying services. 570

(b) "Bulk commercial special extraction request" means a 571
request for copies of a record for information in a format other 572
than the format already available, or information that cannot be 573
extracted without examination of all items in a records series, 574
class of records, or data base by a person who intends to use or 575
forward the copies for surveys, marketing, solicitation, or resale 576

for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Sec. 2151.152. The juvenile judge may enter into an agreement with the department of job and family services pursuant to section 5101.11 of the Revised Code for the purpose of reimbursing the court for foster care maintenance costs and associated administrative and training costs incurred on behalf of a child eligible who is either of the following:

(A) Eligible for payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670 (~~1980~~), and who is in the temporary or permanent custody of the court or subject to a disposition issued under division (A)(5) of section 2151.354 or division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of

the Revised Code; 608

(B) Determined to be at serious risk of removal from the home 609
and for whom the court has undertaken a plan of reasonable efforts 610
to prevent such removal. The 611

The agreement shall govern the responsibilities and duties 612
the court shall perform in providing services to the child. 613

Sec. 5101.29. When contained in a record held by the 614
department of job and family services or a county agency, the 615
following are not public records for purposes of section 149.43 of 616
the Revised Code: 617

(A) Names and other identifying information regarding 618
children enrolled in or attending a child day-care center or home 619
subject to licensure, certification, or registration under Chapter 620
5104. of the Revised Code; 621

(B) Names and other identifying information regarding 622
children placed with an institution or association certified under 623
section 5103.03 of the Revised Code; 624

(C) Names and other identifying information regarding a 625
person who makes an oral or written complaint regarding an 626
institution, association, child day-care center, or home subject 627
to licensure, certification, or registration to the department or 628
other state or county entity responsible for enforcing Chapter 629
5103. or 5104. of the Revised Code; 630

(D)(1) Except as otherwise provided in division (D)(2) of 631
this section, names, documentation, and other identifying 632
information regarding a foster caregiver or a prospective foster 633
caregiver, including the foster caregiver application for 634
certification under section 5103.03 of the Revised Code and the 635
home study conducted pursuant to section 5103.0324 of the Revised 636
Code. 637

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other governmental entity:

(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:

(i) The foster caregiver's name, date of birth, and county of residence;

(ii) The date of the foster caregiver's certification;

(iii) The date of each placement of a foster child into the foster caregiver's home;

(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;

(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5103.031. Except as provided in section 5103.033 of the

Revised Code, the department of job and family services may not 668
issue a certificate under section 5103.03 of the Revised Code to a 669
foster home unless the prospective foster caregiver successfully 670
completes the following amount of preplacement training through a 671
preplacement training program approved by the department of job 672
and family services under section 5103.038 of the Revised Code or 673
preplacement training provided under division (B) of section 674
5103.30 of the Revised Code: 675

(A) If the foster home is a family foster home, at least 676
~~twenty-four~~ thirty-six hours; 677

(B) If the foster home is a specialized foster home, at least 678
thirty-six hours. 679

Sec. 5103.032. (A) Except as provided in divisions ~~(B)~~, (C), 680
~~and (D)~~, and (E) of this section and in section 5103.033 of the 681
Revised Code and subject to division (B) of this section, the 682
department of job and family services may not renew a foster home 683
certificate under section 5103.03 of the Revised Code unless the 684
foster caregiver successfully completes the following amount of 685
continuing training in accordance with the foster caregiver's 686
needs assessment and continuing training plan developed and 687
implemented under section 5103.035 of the Revised Code: 688

(1) If the foster home is a family foster home, at least 689
forty hours in the preceding two-year period; 690

(2) If the foster home is a specialized foster home, at least 691
sixty hours in the preceding two-year period. 692

The continuing training required by this section shall comply 693
with rules the department adopts pursuant to section 5103.0316 of 694
the Revised Code. 695

(B) A foster caregiver may fulfill up to twenty per cent of 696
the required amount of continuing training described in division 697

(A) of this section by teaching one or more training classes for 698
other foster caregivers or by providing mentorship services to 699
other foster caregivers. The department of job and family services 700
shall adopt rules in accordance with Chapter 119. of the Revised 701
Code as necessary for the qualification of foster caregivers to 702
provide training or mentorship services to other foster 703
caregivers. 704

(C) At the beginning of a foster caregiver's two-year 705
certification period, a public children services agency, private 706
child placing agency, or private noncustodial agency acting as a 707
recommending agency for a foster caregiver holding a certificate 708
issued under section 5103.03 of the Revised Code for a family 709
foster home or specialized foster home may waive up to eight hours 710
of continuing training the foster caregiver is otherwise required 711
by division (A) of this section to complete in that two-year 712
certification period if all of the following apply: 713

(1) The foster caregiver has held a certificate issued under 714
section 5103.03 of the Revised Code for a family foster home or 715
specialized foster home for at least two years; 716

(2) The foster caregiver has provided foster care for at 717
least ninety days of the twelve months preceding the date the 718
agency issues the waiver; 719

(3) The foster caregiver has not violated any requirements 720
governing certification of foster homes during the twelve months 721
preceding the date the agency issues the waiver; 722

(4) The foster caregiver has complied in full with the needs 723
assessment and continuing training plan developed for the foster 724
caregiver under section 5103.035 of the Revised Code for the 725
preceding certification period. 726

~~(C)~~(D) Each recommending agency shall establish and implement 727
a policy regarding good cause for a foster caregiver's failure to 728

complete the continuing training in accordance with division (A) 729
of this section. If the foster caregiver complies with the policy, 730
as determined by the agency, the department may renew the foster 731
caregiver's foster home certificate. The agency shall submit the 732
policy to the department and provide a copy to each foster home 733
the agency recommends for certification or renewal. The policy 734
shall include the following: 735

(1) What constitutes good cause, including documented 736
illness, critical emergencies, and lack of accessible training 737
programs; 738

(2) Procedures for developing a scheduled corrective action 739
plan that provides for prompt completion of the continuing 740
training; 741

(3) Procedures for recommending revocation of the foster home 742
certificate if the foster caregiver fails to comply with the 743
corrective action plan. 744

~~(D)~~(E) A foster caregiver shall be given an additional amount 745
of time within which the foster caregiver must complete the 746
continuing training required under division (A) of this section in 747
accordance with rules adopted by the department of job and family 748
services if either of the following applies: 749

(1) The foster caregiver has served in active duty outside 750
this state with a branch of the armed forces of the United States 751
for more than thirty days in the preceding two-year period. 752

(2) The foster caregiver has served in active duty as a 753
member of the Ohio organized militia, as defined in section 754
5923.01 of the Revised Code, for more than thirty days in the 755
preceding two-year period and that active duty relates to either 756
an emergency in or outside of this state or to military duty in or 757
outside of this state. 758

Sec. 5103.035. A public children services agency, private 759
child placing agency, or private noncustodial agency acting as a 760
recommending agency for a foster caregiver shall develop and 761
implement a written needs assessment and continuing training plan 762
for the foster caregiver. Each needs assessment and continuing 763
training plan shall satisfy all of the following requirements: 764

(A) Be effective for the two-year period the foster 765
caregiver's certificate is in effect; 766

(B) Be appropriate for the type of foster home the foster 767
caregiver operates; 768

(C) Require the foster caregiver to successfully complete the 769
training required by the department in rules adopted pursuant to 770
section 5103.0316 of the Revised Code and any other courses the 771
agency considers appropriate; 772

(D) Include criteria the agency is to use to determine 773
whether the foster caregiver has successfully completed the 774
courses; 775

(E) Guarantee that the courses the foster caregiver is 776
required to complete are available to the foster caregiver at 777
reasonable times and places; 778

(F) Specify the number of hours of continuing training, if 779
any, the foster caregiver may complete by teaching one or more 780
training classes to other foster caregivers or by providing 781
mentoring services to other foster caregivers pursuant to division 782
(B) of section 5103.032 of the Revised Code; 783

(G) Specify the number of hours of continuing training, if 784
any, the agency will waive pursuant to division ~~(B)~~(C) of section 785
5103.032 of the Revised Code. 786

