

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

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Sub. H. B. No. 7

Representative Brinkman

**Cosponsors: Representatives Yuko, Hottinger, Huffman, Webster, Jones,
DeBose, Letson, Williams, B., Wachtmann, Hagan, R., Adams, Aslanides,
Batchelder, Blessing, Boyd, Budish, Celeste, Chandler, Coley, Collier,
Combs, Daniels, DeGeeter, Dodd, Dolan, Domenick, Driehaus, Evans,
Flowers, Gardner, Gibbs, Goyal, Hagan, J., Heard, Hite, Mallory, Mandel,
McGregor, J., Mecklenborg, Newcomb, Oelslager, Patton, Raussen, Sayre,
Schindel, Schlichter, Schneider, Setzer, Slesnick, Stebelton, Stewart, J.,
Uecker, White, Widowfield, Zehringer**

Senators Wagoner, Morano, Padgett, Miller, D., Seitz

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A B I L L

To amend sections 2151.353, 2151.361, 2151.414,	1
2151.415, 3107.012, 3107.031, 3107.033, 3107.055,	2
3107.06, 3107.07, 3107.101, 3107.11, 3107.14,	3
3107.60, 3107.66, 3313.6011, 3317.024, 5103.03,	4
5107.30, and 5153.122 of the Revised Code	5
regarding adoption law and custody of an abused,	6
neglected, or dependent child.	7

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

Section 1. That sections 2151.353, 2151.361, 2151.414,	8
2151.415, 3107.012, 3107.031, 3107.033, 3107.055, 3107.06,	9
3107.07, 3107.101, 3107.11, 3107.14, 3107.60, 3107.66, 3313.6011,	10

3317.024, 5103.03, 5107.30, and 5153.122 of the Revised Code be 11
amended to read as follows: 12

Sec. 2151.353. (A) If a child is adjudicated an abused, 13
neglected, or dependent child, the court may make any of the 14
following orders of disposition: 15

(1) Place the child in protective supervision; 16

(2) Commit the child to the temporary custody of a public 17
children services agency, a private child placing agency, either 18
parent, a relative residing within or outside the state, or a 19
probation officer for placement in a certified foster home, or in 20
any other home approved by the court; 21

(3) Award legal custody of the child to either parent or to 22
any other person who, prior to the dispositional hearing, files a 23
motion requesting legal custody of the child or is identified as a 24
proposed legal custodian in a complaint or motion filed prior to 25
the dispositional hearing by any party to the proceedings. A 26
person identified in a complaint or motion filed by a party to the 27
proceedings as a proposed legal custodian shall be awarded legal 28
custody of the child only if the person identified signs a 29
statement of understanding for legal custody that contains at 30
least the following provisions: 31

(a) That it is the intent of the person to become the legal 32
custodian of the child and the person is able to assume legal 33
responsibility for the care and supervision of the child; 34

(b) That the person understands that legal custody of the 35
child in question is intended to be permanent in nature and that 36
the person will be responsible as the custodian for the child 37
until the child reaches the age of majority. Responsibility as 38
custodian for the child shall continue beyond the age of majority 39
if, at the time the child reaches the age of majority, the child 40

is pursuing a diploma granted by the board of education or other 41
governing authority, successful completion of the curriculum of 42
any high school, successful completion of an individualized 43
education program developed for the student by any high school, or 44
an age and schooling certificate. Responsibility beyond the age of 45
majority shall terminate when the child ceases to continuously 46
pursue such an education, completes such an education, or is 47
excused from such an education under standards adopted by the 48
state board of education, whichever occurs first. 49

(c) That the parents of the child have residual parental 50
rights, privileges, and responsibilities, including, but not 51
limited to, the privilege of reasonable visitation, consent to 52
adoption, the privilege to determine the child's religious 53
affiliation, and the responsibility for support; 54