Sec. 5103.0312. A public children services agency, private 787

child placing agency, or private noncustodial agency acting as a 788
recommending agency for a foster caregiver shall ~~pay~~ reimburse the 789
foster caregiver ~~a stipend to reimburse the foster caregiver in a~~ 790
lump sum for attending a preplacement ~~or continuing~~ training 791
program operated under section 5103.034 or 5103.30 of the Revised 792
Code and shall reimburse the foster caregiver a stipend for 793
attending a continuing training program operated under section 794
5103.034 or 5103.30 of the Revised Code. The ~~payment~~ amount of the 795
lump sum reimbursement and the stipend rate shall be ~~based on a~~ 796
~~stipend rate~~ established by the department of job and family 797
services. ~~The stipend rate~~ and shall be the same regardless of the 798
type of recommending agency from which the foster caregiver seeks 799
a recommendation. The department shall, pursuant to rules adopted 800
under section 5103.0316 of the Revised Code, reimburse the 801
recommending agency for stipend ~~payments~~ reimbursements it makes 802
in accordance with this section. ~~No payment shall be made~~ The 803
department shall adopt rules under Chapter 119. of the Revised 804
Code regarding the release of lump sum stipends to an individual 805
for attending a preplacement training program ~~if the individual~~ 806
~~fails to obtain a foster home certificate under section 5103.03 of~~ 807
~~the Revised Code.~~ 808

Sec. 5103.0313. Except as provided in section 5103.303 of the 809
Revised Code, the department of job and family services shall 810
compensate a private child placing agency or private noncustodial 811
agency for the cost of procuring or operating preplacement and 812
continuing training programs approved by the department of job and 813
family services under section 5103.038 of the Revised Code for 814
prospective foster caregivers and foster caregivers who are 815
recommended for initial certification or recertification by the 816
agency. 817

The compensation shall be paid to the agency in the form of 818
an allowance to reimburse the agency for each hour the minimum 819

required amount of preplacement and continuing training provided 820
or received under section 5103.031 or 5103.032 of the Revised 821
Code. 822

Sec. 5103.391. The director of job and family services shall 823
appoint all of the following to serve on the Ohio child welfare 824
training program steering committee: 825

(A) Employees of the department of job and family services; 826

(B) One representative of each of the regional training 827
centers established under section 5103.42 of the Revised Code; 828

(C) One representative of a statewide organization that 829
represents the interests of public children services agencies; 830

(D) One representative of the Ohio child welfare training 831
program coordinator; 832

(E) Two current foster caregivers certified by the department 833
of job and family services under section 5103.03 of the Revised 834
Code; 835

(F) Employees of public children services agencies. 836

Sec. 5126.04. (A) Each county board of mental retardation and 837
developmental disabilities shall plan and set priorities based on 838
available resources for the provision of facilities, programs, and 839
other services to meet the needs of county residents who are 840
individuals with mental retardation and other developmental 841
disabilities, former residents of the county residing in state 842
institutions or placed under purchase of service agreements under 843
section 5123.18 of the Revised Code, and children subject to a 844
determination made pursuant to section 121.38 of the Revised Code. 845

Each county board shall assess the facility and service needs 846
of the individuals with mental retardation and other developmental 847
disabilities who are residents of the county or former residents 848

of the county residing in state institutions or placed under 849
purchase of service agreements under section 5123.18 of the 850
Revised Code. 851

Each county board shall require individual habilitation or 852
service plans for individuals with mental retardation and other 853
developmental disabilities who are being served or who have been 854
determined eligible for services and are awaiting the provision of 855
services. Each board shall ensure that methods of having their 856
service needs evaluated are available. 857

(B)(1) If a foster child is in need of assessment for 858
eligible services or is receiving services from a county board of 859
mental retardation and developmental disabilities and that child 860
is placed in a different county, the agency that placed the child, 861
immediately upon placement, shall inform the county board in the 862
new county all of the following: 863

(a) That a foster child has been placed in that county; 864

(b) The name and other identifying information of the foster 865
child; 866

(c) The name of the foster child's previous county of 867
residence; 868

(d) That the foster child was in need of assessment for 869
eligible services or was receiving services from the county board 870
of mental retardation and developmental disabilities in the 871
previous county. 872

(2) Upon receiving the notice described in division (B)(1) of 873
this section or otherwise learning that the child was in need of 874
assessment for eligible services or was receiving services from a 875
county board of mental retardation and developmental disabilities 876
in the previous county, the county board in the new county shall 877
communicate with the county board of the previous county to 878
determine how services for the foster child shall be provided in 879

accordance with each board's plan and priorities as described in 880
division (A) of this section. 881

If the two county boards are unable to reach an agreement 882
within ten days of the child's placement, the county board in the 883
new county shall send notice to the Ohio department of mental 884
retardation and developmental disabilities of the failure to 885
agree. The department shall decide how services shall be provided 886
for the foster child within ten days of receiving notice that the 887
county boards could not reach an agreement. The department may 888
decide that one, or both, of the county boards shall provide 889
services. The services shall be provided in accordance with the 890
board's plan and priorities as described in division (A) of this 891
section. 892

(C) The department of mental retardation and developmental 893
disabilities may adopt rules in accordance with Chapter 119. of 894
the Revised Code as necessary to implement this section. To the 895
extent that rules adopted under this section apply to the 896
identification and placement of handicapped children under Chapter 897
3323. of the Revised Code, the rules shall be consistent with the 898
standards and procedures established under sections 3323.03 to 899
3323.05 of the Revised Code. 900

~~(C)~~(D) The responsibility or authority of a county board to 901
provide services under this chapter does not affect the 902
responsibility of any other entity of state or local government to 903
provide services to individuals with mental retardation and 904
developmental disabilities. 905

~~(D)~~(E) On or before the first day of February prior to a 906
school year, a county board of mental retardation and 907
developmental disabilities may elect not to participate during 908
that school year in the provision of or contracting for 909
educational services for children ages six through twenty-one 910
years of age, provided that on or before that date the board gives 911

notice of this election to the superintendent of public 912
instruction, each school district in the county, and the 913
educational service center serving the county. If a board makes 914
this election, it shall not have any responsibility for or 915
authority to provide educational services that school year for 916
children ages six through twenty-one years of age. If a board does 917
not make an election for a school year in accordance with this 918
division, the board shall be deemed to have elected to participate 919
during that school year in the provision of or contracting for 920
educational services for children ages six through twenty-one 921
years of age. 922

~~(E)~~(F) If a county board of mental retardation and 923
developmental disabilities elects to provide educational services 924
during a school year to individuals six through twenty-one years 925
of age who are multiply handicapped, the board may provide these 926
services to individuals who are appropriately identified and 927
determined eligible pursuant to Chapter 3323. of the Revised Code, 928
and in accordance with applicable rules of the state board of 929
education. The county board may also provide related services to 930
individuals six through twenty-one years of age who have one or 931
more disabling conditions, in accordance with section 3317.20 and 932
Chapter 3323. of the Revised Code and applicable rules of the 933
state board of education. 934

Sec. 5153.122. Each PCSA caseworker hired after January 1, 935
2007, shall complete at least one hundred two hours of in-service 936
training during the first year of the caseworker's continuous 937
employment as a PCSA caseworker, except that the executive 938
director of the public children services agency may waive the 939
training requirement for a school of social work graduate who 940
participated in the university partnership program described in 941
division (D) of section 5101.141 of the Revised Code. The training 942
shall consist of courses in recognizing, accepting reports of, and 943

preventing child abuse, neglect, and dependency; assessing child 944
safety; assessing risks; interviewing persons; investigating 945
cases; intervening; providing services to children and their 946
families; the importance of and need for accurate data; 947
preparation for court; maintenance of case record information; and 948
other topics relevant to child abuse, neglect, and dependency. The 949
training shall also include courses in the legal duties of PCSA 950
caseworkers to protect the constitutional and statutory rights of 951
children and families from the initial time of contact during 952
investigation through treatment that shall include instruction 953
regarding parents' rights and the limitations that the Fourth 954
Amendment to the United States Constitution places upon 955
caseworkers and their investigations. 956

After a PCSA caseworker's first year of continuous employment 957
as a PCSA caseworker, the caseworker annually shall complete 958
thirty-six hours of training in areas relevant to the caseworker's 959
assigned duties. 960

During the first two years of continuous employment as a PCSA 961
caseworker, each PCSA caseworker shall complete at least twelve 962
hours of training in recognizing the signs of domestic violence 963
and its relationship to child abuse as established in rules the 964
director of job and family services shall adopt pursuant to 965
Chapter 119. of the Revised Code. The twelve hours may be in 966
addition to the ~~ninety hours~~ of training required during the 967
caseworker's first year of employment or part of the ~~thirty-six~~ 968
~~hours~~ of training required during the second year of employment. 969

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 970
at least sixty hours of in-service training during the first year 971
of the supervisor's continuous employment as a PCSA caseworker 972
supervisor. The training shall include courses in screening 973
reports of child abuse, neglect, or dependency. After a PCSA 974

caseworker supervisor's first year of continuous employment as a 975
PCSA caseworker supervisor, the supervisor annually shall complete 976
thirty hours of training in areas relevant to the supervisor's 977
assigned duties. During the first two years of continuous 978
employment as a PCSA caseworker supervisor, each PCSA caseworker 979
supervisor shall complete at least twelve hours of training in 980
recognizing the signs of domestic violence and its relationship to 981
child abuse as established in rules the director of job and family 982
services shall adopt pursuant to Chapter 119. of the Revised Code. 983
The twelve hours may be in addition to the ~~sixty hours~~ of training 984
required during the supervisor's first year of employment or part 985
of the ~~thirty hours~~ of training required during the second year of 986
employment. 987

Section 2. That existing sections 149.43, 2151.152, 5101.29, 988
5103.031, 5103.032, 5103.035, 5103.0312, 5103.0313, 5103.391, 989
5126.04, 5153.122, and 5153.123 of the Revised Code are hereby 990
repealed. 991

Section 3. The Ohio Department of Job and Family Services may 992
seek federal approval through the United States Department of 993
Health and Human Services to include within funding under Title 994
IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 995
670, an additional category of foster care certification, and 996
simplified standards for that certification, for placements in 997
which the child has an existing relationship with the foster 998
caregiver. 999

Section 4. The Ohio Department of Job and Family Services 1000
shall partner with the Ohio Department of Mental Retardation and 1001
Developmental Disabilities to offer joint cross system briefings 1002
to better educate the professionals of both systems for more 1003
effective service delivery for dually involved children and 1004

families. The joint cross system briefings shall be conducted 1005
regularly for one year after the effective date of this act and 1006
shall serve as a platform for conducting forums and developing 1007
training curriculums for foster caregivers that care for mentally 1008
retarded and developmentally disabled children. 1009

Section 5. That sections 2151.23, 2151.39, 3313.64, and 1010
5103.16 be amended and sections 5103.23, 5103.231, 5103.232, 1011
5103.233, 5103.234, 5103.235, 5103.236, and 5103.237 of the 1012
Revised Code be enacted to read as follows: 1013

Sec. 2151.23. (A) The juvenile court has exclusive original 1014
jurisdiction under the Revised Code as follows: 1015

(1) Concerning any child who on or about the date specified 1016
in the complaint, indictment, or information is alleged to have 1017
violated section 2151.87 of the Revised Code or an order issued 1018
under that section or to be a juvenile traffic offender or a 1019
delinquent, unruly, abused, neglected, or dependent child and, 1020
based on and in relation to the allegation pertaining to the 1021
child, concerning the parent, guardian, or other person having 1022
care of a child who is alleged to be an unruly or delinquent child 1023
for being an habitual or chronic truant; 1024

(2) Subject to divisions (G) and (V) of section 2301.03 of 1025
the Revised Code, to determine the custody of any child not a ward 1026
of another court of this state; 1027

(3) To hear and determine any application for a writ of 1028
habeas corpus involving the custody of a child; 1029

(4) To exercise the powers and jurisdiction given the probate 1030
division of the court of common pleas in Chapter 5122. of the 1031
Revised Code, if the court has probable cause to believe that a 1032
child otherwise within the jurisdiction of the court is a mentally 1033
ill person subject to hospitalization by court order, as defined 1034

in section 5122.01 of the Revised Code;	1035
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	1036 1037
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	1048 1049
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	1050 1051 1052 1053
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	1054 1055 1056 1057
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	1058 1059
(11) Subject to divisions (G) and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter	1060 1061 1062 1063 1064 1065

3115. of the Revised Code;	1066
(12) Concerning an action commenced under section 121.38 of the Revised Code;	1067 1068
(13) To hear and determine violations of section 3321.38 of the Revised Code;	1069 1070
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	1071 1072 1073 1074 1075
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40.	1076 1077 1078 1079 1080 1081 1082 1083
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	1084 1085 1086
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	1087 1088 1089 1090
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	1091 1092 1093
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	1094 1095

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	1096 1097 1098
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	1099 1100
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	1101 1102
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	1103 1104 1105
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	1106 1107 1108
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	1109 1110 1111 1112
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no	1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126

jurisdiction. 1127

(D) The juvenile court, except as provided in divisions (G) 1128
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1129
to hear and determine all matters as to custody and support of 1130
children duly certified by the court of common pleas to the 1131
juvenile court after a divorce decree has been granted, including 1132
jurisdiction to modify the judgment and decree of the court of 1133
common pleas as the same relate to the custody and support of 1134
children. 1135

(E) The juvenile court, except as provided in divisions (G) 1136
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1137
to hear and determine the case of any child certified to the court 1138
by any court of competent jurisdiction if the child comes within 1139
the jurisdiction of the juvenile court as defined by this section. 1140

(F)(1) The juvenile court shall exercise its jurisdiction in 1141
child custody matters in accordance with sections 3109.04~~7~~ and 1142
3127.01 to 3127.53~~7~~ of the Revised Code and, as applicable, 1143
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 1144
Code. 1145

(2) The juvenile court shall exercise its jurisdiction in 1146
child support matters in accordance with section 3109.05 of the 1147
Revised Code. 1148

(G) Any juvenile court that makes or modifies an order for 1149
child support shall comply with Chapters 3119., 3121., 3123., and 1150
3125. of the Revised Code. If any person required to pay child 1151
support under an order made by a juvenile court on or after April 1152
15, 1985, or modified on or after December 1, 1986, is found in 1153
contempt of court for failure to make support payments under the 1154
order, the court that makes the finding, in addition to any other 1155
penalty or remedy imposed, shall assess all court costs arising 1156
out of the contempt proceeding against the person and require the 1157

person to pay any reasonable attorney's fees of any adverse party, 1158
as determined by the court, that arose in relation to the act of 1159
contempt. 1160

(H) If a child who is charged with an act that would be an 1161
offense if committed by an adult was fourteen years of age or 1162
older and under eighteen years of age at the time of the alleged 1163
act and if the case is transferred for criminal prosecution 1164
pursuant to section 2152.12 of the Revised Code, the juvenile 1165
court does not have jurisdiction to hear or determine the case 1166
subsequent to the transfer. The court to which the case is 1167
transferred for criminal prosecution pursuant to that section has 1168
jurisdiction subsequent to the transfer to hear and determine the 1169
case in the same manner as if the case originally had been 1170
commenced in that court, including, but not limited to, 1171
jurisdiction to accept a plea of guilty or another plea authorized 1172
by Criminal Rule 11 or another section of the Revised Code and 1173
jurisdiction to accept a verdict and to enter a judgment of 1174
conviction pursuant to the Rules of Criminal Procedure against the 1175
child for the commission of the offense that was the basis of the 1176
transfer of the case for criminal prosecution, whether the 1177
conviction is for the same degree or a lesser degree of the 1178
offense charged, for the commission of a lesser-included offense, 1179
or for the commission of another offense that is different from 1180
the offense charged. 1181

(I) If a person under eighteen years of age allegedly commits 1182
an act that would be a felony if committed by an adult and if the 1183
person is not taken into custody or apprehended for that act until 1184
after the person attains twenty-one years of age, the juvenile 1185
court does not have jurisdiction to hear or determine any portion 1186
of the case charging the person with committing that act. In those 1187
circumstances, divisions (A) and (B) of section 2152.12 of the 1188
Revised Code do not apply regarding the act, and the case charging 1189

the person with committing the act shall be a criminal prosecution 1190
commenced and heard in the appropriate court having jurisdiction 1191
of the offense as if the person had been eighteen years of age or 1192
older when the person committed the act. All proceedings 1193
pertaining to the act shall be within the jurisdiction of the 1194
court having jurisdiction of the offense, and that court has all 1195
the authority and duties in the case that it has in other criminal 1196
cases in that court. 1197