(d) That the person understands that the person must be 55
present in court for the dispositional hearing in order to affirm 56
the person's intention to become legal custodian, to affirm that 57
the person understands the effect of the custodianship before the 58
court, and to answer any questions that the court or any parties 59
to the case may have. 60

(4) Commit the child to the permanent custody of a public 61
children services agency or private child placing agency, if the 62
court determines in accordance with division (E) of section 63
2151.414 of the Revised Code that the child cannot be placed with 64
one of the child's parents within a reasonable time or should not 65
be placed with either parent and determines in accordance with 66
division (D)(1) of section 2151.414 of the Revised Code that the 67
permanent commitment is in the best interest of the child. If the 68
court grants permanent custody under this division, the court, 69
upon the request of any party, shall file a written opinion 70
setting forth its findings of fact and conclusions of law in 71
relation to the proceeding. 72

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

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

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

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

the child's siblings. 105

(B) No order for permanent custody or temporary custody of a 106
child or the placement of a child in a planned permanent living 107
arrangement shall be made pursuant to this section unless the 108
complaint alleging the abuse, neglect, or dependency contains a 109
prayer requesting permanent custody, temporary custody, or the 110
placement of the child in a planned permanent living arrangement 111
as desired, the summons served on the parents of the child 112
contains as is appropriate a full explanation that the granting of 113
an order for permanent custody permanently divests them of their 114
parental rights, a full explanation that an adjudication that the 115
child is an abused, neglected, or dependent child may result in an 116
order of temporary custody that will cause the removal of the 117
child from their legal custody until the court terminates the 118
order of temporary custody or permanently divests the parents of 119
their parental rights, or a full explanation that the granting of 120
an order for a planned permanent living arrangement will result in 121
the removal of the child from their legal custody if any of the 122
conditions listed in divisions (A)(5)(a) to (c) of this section 123
are found to exist, and the summons served on the parents contains 124
a full explanation of their right to be represented by counsel and 125
to have counsel appointed pursuant to Chapter 120. of the Revised 126
Code if they are indigent. 127

If after making disposition as authorized by division (A)(2) 128
of this section, a motion is filed that requests permanent custody 129
of the child, the court may grant permanent custody of the child 130
to the movant in accordance with section 2151.414 of the Revised 131
Code. 132

(C) If the court issues an order for protective supervision 133
pursuant to division (A)(1) of this section, the court may place 134
any reasonable restrictions upon the child, the child's parents, 135
guardian, or custodian, or any other person, including, but not 136

limited to, any of the following: 137

(1) Order a party, within forty-eight hours after the 138
issuance of the order, to vacate the child's home indefinitely or 139
for a specified period of time; 140

(2) Order a party, a parent of the child, or a physical 141
custodian of the child to prevent any particular person from 142
having contact with the child; 143

(3) Issue an order restraining or otherwise controlling the 144
conduct of any person which conduct would not be in the best 145
interest of the child. 146

(D) As part of its dispositional order, the court shall 147
journalize a case plan for the child. The journalized case plan 148
shall not be changed except as provided in section 2151.412 of the 149
Revised Code. 150

(E)(1) The court shall retain jurisdiction over any child for 151
whom the court issues an order of disposition pursuant to division 152
(A) of this section or pursuant to section 2151.414 or 2151.415 of 153
the Revised Code until the child attains the age of eighteen years 154
if the child is not mentally retarded, developmentally disabled, 155
or physically impaired, the child attains the age of twenty-one 156
years if the child is mentally retarded, developmentally disabled, 157
or physically impaired, or the child is adopted and a final decree 158
of adoption is issued, except that the court may retain 159
jurisdiction over the child and continue any order of disposition 160
under division (A) of this section or under section 2151.414 or 161
2151.415 of the Revised Code for a specified period of time to 162
enable the child to graduate from high school or vocational 163
school. The court shall make an entry continuing its jurisdiction 164
under this division in the journal. 165