Sec. 2151.39. No person, association or agency, public or 1198
private, of another state, incorporated or otherwise, shall place 1199
a child in a family home or with an agency or institution within 1200
the boundaries of this state, either for temporary or permanent 1201
care or custody or for adoption, unless such person or association 1202
has furnished the department of job and family services with a 1203
medical and social history of the child, pertinent information 1204
about the family, agency, association, or institution in this 1205
state with whom the sending party desires to place the child, and 1206
any other information or financial guaranty required by the 1207
department to determine whether the proposed placement will meet 1208
the needs of the child. The department may require the party 1209
desiring the placement to agree to promptly receive and remove 1210
from the state a child brought into the state whose placement has 1211
not proven satisfactorily responsive to the needs of the child at 1212
any time until the child is adopted, reaches majority, becomes 1213
self-supporting or is discharged with the concurrence of the 1214
department. All placements proposed to be made in this state by a 1215
party located in a state which is a party to the interstate 1216
compact ~~on~~ for the placement of children shall be made according 1217
to the provisions of sections 5103.20 to 5103.22 of the Revised 1218
Code, or, if the interstate compact on the placement of children 1219
is in effect in this state, all placements proposed to be made in 1220
this state by a party located in a state that is a party to that 1221

compact shall be made according to the provisions of sections 1222
5103.23 to 5103.237 of the Revised Code. 1223

Sec. 3313.64. (A) As used in this section and in section 1224
3313.65 of the Revised Code: 1225

(1)(a) Except as provided in division (A)(1)(b) of this 1226
section, "parent" means either parent, unless the parents are 1227
separated or divorced or their marriage has been dissolved or 1228
annulled, in which case "parent" means the parent who is the 1229
residential parent and legal custodian of the child. When a child 1230
is in the legal custody of a government agency or a person other 1231
than the child's natural or adoptive parent, "parent" means the 1232
parent with residual parental rights, privileges, and 1233
responsibilities. When a child is in the permanent custody of a 1234
government agency or a person other than the child's natural or 1235
adoptive parent, "parent" means the parent who was divested of 1236
parental rights and responsibilities for the care of the child and 1237
the right to have the child live with the parent and be the legal 1238
custodian of the child and all residual parental rights, 1239
privileges, and responsibilities. 1240

(b) When a child is the subject of a power of attorney 1241
executed under sections 3109.51 to 3109.62 of the Revised Code, 1242
"parent" means the grandparent designated as attorney in fact 1243
under the power of attorney. When a child is the subject of a 1244
caretaker authorization affidavit executed under sections 3109.64 1245
to 3109.73 of the Revised Code, "parent" means the grandparent 1246
that executed the affidavit. 1247

(2) "Legal custody," "permanent custody," and "residual 1248
parental rights, privileges, and responsibilities" have the same 1249
meanings as in section 2151.011 of the Revised Code. 1250

(3) "School district" or "district" means a city, local, or 1251
exempted village school district and excludes any school operated 1252

in an institution maintained by the department of youth services. 1253

(4) Except as used in division (C)(2) of this section, "home" 1254
means a home, institution, foster home, group home, or other 1255
residential facility in this state that receives and cares for 1256
children, to which any of the following applies: 1257

(a) The home is licensed, certified, or approved for such 1258
purpose by the state or is maintained by the department of youth 1259
services. 1260

(b) The home is operated by a person who is licensed, 1261
certified, or approved by the state to operate the home for such 1262
purpose. 1263

(c) The home accepted the child through a placement by a 1264
person licensed, certified, or approved to place a child in such a 1265
home by the state. 1266

(d) The home is a children's home created under section 1267
5153.21 or 5153.36 of the Revised Code. 1268

(5) "Agency" means all of the following: 1269

(a) A public children services agency; 1270

(b) An organization that holds a certificate issued by the 1271
Ohio department of job and family services in accordance with the 1272
requirements of section 5103.03 of the Revised Code and assumes 1273
temporary or permanent custody of children through commitment, 1274
agreement, or surrender, and places children in family homes for 1275
the purpose of adoption; 1276

(c) Comparable agencies of other states or countries that 1277
have complied with applicable requirements of section 2151.39~~7~~ of 1278
the Revised Code or, as applicable, sections 5103.20 to 5103.22 or 1279
5103.23 to 5103.237 of the Revised Code. 1280

(6) A child is placed for adoption if either of the following 1281
occurs: 1282

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a

government agency or a person other than the child's natural or 1313
adoptive parent. 1314

(b) The child resides in a home. 1315

(c) The child requires special education. 1316

(3) A child who is not entitled under division (B)(2) of this 1317
section to be admitted to the schools of the district where the 1318
child resides and who is residing with a resident of this state 1319
with whom the child has been placed for adoption shall be admitted 1320
to the schools of the district where the child resides unless 1321
either of the following applies: 1322

(a) The placement for adoption has been terminated. 1323

(b) Another school district is required to admit the child 1324
under division (B)(1) of this section. 1325

Division (B) of this section does not prohibit the board of 1326
education of a school district from placing a handicapped child 1327
who resides in the district in a special education program outside 1328
of the district or its schools in compliance with Chapter 3323. of 1329
the Revised Code. 1330

(C) A district shall not charge tuition for children admitted 1331
under division (B)(1) or (3) of this section. If the district 1332
admits a child under division (B)(2) of this section, tuition 1333
shall be paid to the district that admits the child as follows: 1334

(1) If the child receives special education in accordance 1335
with Chapter 3323. of the Revised Code, the school district of 1336
residence, as defined in section 3323.01 of the Revised Code, 1337
shall pay tuition for the child in accordance with section 1338
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 1339
regardless of who has custody of the child or whether the child 1340
resides in a home. 1341

(2) For a child that does not receive special education in 1342

accordance with Chapter 3323. of the Revised Code, except as 1343
otherwise provided in division (C)(2)(d) of this section, if the 1344
child is in the permanent or legal custody of a government agency 1345
or person other than the child's parent, tuition shall be paid by: 1346

(a) The district in which the child's parent resided at the 1347
time the court removed the child from home or at the time the 1348
court vested legal or permanent custody of the child in the person 1349
or government agency, whichever occurred first; 1350

(b) If the parent's residence at the time the court removed 1351
the child from home or placed the child in the legal or permanent 1352
custody of the person or government agency is unknown, tuition 1353
shall be paid by the district in which the child resided at the 1354
time the child was removed from home or placed in legal or 1355
permanent custody, whichever occurred first; 1356

(c) If a school district cannot be established under division 1357
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1358
district determined as required by section 2151.362 of the Revised 1359
Code by the court at the time it vests custody of the child in the 1360
person or government agency; 1361

(d) If at the time the court removed the child from home or 1362
vested legal or permanent custody of the child in the person or 1363
government agency, whichever occurred first, one parent was in a 1364
residential or correctional facility or a juvenile residential 1365
placement and the other parent, if living and not in such a 1366
facility or placement, was not known to reside in this state, 1367
tuition shall be paid by the district determined under division 1368
(D) of section 3313.65 of the Revised Code as the district 1369
required to pay any tuition while the parent was in such facility 1370
or placement; 1371

(e) If the court has modified its order as to which district 1372
is responsible to bear the cost of educating the child pursuant to 1373

division (A)(2) of section 2151.362 of the Revised Code, the 1374
district determined to be responsible for that cost in the order 1375
so modified. 1376

(3) If the child is not in the permanent or legal custody of 1377
a government agency or person other than the child's parent and 1378
the child resides in a home, tuition shall be paid by one of the 1379
following: 1380

(a) The school district in which the child's parent resides; 1381

(b) If the child's parent is not a resident of this state, 1382
the home in which the child resides. 1383

(D) Tuition required to be paid under divisions (C)(2) and 1384
(3)(a) of this section shall be computed in accordance with 1385
section 3317.08 of the Revised Code. Tuition required to be paid 1386
under division (C)(3)(b) of this section shall be computed in 1387
accordance with section 3317.081 of the Revised Code. If a home 1388
fails to pay the tuition required by division (C)(3)(b) of this 1389
section, the board of education providing the education may 1390
recover in a civil action the tuition and the expenses incurred in 1391
prosecuting the action, including court costs and reasonable 1392
attorney's fees. If the prosecuting attorney or city director of 1393
law represents the board in such action, costs and reasonable 1394
attorney's fees awarded by the court, based upon the prosecuting 1395
attorney's, director's, or one of their designee's time spent 1396
preparing and presenting the case, shall be deposited in the 1397
county or city general fund. 1398

(E) A board of education may enroll a child free of any 1399
tuition obligation for a period not to exceed sixty days, on the 1400
sworn statement of an adult resident of the district that the 1401
resident has initiated legal proceedings for custody of the child. 1402

(F) In the case of any individual entitled to attend school 1403
under this division, no tuition shall be charged by the school 1404

district of attendance and no other school district shall be 1405
required to pay tuition for the individual's attendance. 1406