(2) Any public children services agency, any private child 166
placing agency, the department of job and family services, or any 167

party, other than any parent whose parental rights with respect to 168
the child have been terminated pursuant to an order issued under 169
division (A)(4) of this section, by filing a motion with the 170
court, may at any time request the court to modify or terminate 171
any order of disposition issued pursuant to division (A) of this 172
section or section 2151.414 or 2151.415 of the Revised Code. The 173
court shall hold a hearing upon the motion as if the hearing were 174
the original dispositional hearing and shall give all parties to 175
the action and the guardian ad litem notice of the hearing 176
pursuant to the Juvenile Rules. If applicable, the court shall 177
comply with section 2151.42 of the Revised Code. 178

(F) Any temporary custody order issued pursuant to division 179
(A) of this section shall terminate one year after the earlier of 180
the date on which the complaint in the case was filed or the child 181
was first placed into shelter care, except that, upon the filing 182
of a motion pursuant to section 2151.415 of the Revised Code, the 183
temporary custody order shall continue and not terminate until the 184
court issues a dispositional order under that section. In 185
resolving the motion, the court shall not order an existing 186
temporary custody order to continue beyond two years after the 187
date on which the complaint was filed or the child was first 188
placed into shelter care, whichever date is earlier, regardless of 189
whether any extensions have been previously ordered pursuant to 190
division (D) of section 2151.415 of the Revised Code. 191

(G)(1) No later than one year after the earlier of the date 192
the complaint in the case was filed or the child was first placed 193
in shelter care, a party may ask the court to extend an order for 194
protective supervision for six months or to terminate the order. A 195
party requesting extension or termination of the order shall file 196
a written request for the extension or termination with the court 197
and give notice of the proposed extension or termination in 198
writing before the end of the day after the day of filing it to 199

all parties and the child's guardian ad litem. If a public 200
children services agency or private child placing agency requests 201
termination of the order, the agency shall file a written status 202
report setting out the facts supporting termination of the order 203
at the time it files the request with the court. If no party 204
requests extension or termination of the order, the court shall 205
notify the parties that the court will extend the order for six 206
months or terminate it and that it may do so without a hearing 207
unless one of the parties requests a hearing. All parties and the 208
guardian ad litem shall have seven days from the date a notice is 209
sent pursuant to this division to object to and request a hearing 210
on the proposed extension or termination. 211

(a) If it receives a timely request for a hearing, the court 212
shall schedule a hearing to be held no later than thirty days 213
after the request is received by the court. The court shall give 214
notice of the date, time, and location of the hearing to all 215
parties and the guardian ad litem. At the hearing, the court shall 216
determine whether extension or termination of the order is in the 217
child's best interest. If termination is in the child's best 218
interest, the court shall terminate the order. If extension is in 219
the child's best interest, the court shall extend the order for 220
six months. 221

(b) If it does not receive a timely request for a hearing, 222
the court may extend the order for six months or terminate it 223
without a hearing and shall journalize the order of extension or 224
termination not later than fourteen days after receiving the 225
request for extension or termination or after the date the court 226
notifies the parties that it will extend or terminate the order. 227
If the court does not extend or terminate the order, it shall 228
schedule a hearing to be held no later than thirty days after the 229
expiration of the applicable fourteen-day time period and give 230
notice of the date, time, and location of the hearing to all 231

parties and the child's guardian ad litem. At the hearing, the 232
court shall determine whether extension or termination of the 233
order is in the child's best interest. If termination is in the 234
child's best interest, the court shall terminate the order. If 235
extension is in the child's best interest, the court shall issue 236
an order extending the order for protective supervision six 237
months. 238

(2) If the court grants an extension of the order for 239
protective supervision pursuant to division (G)(1) of this 240
section, a party may, prior to termination of the extension, file 241
with the court a request for an additional extension of six months 242
or for termination of the order. The court and the parties shall 243
comply with division (G)(1) of this section with respect to 244
extending or terminating the order. 245