Notwithstanding division (B), (C), or (E) of this section: 1407

(1) All persons at least eighteen but under twenty-two years 1408
of age who live apart from their parents, support themselves by 1409
their own labor, and have not successfully completed the high 1410
school curriculum or the individualized education program 1411
developed for the person by the high school pursuant to section 1412
3323.08 of the Revised Code, are entitled to attend school in the 1413
district in which they reside. 1414

(2) Any child under eighteen years of age who is married is 1415
entitled to attend school in the child's district of residence. 1416

(3) A child is entitled to attend school in the district in 1417
which either of the child's parents is employed if the child has a 1418
medical condition that may require emergency medical attention. 1419
The parent of a child entitled to attend school under division 1420
(F)(3) of this section shall submit to the board of education of 1421
the district in which the parent is employed a statement from the 1422
child's physician certifying that the child's medical condition 1423
may require emergency medical attention. The statement shall be 1424
supported by such other evidence as the board may require. 1425

(4) Any child residing with a person other than the child's 1426
parent is entitled, for a period not to exceed twelve months, to 1427
attend school in the district in which that person resides if the 1428
child's parent files an affidavit with the superintendent of the 1429
district in which the person with whom the child is living resides 1430
stating all of the following: 1431

(a) That the parent is serving outside of the state in the 1432
armed services of the United States; 1433

(b) That the parent intends to reside in the district upon 1434
returning to this state; 1435

(c) The name and address of the person with whom the child is living while the parent is outside the state. 1436
1437

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board. 1438
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(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 1445
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(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion; 1452
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(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement. 1455
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1457

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 1458
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(a) A sworn statement explaining the situation, revealing the 1466

location of the house being purchased, and stating the parent's 1467
intent to reside there; 1468

(b) A statement from a real estate broker or bank officer 1469
confirming that the parent has a contract to purchase the house, 1470
that the parent is waiting upon the date of closing of the 1471
mortgage loan, and that the house is at the location indicated in 1472
the parent's statement. 1473

The district superintendent shall establish a period of time 1474
not to exceed ninety days during which the child entitled to 1475
attend school under division (F)(6) or (7) of this section may 1476
attend without tuition obligation. A student attending a school 1477
under division (F)(6) or (7) of this section shall be eligible to 1478
participate in interscholastic athletics under the auspices of 1479
that school, provided the board of education of the school 1480
district where the student's parent resides, by a formal action, 1481
releases the student to participate in interscholastic athletics 1482
at the school where the student is attending, and provided the 1483
student receives any authorization required by a public agency or 1484
private organization of which the school district is a member 1485
exercising authority over interscholastic sports. 1486

(8) A child whose parent is a full-time employee of a city, 1487
local, or exempted village school district, or of an educational 1488
service center, may be admitted to the schools of the district 1489
where the child's parent is employed, or in the case of a child 1490
whose parent is employed by an educational service center, in the 1491
district that serves the location where the parent's job is 1492
primarily located, provided the district board of education 1493
establishes such an admission policy by resolution adopted by a 1494
majority of its members. Any such policy shall take effect on the 1495
first day of the school year and the effective date of any 1496
amendment or repeal may not be prior to the first day of the 1497
subsequent school year. The policy shall be uniformly applied to 1498

all such children and shall provide for the admission of any such 1499
child upon request of the parent. No child may be admitted under 1500
this policy after the first day of classes of any school year. 1501

(9) A child who is with the child's parent under the care of 1502
a shelter for victims of domestic violence, as defined in section 1503
3113.33 of the Revised Code, is entitled to attend school free in 1504
the district in which the child is with the child's parent, and no 1505
other school district shall be required to pay tuition for the 1506
child's attendance in that school district. 1507

The enrollment of a child in a school district under this 1508
division shall not be denied due to a delay in the school 1509
district's receipt of any records required under section 3313.672 1510
of the Revised Code or any other records required for enrollment. 1511
Any days of attendance and any credits earned by a child while 1512
enrolled in a school district under this division shall be 1513
transferred to and accepted by any school district in which the 1514
child subsequently enrolls. The state board of education shall 1515
adopt rules to ensure compliance with this division. 1516

(10) Any child under the age of twenty-two years whose parent 1517
has moved out of the school district after the commencement of 1518
classes in the child's senior year of high school is entitled, 1519
subject to the approval of that district board, to attend school 1520
in the district in which the child attended school at the time of 1521
the parental move for the remainder of the school year and for one 1522
additional semester or equivalent term. A district board may also 1523
adopt a policy specifying extenuating circumstances under which a 1524
student may continue to attend school under division (F)(10) of 1525
this section for an additional period of time in order to 1526
successfully complete the high school curriculum for the 1527
individualized education program developed for the student by the 1528
high school pursuant to section 3323.08 of the Revised Code. 1529

(11) As used in this division, "grandparent" means a parent 1530

of a parent of a child. A child under the age of twenty-two years 1531
who is in the custody of the child's parent, resides with a 1532
grandparent, and does not require special education is entitled to 1533
attend the schools of the district in which the child's 1534
grandparent resides, provided that, prior to such attendance in 1535
any school year, the board of education of the school district in 1536
which the child's grandparent resides and the board of education 1537
of the school district in which the child's parent resides enter 1538
into a written agreement specifying that good cause exists for 1539
such attendance, describing the nature of this good cause, and 1540
consenting to such attendance. 1541

In lieu of a consent form signed by a parent, a board of 1542
education may request the grandparent of a child attending school 1543
in the district in which the grandparent resides pursuant to 1544
division (F)(11) of this section to complete any consent form 1545
required by the district, including any authorization required by 1546
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 1547
Code. Upon request, the grandparent shall complete any consent 1548
form required by the district. A school district shall not incur 1549
any liability solely because of its receipt of a consent form from 1550
a grandparent in lieu of a parent. 1551

Division (F)(11) of this section does not create, and shall 1552
not be construed as creating, a new cause of action or substantive 1553
legal right against a school district, a member of a board of 1554
education, or an employee of a school district. This section does 1555
not affect, and shall not be construed as affecting, any 1556
immunities from defenses to tort liability created or recognized 1557
by Chapter 2744. of the Revised Code for a school district, 1558
member, or employee. 1559

(12) A child under the age of twenty-two years is entitled to 1560
attend school in a school district other than the district in 1561
which the child is entitled to attend school under division (B), 1562

(C), or (E) of this section provided that, prior to such 1563
attendance in any school year, both of the following occur: 1564

(a) The superintendent of the district in which the child is 1565
entitled to attend school under division (B), (C), or (E) of this 1566
section contacts the superintendent of another district for 1567
purposes of this division; 1568

(b) The superintendents of both districts enter into a 1569
written agreement that consents to the attendance and specifies 1570
that the purpose of such attendance is to protect the student's 1571
physical or mental well-being or to deal with other extenuating 1572
circumstances deemed appropriate by the superintendents. 1573

While an agreement is in effect under this division for a 1574
student who is not receiving special education under Chapter 3323. 1575
of the Revised Code and notwithstanding Chapter 3327. of the 1576
Revised Code, the board of education of neither school district 1577
involved in the agreement is required to provide transportation 1578
for the student to and from the school where the student attends. 1579

A student attending a school of a district pursuant to this 1580
division shall be allowed to participate in all student 1581
activities, including interscholastic athletics, at the school 1582
where the student is attending on the same basis as any student 1583
who has always attended the schools of that district while of 1584
compulsory school age. 1585

(13) All school districts shall comply with the 1586
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 1587
seq., for the education of homeless children. Each city, local, 1588
and exempted village school district shall comply with the 1589
requirements of that act governing the provision of a free, 1590
appropriate public education, including public preschool, to each 1591
homeless child. 1592

When a child loses permanent housing and becomes a homeless 1593

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 1594
such a homeless person changes temporary living arrangements, the 1595
child's parent or guardian shall have the option of enrolling the 1596
child in either of the following: 1597

(a) The child's school of origin, as defined in 42 U.S.C.A. 1598
11432(g)(3)(C); 1599

(b) The school that is operated by the school district in 1600
which the shelter where the child currently resides is located and 1601
that serves the geographic area in which the shelter is located. 1602

(14) A child under the age of twenty-two years who resides 1603
with a person other than the child's parent is entitled to attend 1604
school in the school district in which that person resides if both 1605
of the following apply: 1606

(a) That person has been appointed, through a military power 1607
of attorney executed under section 574(a) of the "National Defense 1608
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 1609
U.S.C. 1044b, or through a comparable document necessary to 1610
complete a family care plan, as the parent's agent for the care, 1611
custody, and control of the child while the parent is on active 1612
duty as a member of the national guard or a reserve unit of the 1613
armed forces of the United States or because the parent is a 1614
member of the armed forces of the United States and is on a duty 1615
assignment away from the parent's residence. 1616