(3) If a court grants an extension pursuant to division 246
(G)(2) of this section, the court shall terminate the order for 247
protective supervision at the end of the extension. 248

(H) The court shall not issue a dispositional order pursuant 249
to division (A) of this section that removes a child from the 250
child's home unless the court complies with section 2151.419 of 251
the Revised Code and includes in the dispositional order the 252
findings of fact required by that section. 253

(I) If a motion or application for an order described in 254
division (A)(6) of this section is made, the court shall not issue 255
the order unless, prior to the issuance of the order, it provides 256
to the person all of the following: 257

(1) Notice and a copy of the motion or application; 258

(2) The grounds for the motion or application; 259

(3) An opportunity to present evidence and witnesses at a 260
hearing regarding the motion or application; 261

(4) An opportunity to be represented by counsel at the 262
hearing. 263

(J) The jurisdiction of the court shall terminate one year 264
after the date of the award or, if the court takes any further 265
action in the matter subsequent to the award, the date of the 266
latest further action subsequent to the award, if the court awards 267
legal custody of a child to either of the following: 268

(1) A legal custodian who, at the time of the award of legal 269
custody, resides in a county of this state other than the county 270
in which the court is located; 271

(2) A legal custodian who resides in the county in which the 272
court is located at the time of the award of legal custody, but 273
moves to a different county of this state prior to one year after 274
the date of the award or, if the court takes any further action in 275
the matter subsequent to the award, one year after the date of the 276
latest further action subsequent to the award. 277

The court in the county in which the legal custodian resides 278
then shall have jurisdiction in the matter. 279

Sec. 2151.361. (A) If the parents of a child enter into an 280
agreement with a public children services agency or private child 281
placing agency to place the child into the temporary custody of 282
the agency or the child is committed as provided by this chapter, 283
the juvenile court, at its discretion, may issue an order pursuant 284
to Chapters 3119., 3121., 3123., and 3125. of the Revised Code 285
requiring that the parents pay for the care, support, maintenance, 286
and education of the child if the parents adopted the child. 287

(B) When determining whether to issue an order under division 288
(A) of this section, the juvenile court shall consider all 289
pertinent issues, including, but not limited to, all of the 290
following: 291

(1) The ability of the parents to pay for the care, support, maintenance, and education of the child;	292 293
(2) The chances for reunification of the parents and child;	294
(3) Whether issuing the order will encourage the reunification of the parents and child or undermine that reunification;	295 296 297
(4) Whether the problem underlying the agreement to place the child into temporary custody existed prior to the parents' adoption of the child and whether the parents were informed of the problem prior to that adoption;	298 299 300 301
(5) Whether the problem underlying the agreement to place the child into temporary custody began after the parents' adoption of the child;	302 303 304
(6) Whether the parents have contributed to the child's problems;	305 306
(7) Whether the parents are part of the solution to the child's problems;	307 308
<u>(8) The ability of the parents to meet the needs of all other children residing in the home.</u>	309 310
Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to section 2151.413 of the Revised Code for permanent custody of a child, the court shall schedule a hearing and give notice of the filing of the motion and of the hearing, in accordance with section 2151.29 of the Revised Code, to all parties to the action and to the child's guardian ad litem. The notice also shall contain a full explanation that the granting of permanent custody permanently divests the parents of their parental rights, a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent, and the name and telephone number of	311 312 313 314 315 316 317 318 319 320 321

the court employee designated by the court pursuant to section 322
2151.314 of the Revised Code to arrange for the prompt appointment 323
of counsel for indigent persons. 324

The court shall conduct a hearing in accordance with section 325
2151.35 of the Revised Code to determine if it is in the best 326
interest of the child to permanently terminate parental rights and 327
grant permanent custody to the agency that filed the motion. The 328
adjudication that the child is an abused, neglected, or dependent 329
child and any dispositional order that has been issued in the case 330
under section 2151.353 of the Revised Code pursuant to the 331
adjudication shall not be readjudicated at the hearing and shall 332
not be affected by a denial of the motion for permanent custody. 333

(2) The court shall hold the hearing scheduled pursuant to 334
division (A)(1) of this section not later than one hundred twenty 335
days after the agency files the motion for permanent custody, 336
except that, for good cause shown, the court may continue the 337
hearing for a reasonable period of time beyond the 338
one-hundred-twenty-day deadline. The court shall issue an order 339
that grants, denies, or otherwise disposes of the motion for 340
permanent custody, and journalize the order, not later than two 341
hundred days after the agency files the motion. 342

If a motion is made under division (D)(2) of section 2151.413 343
of the Revised Code and no dispositional hearing has been held in 344
the case, the court may hear the motion in the dispositional 345
hearing required by division (B) of section 2151.35 of the Revised 346
Code. If the court issues an order pursuant to section 2151.353 of 347
the Revised Code granting permanent custody of the child to the 348
agency, the court shall immediately dismiss the motion made under 349
division (D)(2) of section 2151.413 of the Revised Code. 350

The failure of the court to comply with the time periods set 351
forth in division (A)(2) of this section does not affect the 352
authority of the court to issue any order under this chapter and 353

does not provide any basis for attacking the jurisdiction of the court or the validity of any order of the court.

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

(a) The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period if, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state, and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

(b) The child is abandoned.

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

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division

(D)(1) of section 2151.413 of the Revised Code, the child was 385
previously in the temporary custody of an equivalent agency in 386
another state. 387

For the purposes of division (B)(1) of this section, a child 388
shall be considered to have entered the temporary custody of an 389
agency on the earlier of the date the child is adjudicated 390
pursuant to section 2151.28 of the Revised Code or the date that 391
is sixty days after the removal of the child from home. 392

(2) With respect to a motion made pursuant to division (D)(2) 393
of section 2151.413 of the Revised Code, the court shall grant 394
permanent custody of the child to the movant if the court 395
determines in accordance with division (E) of this section that 396
the child cannot be placed with one of the child's parents within 397
a reasonable time or should not be placed with either parent and 398
determines in accordance with division (D) of this section that 399
permanent custody is in the child's best interest. 400

(C) In making the determinations required by this section or 401
division (A)(4) of section 2151.353 of the Revised Code, a court 402
shall not consider the effect the granting of permanent custody to 403
the agency would have upon any parent of the child. A written 404
report of the guardian ad litem of the child shall be submitted to 405
the court prior to or at the time of the hearing held pursuant to 406
division (A) of this section or section 2151.35 of the Revised 407
Code but shall not be submitted under oath. 408

If the court grants permanent custody of a child to a movant 409
under this division, the court, upon the request of any party, 410
shall file a written opinion setting forth its findings of fact 411
and conclusions of law in relation to the proceeding. The court 412
shall not deny an agency's motion for permanent custody solely 413
because the agency failed to implement any particular aspect of 414
the child's case plan. 415

(D)(1) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all relevant factors, including, but not limited to, the following:

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

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

~~(3)~~(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

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

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

For the purposes of ~~this~~ division (D)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated

pursuant to section 2151.28 of the Revised Code or the date that 447
is sixty days after the removal of the child from home. 448

(2) If all of the following apply, permanent custody is in 449
the best interest of the child and the court shall commit the 450
child to the permanent custody of a public children services 451
agency or private child placing agency: 452

(a) The court determines by clear and convincing evidence 453
that one or more of the factors in division (E) of this section 454
exist and the child cannot be placed with one of the child's 455
parents within a reasonable time or should not be placed with 456
either parent. 457

(b) The child has been in an agency's custody for two years 458
or longer, and no longer qualifies for temporary custody pursuant 459
to division (D) of section 2151.415 of the Revised Code. 460