(b) The military power of attorney or comparable document 1617
includes at least the authority to enroll the child in school. 1618

The entitlement to attend school in the district in which the 1619
parent's agent under the military power of attorney or comparable 1620
document resides applies until the end of the school year in which 1621
the military power of attorney or comparable document expires. 1622

(G) A board of education, after approving admission, may 1623
waive tuition for students who will temporarily reside in the 1624

district and who are either of the following: 1625

(1) Residents or domiciliaries of a foreign nation who 1626
request admission as foreign exchange students; 1627

(2) Residents or domiciliaries of the United States but not 1628
of Ohio who request admission as participants in an exchange 1629
program operated by a student exchange organization. 1630

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1631
3327.04, and 3327.06 of the Revised Code, a child may attend 1632
school or participate in a special education program in a school 1633
district other than in the district where the child is entitled to 1634
attend school under division (B) of this section. 1635

(I)(1) Notwithstanding anything to the contrary in this 1636
section or section 3313.65 of the Revised Code, a child under 1637
twenty-two years of age may attend school in the school district 1638
in which the child, at the end of the first full week of October 1639
of the school year, was entitled to attend school as otherwise 1640
provided under this section or section 3313.65 of the Revised 1641
Code, if at that time the child was enrolled in the schools of the 1642
district but since that time the child or the child's parent has 1643
relocated to a new address located outside of that school district 1644
and within the same county as the child's or parent's address 1645
immediately prior to the relocation. The child may continue to 1646
attend school in the district, and at the school to which the 1647
child was assigned at the end of the first full week of October of 1648
the current school year, for the balance of the school year. 1649
Division (I)(1) of this section applies only if both of the 1650
following conditions are satisfied: 1651

(a) The board of education of the school district in which 1652
the child was entitled to attend school at the end of the first 1653
full week in October and of the district to which the child or 1654
child's parent has relocated each has adopted a policy to enroll 1655

children described in division (I)(1) of this section. 1656

(b) The child's parent provides written notification of the 1657
relocation outside of the school district to the superintendent of 1658
each of the two school districts. 1659

(2) At the beginning of the school year following the school 1660
year in which the child or the child's parent relocated outside of 1661
the school district as described in division (I)(1) of this 1662
section, the child is not entitled to attend school in the school 1663
district under that division. 1664

(3) Any person or entity owing tuition to the school district 1665
on behalf of the child at the end of the first full week in 1666
October, as provided in division (C) of this section, shall 1667
continue to owe such tuition to the district for the child's 1668
attendance under division (I)(1) of this section for the lesser of 1669
the balance of the school year or the balance of the time that the 1670
child attends school in the district under division (I)(1) of this 1671
section. 1672

(4) A pupil who may attend school in the district under 1673
division (I)(1) of this section shall be entitled to 1674
transportation services pursuant to an agreement between the 1675
district and the district in which the child or child's parent has 1676
relocated unless the districts have not entered into such 1677
agreement, in which case the child shall be entitled to 1678
transportation services in the same manner as a pupil attending 1679
school in the district under interdistrict open enrollment as 1680
described in division (H) of section 3313.981 of the Revised Code, 1681
regardless of whether the district has adopted an open enrollment 1682
policy as described in division (B)(1)(b) or (c) of section 1683
3313.98 of the Revised Code. 1684

(J) This division does not apply to a child receiving special 1685
education. 1686

A school district required to pay tuition pursuant to 1687
division (C)(2) or (3) of this section or section 3313.65 of the 1688
Revised Code shall have an amount deducted under division (F) of 1689
section 3317.023 of the Revised Code equal to its own tuition rate 1690
for the same period of attendance. A school district entitled to 1691
receive tuition pursuant to division (C)(2) or (3) of this section 1692
or section 3313.65 of the Revised Code shall have an amount 1693
credited under division (F) of section 3317.023 of the Revised 1694
Code equal to its own tuition rate for the same period of 1695
attendance. If the tuition rate credited to the district of 1696
attendance exceeds the rate deducted from the district required to 1697
pay tuition, the department of education shall pay the district of 1698
attendance the difference from amounts deducted from all 1699
districts' payments under division (F) of section 3317.023 of the 1700
Revised Code but not credited to other school districts under such 1701
division and from appropriations made for such purpose. The 1702
treasurer of each school district shall, by the fifteenth day of 1703
January and July, furnish the superintendent of public instruction 1704
a report of the names of each child who attended the district's 1705
schools under divisions (C)(2) and (3) of this section or section 1706
3313.65 of the Revised Code during the preceding six calendar 1707
months, the duration of the attendance of those children, the 1708
school district responsible for tuition on behalf of the child, 1709
and any other information that the superintendent requires. 1710

Upon receipt of the report the superintendent, pursuant to 1711
division (F) of section 3317.023 of the Revised Code, shall deduct 1712
each district's tuition obligations under divisions (C)(2) and (3) 1713
of this section or section 3313.65 of the Revised Code and pay to 1714
the district of attendance that amount plus any amount required to 1715
be paid by the state. 1716

(K) In the event of a disagreement, the superintendent of 1717
public instruction shall determine the school district in which 1718

the parent resides. 1719

(L) Nothing in this section requires or authorizes, or shall 1720
be construed to require or authorize, the admission to a public 1721
school in this state of a pupil who has been permanently excluded 1722
from public school attendance by the superintendent of public 1723
instruction pursuant to sections 3301.121 and 3313.662 of the 1724
Revised Code. 1725

(M) In accordance with division (B)(1) of this section, a 1726
child whose parent is a member of the national guard or a reserve 1727
unit of the armed forces of the United States and is called to 1728
active duty, or a child whose parent is a member of the armed 1729
forces of the United States and is ordered to a temporary duty 1730
assignment outside of the district, may continue to attend school 1731
in the district in which the child's parent lived before being 1732
called to active duty or ordered to a temporary duty assignment 1733
outside of the district, as long as the child's parent continues 1734
to be a resident of that district, and regardless of where the 1735
child lives as a result of the parent's active duty status or 1736
temporary duty assignment. However, the district is not 1737
responsible for providing transportation for the child if the 1738
child lives outside of the district as a result of the parent's 1739
active duty status or temporary duty assignment. 1740

Sec. 5103.16. (A) Pursuant to section 5103.18 of the Revised 1741
Code and except as otherwise provided in this section, no child 1742
shall be placed or accepted for placement under any written or 1743
oral agreement or understanding that transfers or surrenders the 1744
legal rights, powers, or duties of the legal parent, parents, or 1745
guardian of the child into the temporary or permanent custody of 1746
any association or institution that is not certified by the 1747
department of job and family services under section 5103.03 of the 1748
Revised Code, without the written consent of the office in the 1749

department that oversees the interstate compact ~~on~~ for placement 1750
of children established under section 5103.20 of the Revised Code 1751
or the interstate compact on the placement of children established 1752
under section 5103.23 of the Revised Code, as applicable, or by a 1753
commitment of a juvenile court, or by a commitment of a probate 1754
court as provided in this section. A child may be placed 1755
temporarily without written consent or court commitment with 1756
persons related by blood or marriage or in a legally licensed 1757
boarding home. 1758

(B)(1) Associations and institutions certified under section 1759
5103.03 of the Revised Code for the purpose of placing children in 1760
free foster homes or for legal adoption shall keep a record of the 1761
temporary and permanent surrenders of children. This record shall 1762
be available for separate statistics, which shall include a copy 1763
of an official birth record and all information concerning the 1764
social, mental, and medical history of the children that will aid 1765
in an intelligent disposition of the children in case that becomes 1766
necessary because the parents or guardians fail or are unable to 1767
reassume custody. 1768

(2) No child placed on a temporary surrender with an 1769
association or institution shall be placed permanently in a foster 1770
home or for legal adoption. All surrendered children who are 1771
placed permanently in foster homes or for adoption shall have been 1772
permanently surrendered, and a copy of the permanent surrender 1773
shall be a part of the separate record kept by the association or 1774
institution. 1775