(c) The child does not meet the requirements for a planned 461
permanent living arrangement pursuant to division (A)(5) of 462
section 2151.353 of the Revised Code. 463

(d) Prior to the dispositional hearing, no relative or other 464
interested person has filed, or has been identified in, a motion 465
for legal custody of the child. 466

(E) In determining at a hearing held pursuant to division (A) 467
of this section or for the purposes of division (A)(4) of section 468
2151.353 of the Revised Code whether a child cannot be placed with 469
either parent within a reasonable period of time or should not be 470
placed with the parents, the court shall consider all relevant 471
evidence. If the court determines, by clear and convincing 472
evidence, at a hearing held pursuant to division (A) of this 473
section or for the purposes of division (A)(4) of section 2151.353 474
of the Revised Code that one or more of the following exist as to 475
each of the child's parents, the court shall enter a finding that 476
the child cannot be placed with either parent within a reasonable 477

time or should not be placed with either parent: 478

(1) Following the placement of the child outside the child's 479
home and notwithstanding reasonable case planning and diligent 480
efforts by the agency to assist the parents to remedy the problems 481
that initially caused the child to be placed outside the home, the 482
parent has failed continuously and repeatedly to substantially 483
remedy the conditions causing the child to be placed outside the 484
child's home. In determining whether the parents have 485
substantially remedied those conditions, the court shall consider 486
parental utilization of medical, psychiatric, psychological, and 487
other social and rehabilitative services and material resources 488
that were made available to the parents for the purpose of 489
changing parental conduct to allow them to resume and maintain 490
parental duties. 491

(2) Chronic mental illness, chronic emotional illness, mental 492
retardation, physical disability, or chemical dependency of the 493
parent that is so severe that it makes the parent unable to 494
provide an adequate permanent home for the child at the present 495
time and, as anticipated, within one year after the court holds 496
the hearing pursuant to division (A) of this section or for the 497
purposes of division (A)(4) of section 2151.353 of the Revised 498
Code; 499

(3) The parent committed any abuse as described in section 500
2151.031 of the Revised Code against the child, caused the child 501
to suffer any neglect as described in section 2151.03 of the 502
Revised Code, or allowed the child to suffer any neglect as 503
described in section 2151.03 of the Revised Code between the date 504
that the original complaint alleging abuse or neglect was filed 505
and the date of the filing of the motion for permanent custody; 506

(4) The parent has demonstrated a lack of commitment toward 507
the child by failing to regularly support, visit, or communicate 508
with the child when able to do so, or by other actions showing an 509

unwillingness to provide an adequate permanent home for the child; 510

(5) The parent is incarcerated for an offense committed 511
against the child or a sibling of the child; 512

(6) The parent has been convicted of or pleaded guilty to an 513
offense under division (A) or (C) of section 2919.22 or under 514
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 515
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 516
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 517
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 518
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 519
Revised Code and the child or a sibling of the child was a victim 520
of the offense or the parent has been convicted of or pleaded 521
guilty to an offense under section 2903.04 of the Revised Code, a 522
sibling of the child was the victim of the offense, and the parent 523
who committed the offense poses an ongoing danger to the child or 524
a sibling of the child. 525

(7) The parent has been convicted of or pleaded guilty to one 526
of the following: 527

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 528
the Revised Code or under an existing or former law of this state, 529
any other state, or the United States that is substantially 530
equivalent to an offense described in those sections and the 531
victim of the offense was a sibling of the child or the victim was 532
another child who lived in the parent's household at the time of 533
the offense; 534

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 535
the Revised Code or under an existing or former law of this state, 536
any other state, or the United States that is substantially 537
equivalent to an offense described in those sections and the 538
victim of the offense is the child, a sibling of the child, or 539
another child who lived in the parent's household at the time of 540

the offense; 541

(c) An offense under division (B)(2) of section 2919.22 of 542
the Revised Code or under an existing or former law of this state, 543
any other state, or the United States that is substantially 544
equivalent to the offense described in that section and the child, 545
a sibling of the child, or another child who lived in the parent's 546
household at the time of the offense is the victim of the offense; 547