(C) Any agreement or understanding to transfer or surrender 1776
the legal rights, powers, or duties of the legal parent or parents 1777
and place a child with a person seeking to adopt the child under 1778
this section shall be construed to contain a promise by the person 1779
seeking to adopt the child to pay the expenses listed in divisions 1780
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 1781

if the person seeking to adopt the child refuses to accept 1782
placement of the child, to pay the temporary costs of routine 1783
maintenance and medical care for the child in a hospital, foster 1784
home, or other appropriate place for up to thirty days or until 1785
other custody is established for the child, as provided by law, 1786
whichever is less. 1787

(D) No child shall be placed or received for adoption or with 1788
intent to adopt unless placement is made by a public children 1789
services agency, an institution or association that is certified 1790
by the department of job and family services under section 5103.03 1791
of the Revised Code to place children for adoption, or custodians 1792
in another state or foreign country, or unless all of the 1793
following criteria are met: 1794

(1) Prior to the placement and receiving of the child, the 1795
parent or parents of the child personally have applied to, and 1796
appeared before, the probate court of the county in which the 1797
parent or parents reside, or in which the person seeking to adopt 1798
the child resides, for approval of the proposed placement 1799
specified in the application and have signed and filed with the 1800
court a written statement showing that the parent or parents are 1801
aware of their right to contest the decree of adoption subject to 1802
the limitations of section 3107.16 of the Revised Code; 1803

(2) The court ordered an independent home study of the 1804
proposed placement to be conducted as provided in section 3107.031 1805
of the Revised Code, and after completion of the home study, the 1806
court determined that the proposed placement is in the best 1807
interest of the child; 1808

(3) The court has approved of record the proposed placement. 1809

In determining whether a custodian has authority to place 1810
children for adoption under the laws of a foreign country, the 1811
probate court shall determine whether the child has been released 1812

for adoption pursuant to the laws of the country in which the 1813
child resides, and if the release is in a form that satisfies the 1814
requirements of the immigration and naturalization service of the 1815
United States department of justice for purposes of immigration to 1816
this country pursuant to section 101(b)(1)(F) of the "Immigration 1817
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 1818
(b)(1)(F), as amended or reenacted. 1819

If the parent or parents of the child are deceased or have 1820
abandoned the child, as determined under division (A) of section 1821
3107.07 of the Revised Code, the application for approval of the 1822
proposed adoptive placement may be brought by the relative seeking 1823
to adopt the child, or by the department, board, or organization 1824
not otherwise having legal authority to place the orphaned or 1825
abandoned child for adoption, but having legal custody of the 1826
orphaned or abandoned child, in the probate court of the county in 1827
which the child is a resident, or in which the department, board, 1828
or organization is located, or where the person or persons with 1829
whom the child is to be placed reside. Unless the parent, parents, 1830
or guardian of the person of the child personally have appeared 1831
before the court and applied for approval of the placement, notice 1832
of the hearing on the application shall be served on the parent, 1833
parents, or guardian. 1834

The consent to placement, surrender, or adoption executed by 1835
a minor parent before a judge of the probate court or an 1836
authorized deputy or referee of the court, whether executed within 1837
or outside the confines of the court, is as valid as though 1838
executed by an adult. A consent given as above before an employee 1839
of a children services agency that is licensed as provided by law, 1840
is equally effective, if the consent also is accompanied by an 1841
affidavit executed by the witnessing employee or employees to the 1842
effect that the legal rights of the parents have been fully 1843
explained to the parents, prior to the execution of any consent, 1844

and that the action was done after the birth of the child. 1845

If the court approves a placement, the prospective adoptive 1846
parent with whom the child is placed has care, custody, and 1847
control of the child pending further order of the court. 1848

(E) This section does not apply to an adoption by a 1849
stepparent, a grandparent, or a guardian. 1850

Sec. 5103.23. The interstate compact on the placement of 1851
children is hereby enacted into law and entered into with all 1852
other jurisdictions legally joining therein in form substantially 1853
as follows: 1854

Article I. Purpose and Policy. 1855

It is the purpose and policy of the party states to cooperate 1856
with each other in the interstate placement of children to the end 1857
that: 1858

(A) Each child requiring placement shall receive the maximum 1859
opportunity to be placed in a suitable environment and with 1860
persons or institutions having appropriate qualifications and 1861
facilities to provide a necessary and desirable degree and type of 1862
care. 1863

(B) The appropriate authorities in a state where a child is 1864
to be placed may have full opportunity to ascertain the 1865
circumstances of the proposed placement, thereby promoting full 1866
compliance with applicable requirements for the protection of the 1867
child. 1868

(C) The proper authorities of the state from which the 1869
placement is made may obtain the most complete information on the 1870
basis of which to evaluate a projected placement before it is 1871
made. 1872

(D) Appropriate jurisdictional arrangements for the care of 1873
children will be promoted. 1874

<u>Article II. Definitions.</u>	1875
<u>As used in this compact:</u>	1876
<u>(A) "Child" means a person who, by reason of minority, is</u>	1877
<u>legally subject to parental, guardianship or similar control.</u>	1878
<u>(B) "Sending agency" means a party state, officer or employee</u>	1879
<u>thereof; a subdivision of a party state, or officer or employee</u>	1880
<u>thereof; a court of a party state; a person, corporation,</u>	1881
<u>association, charitable agency, or other entity which sends,</u>	1882
<u>brings, or causes to be sent or brought any child to another party</u>	1883
<u>state.</u>	1884
<u>(C) "Receiving state" means the state to which a child is</u>	1885
<u>sent, brought, or caused to be sent or brought, whether by public</u>	1886
<u>authorities or private persons or agencies, and whether for</u>	1887
<u>placement with state or local public authorities or for placement</u>	1888
<u>with private agencies or persons.</u>	1889
<u>(D) "Placement" means the arrangement for the care of a child</u>	1890
<u>in a family free or boarding home, or in a child-caring agency or</u>	1891
<u>institution but does not include any institution caring for the</u>	1892
<u>mentally ill, mentally defective, or epileptic, or any institution</u>	1893
<u>primarily educational in character, and any hospital or other</u>	1894
<u>medical facility.</u>	1895
<u>Article III. Conditions for Placement.</u>	1896
<u>(A) No sending agency shall send, bring, or cause to be sent</u>	1897
<u>or brought into any other party state any child for placement in</u>	1898
<u>foster care or as a preliminary to a possible adoption unless the</u>	1899
<u>sending agency shall comply with each and every requirement set</u>	1900
<u>forth in this article and with the applicable laws of the</u>	1901
<u>receiving state governing the placement of children therein.</u>	1902
<u>(B) Prior to sending, bringing or causing any child to be</u>	1903
<u>sent or brought into a receiving state for placement in foster</u>	1904

care or as a preliminary to a possible adoption, the sending 1905
agency shall furnish the appropriate public authorities in the 1906
receiving state written notice of the intention to send, bring, or 1907
place the child in the receiving state. The notice shall contain: 1908

(1) The name, date and place of the birth of the child; 1909

(2) The identity and address or addresses of the parents or 1910
legal guardian; 1911

(3) The name and address of the person, agency, or 1912
institution to or with which the sending agency proposes to send, 1913
bring, or place the child; 1914

(4) A full statement of the reasons for such proposed action 1915
and evidence of the authority pursuant to which the placement is 1916
proposed to be made. 1917

(C) Any public officer or agency in a receiving state which 1918
is in receipt of a notice pursuant to division (B) of this article 1919
may request of the sending agency, or any other appropriate 1920
officer or agency of or in the sending agency's state, and shall 1921
be entitled to receive therefrom, such supporting or additional 1922
information as it may deem necessary under the circumstances to 1923
carry out the purpose and policy of this compact. 1924

(D) The child shall not be sent, brought, or caused to be 1925
sent or brought into the receiving state until the appropriate 1926
public authorities in the receiving state shall notify the sending 1927
agency, in writing, to the effect that the proposed placement does 1928
not appear to be contrary to the interests of the child. 1929

Article IV. Penalty for Illegal Placement. 1930

The sending, bringing, or causing to be sent or brought into 1931
any receiving state of a child in violation of the terms of this 1932
compact shall constitute a violation of the laws respecting the 1933
placement of children of both the state in which the sending 1934

agency is located or from which it sends or brings the child and 1935
of the receiving state. Such violation may be punished or 1936
subjected to penalty in either jurisdiction in accordance with its 1937
laws. In addition to liability for any such punishment or penalty, 1938
any such violation shall constitute full and sufficient grounds 1939
for the suspension or revocation of any license, permit, or other 1940
legal authorization held by the sending agency which empowers or 1941
allows it to place, or care for children. 1942

Article V. Retention of Jurisdiction. 1943

(A) The sending agency shall retain jurisdiction over the 1944
child sufficient to determine all matters in relation to the 1945
custody, supervision, care, treatment and disposition of the child 1946
which it would have had if the child had remained in the sending 1947
agency's state, until the child is adopted, reaches majority, 1948
becomes self-supporting or is discharged with the concurrence of 1949
the appropriate authority in the receiving state. Such 1950
jurisdiction shall also include the power to effect or cause the 1951
return of the child or its transfer to another location and 1952
custody pursuant to law. The sending agency shall continue to have 1953
financial responsibility for support and maintenance of the child 1954
during the period of the placement. Nothing contained herein shall 1955
defeat a claim of jurisdiction by a receiving state sufficient to 1956
deal with an act of delinquency or crime committed therein. 1957

(B) When the sending agency is a public agency, it may enter 1958
into an agreement with an authorized public or private agency in 1959
the receiving state providing for the performance of one or more 1960
services in respect of such case by the latter as agent for the 1961
sending agency. 1962

(C) Nothing in this compact shall be construed to prevent a 1963
private charitable agency authorized to place children in the 1964
receiving state from performing services or acting as agent in 1965
that state for a private charitable agency of the sending state; 1966

nor to prevent the agency in the receiving state from discharging 1967
financial responsibility for the support and maintenance of a 1968
child who has been placed on behalf of the sending agency without 1969
relieving the responsibility set forth in paragraph (A) hereof. 1970

Article VI. Institutional Care of Delinquent Children. 1971

A child adjudicated delinquent may be placed in an 1972
institution in another party jurisdiction pursuant to this compact 1973
but no such placement shall be made unless the child is given a 1974
court hearing on notice to the parent or guardian with opportunity 1975
to be heard prior to his being sent to such other party 1976
jurisdiction for institutional care and the court finds that: 1977

(A) Equivalent facilities for the child are not available in 1978
the sending agency's jurisdiction; and 1979

(B) Institutional care in the other jurisdiction is in the 1980
best interest of the child and will not produce undue hardship. 1981

Article VII. Compact Administrator. 1982

The executive head of each jurisdiction party to this compact 1983
shall designate an officer who shall be general coordinator of 1984
activities under this compact in his jurisdiction and who, acting 1985
jointly with like officers of other party jurisdictions, shall 1986
have power to promulgate rules and regulations to carry out more 1987
effectively the terms and provisions of this compact. 1988

Article VIII. Limitations. 1989

This compact shall not apply to: 1990

(A) The sending or bringing of a child into a receiving state 1991
by his parent, step-parent, grandparent, adult brother or sister, 1992
adult uncle or aunt, or his guardian and leaving the child with 1993
any such relative or non-agency guardian in the receiving state. 1994

(B) Any placement, sending or bringing of a child into a 1995
receiving state pursuant to any other interstate compact to which 1996

both the state from which the child is sent or brought and the 1997
receiving state are party, or to any other agreement between said 1998
states which has the force of law. 1999

Article IX. Enactment and Withdrawal. 2000

This compact shall be open to joinder by any state, territory 2001
or possession of the United States, the District of Columbia, the 2002
Commonwealth of Puerto Rico, and, with the consent of congress, 2003
the government of Canada, or any province thereof. It shall become 2004
effective with respect to any such jurisdiction when such 2005
jurisdiction has enacted the same into law. Withdrawal from this 2006
compact shall be by the enactment of a statute repealing the same, 2007
but shall not take effect until two years after the effective date 2008
of such statute and until written notice of the withdrawal has 2009
been given by the withdrawing state to the governor of each other 2010
party jurisdiction. Withdrawal of a party state shall not affect 2011
the rights, duties and obligations under this compact of any 2012
sending agency therein with respect to a placement made prior to 2013
the effective date of withdrawal. 2014

Article X. Construction and Severability. 2015

The provisions of this compact shall be liberally construed 2016
to effectuate the purposes thereof. The provisions of this compact 2017
shall be severable and if any phrase, clause, sentence or 2018
provision of this compact is declared to be contrary to the 2019
constitution of any party state or of the United States or the 2020
applicability thereof to any government, agency, person, or 2021
circumstance is held invalid, the validity of the remainder of 2022
this compact and the applicability thereof to any government, 2023
agency, person or circumstance shall not be affected thereby. If 2024
this compact shall be held contrary to the constitution of any 2025
state party thereto, the compact shall remain in full force and 2026
effect as to the state affected as to all severable matters. 2027

Sec. 5103.231. Financial responsibility for any child placed 2028
pursuant to the provisions of the interstate compact on the 2029
placement of children shall be determined in accordance with the 2030
provisions of Article V of section 5103.23 of the Revised Code. 2031
However, in the event of parental or complete default of 2032
performance thereunder, the provisions of laws fixing 2033
responsibility for the support of children also may be invoked. 2034

Sec. 5103.232. The "appropriate public authorities" as used 2035
in Article III of the interstate compact on the placement of 2036
department of job and family services and that department shall 2037
receive and act with reference to notices required by said Article 2038
III. 2039

Sec. 5103.233. As used in paragraph (A) of Article V of the 2040
interstate compact on the placement of children, the phrase 2041
"appropriate authority in the receiving state" with reference to 2042
this state shall mean the department of job and family services. 2043

Sec. 5103.234. The officers and agencies of this state and 2044
its subdivisions having authority to place children are hereby 2045
empowered to enter into agreements with appropriate officers or 2046
agencies of or in other party states pursuant to paragraph (B) of 2047
Article V of the interstate compact on the placement of children. 2048
Any such agreement which contains a financial commitment or 2049
imposes a financial obligation on this state is subject to the 2050
approval of the director of budget and management. Any such 2051
agreement which contains a financial commitment or imposes a 2052
financial obligation on any subdivision of this state shall not be 2053
binding unless it has the approval in writing of the chief local 2054
fiscal officer. 2055

Sec. 5103.235. Any requirements for visitation, inspection, 2056

or supervision of children, homes, institutions, or other agencies 2057
in another party state which may apply under Chapter 5103. of the 2058
Revised Code shall be deemed to be met if performed pursuant to an 2059
agreement entered into by appropriate officers or agencies of this 2060
state or a subdivision thereof as contemplated by paragraph (B) of 2061
Article V of the interstate compact on the placement of children. 2062

Sec. 5103.236. Any court having jurisdiction to place 2063
delinquent children may place such a child in an institution in 2064
another state pursuant to Article VI of the interstate compact on 2065
the placement of children and shall retain jurisdiction as 2066
provided in Article V thereof. 2067

Sec. 5103.237. As used in Article VII of the interstate 2068
compact on the placement of children, the term "executive head" 2069
means the governor. The Governor is hereby authorized to appoint a 2070
compact administrator in accordance with the terms of said Article 2071
VII. 2072

Section 6. That existing sections 2151.23, 2151.39, 3313.64, 2073
and 5103.16 of the Revised Code are hereby repealed. 2074

Section 7. Sections 5103.23 to 5103.237 and the amendments to 2075
sections 2151.23, 2151.39, 3313.64, and 5103.16 of the Revised 2076
Code shall continue in effect until the Interstate Compact for the 2077
Placement of Children contained in sections 5103.20 to 5103.22 of 2078
the Revised Code becomes effective as described in Article XIV of 2079
that Compact, at which time sections 5103.23 to 5103.237 and the 2080
amendments made by this act to sections 2151.23, 2151.39, 3313.64, 2081
and 5103.16 of the Revised Code regarding the Interstate Compact 2082
on the Placement of Children no longer apply. 2083

Section 8. The enactment of the Interstate Compact on the 2084

Placement of Children in Section 9 of this act is a continuation 2085
of the interstate compact of the same name that was repealed in 2086
Am. Sub. S.B. 238 of the 126th General Assembly but remains in 2087
effect according to Article IX of that Compact. 2088

Section 9. Section 149.43 of the Revised Code is presented in 2089
this act as a composite of the section as amended by both Sub. 2090
H.B. 9 and Sub. H.B. 141 of the 126th General Assembly. Section 2091
3313.64 of the Revised Code is presented in this act as a 2092
composite of the section as amended by Am. Sub. H.B. 137, Am. Sub. 2093
H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of the 126th 2094
General Assembly. The General Assembly, applying the principle 2095
stated in division (B) of section 1.52 of the Revised Code that 2096
amendments are to be harmonized if reasonably capable of 2097
simultaneous operation, finds that the composites are the 2098
resulting versions of the sections in effect prior to the 2099
effective date of the sections as presented in this act. 2100