(d) An offense under section 2907.02, 2907.03, 2907.04, 548
2907.05, or 2907.06 of the Revised Code or under an existing or 549
former law of this state, any other state, or the United States 550
that is substantially equivalent to an offense described in those 551
sections and the victim of the offense is the child, a sibling of 552
the child, or another child who lived in the parent's household at 553
the time of the offense; 554

(e) A conspiracy or attempt to commit, or complicity in 555
committing, an offense described in division (E)(7)(a) or (d) of 556
this section. 557

(8) The parent has repeatedly withheld medical treatment or 558
food from the child when the parent has the means to provide the 559
treatment or food, and, in the case of withheld medical treatment, 560
the parent withheld it for a purpose other than to treat the 561
physical or mental illness or defect of the child by spiritual 562
means through prayer alone in accordance with the tenets of a 563
recognized religious body. 564

(9) The parent has placed the child at substantial risk of 565
harm two or more times due to alcohol or drug abuse and has 566
rejected treatment two or more times or refused to participate in 567
further treatment two or more times after a case plan issued 568
pursuant to section 2151.412 of the Revised Code requiring 569
treatment of the parent was journalized as part of a dispositional 570
order issued with respect to the child or an order was issued by 571

any other court requiring treatment of the parent.	572
(10) The parent has abandoned the child.	573
(11) The parent has had parental rights involuntarily	574
terminated with respect to a sibling of the child pursuant to this	575
section or section 2151.353 or 2151.415 of the Revised Code, or	576
under an existing or former law of this state, any other state, or	577
the United States that is substantially equivalent to those	578
sections, and the parent has failed to provide clear and	579
<u>convincing evidence to prove that, notwithstanding the prior</u>	580
<u>termination, the parent can provide a legally secure permanent</u>	581
<u>placement and adequate care for the health, welfare, and safety of</u>	582
<u>the child.</u>	583
(12) The parent is incarcerated at the time of the filing of	584
the motion for permanent custody or the dispositional hearing of	585
the child and will not be available to care for the child for at	586
least eighteen months after the filing of the motion for permanent	587
custody or the dispositional hearing.	588
(13) The parent is repeatedly incarcerated, and the repeated	589
incarceration prevents the parent from providing care for the	590
child.	591
(14) The parent for any reason is unwilling to provide food,	592
clothing, shelter, and other basic necessities for the child or to	593
prevent the child from suffering physical, emotional, or sexual	594
abuse or physical, emotional, or mental neglect.	595
(15) The parent has committed abuse as described in section	596
2151.031 of the Revised Code against the child or caused or	597
allowed the child to suffer neglect as described in section	598
2151.03 of the Revised Code, and the court determines that the	599
seriousness, nature, or likelihood of recurrence of the abuse or	600
neglect makes the child's placement with the child's parent a	601
threat to the child's safety.	602

(16) Any other factor the court considers relevant. 603

(F) The parents of a child for whom the court has issued an 604
order granting permanent custody pursuant to this section, upon 605
the issuance of the order, cease to be parties to the action. This 606
division is not intended to eliminate or restrict any right of the 607
parents to appeal the granting of permanent custody of their child 608
to a movant pursuant to this section. 609

Sec. 2151.415. (A) Except for cases in which a motion for 610
permanent custody described in division (D)(1) of section 2151.413 611
of the Revised Code is required to be made, a public children 612
services agency or private child placing agency that has been 613
given temporary custody of a child pursuant to section 2151.353 of 614
the Revised Code, not later than thirty days prior to the earlier 615
of the date for the termination of the custody order pursuant to 616
division ~~(F)~~(G) of section 2151.353 of the Revised Code or the 617
date set at the dispositional hearing for the hearing to be held 618
pursuant to this section, shall file a motion with the court that 619
issued the order of disposition requesting that any of the 620
following orders of disposition of the child be issued by the 621
court: 622

(1) An order that the child be returned home and the custody 623
of the child's parents, guardian, or custodian without any 624
restrictions; 625

(2) An order for protective supervision; 626

(3) An order that the child be placed in the legal custody of 627
a relative or other interested individual; 628

(4) An order permanently terminating the parental rights of 629
the child's parents; 630

(5) An order that the child be placed in a planned permanent 631
living arrangement; 632

(6) In accordance with division (D) of this section, an order 633
for the extension of temporary custody. 634

(B) Upon the filing of a motion pursuant to division (A) of 635
this section, the court shall hold a dispositional hearing on the 636
date set at the dispositional hearing held pursuant to section 637
2151.35 of the Revised Code, with notice to all parties to the 638
action in accordance with the Juvenile Rules. After the 639
dispositional hearing or at a date after the dispositional hearing 640
that is not later than one year after the earlier of the date on 641
which the complaint in the case was filed or the child was first 642
placed into shelter care, the court, in accordance with the best 643
interest of the child as supported by the evidence presented at 644
the dispositional hearing, shall issue an order of disposition as 645
set forth in division (A) of this section, except that all orders 646
for permanent custody shall be made in accordance with sections 647
2151.413 and 2151.414 of the Revised Code. In issuing an order of 648
disposition under this section, the court shall comply with 649
section 2151.42 of the Revised Code. 650

(C)(1) If an agency pursuant to division (A) of this section 651
requests the court to place a child into a planned permanent 652
living arrangement, the agency shall present evidence to indicate 653
why a planned permanent living arrangement is appropriate for the 654
child, including, but not limited to, evidence that the agency has 655
tried or considered all other possible dispositions for the child. 656
A court shall not place a child in a planned permanent living 657
arrangement, unless it finds, by clear and convincing evidence, 658
that a planned permanent living arrangement is in the best 659
interest of the child and that one of the following exists: 660

(a) The child, because of physical, mental, or psychological 661
problems or needs, is unable to function in a family-like setting 662
and must remain in residential or institutional care. 663

(b) The parents of the child have significant physical, 664

mental, or psychological problems and are unable to care for the 665
child because of those problems, adoption is not in the best 666
interest of the child, as determined in accordance with division 667
(D)(1) of section 2151.414 of the Revised Code, and the child 668
retains a significant and positive relationship with a parent or 669
relative; 670

(c) The child is sixteen years of age or older, has been 671
counseled on the permanent placement options available, is 672
unwilling to accept or unable to adapt to a permanent placement, 673
and is in an agency program preparing for independent living. 674

(2) If the court issues an order placing a child in a planned 675
permanent living arrangement, both of the following apply: 676

(a) The court shall issue a finding of fact setting forth the 677
reasons for its finding; 678

(b) The agency may make any appropriate placement for the 679
child and shall develop a case plan for the child that is designed 680
to assist the child in finding a permanent home outside of the 681
home of the parents. 682

(D)(1) If an agency pursuant to division (A) of this section 683
requests the court to grant an extension of temporary custody for 684
a period of up to six months, the agency shall include in the 685
motion an explanation of the progress on the case plan of the 686
child and of its expectations of reunifying the child with the 687
child's family, or placing the child in a permanent placement, 688
within the extension period. The court shall schedule a hearing on 689
the motion, give notice of its date, time, and location to all 690
parties and the guardian ad litem of the child, and at the hearing 691
consider the evidence presented by the parties and the guardian ad 692
litem. The court may extend the temporary custody order of the 693
child for a period of up to six months, if it determines at the 694
hearing, by clear and convincing evidence, that the extension is 695

in the best interest of the child, there has been significant 696
progress on the case plan of the child, and there is reasonable 697
cause to believe that the child will be reunified with one of the 698
parents or otherwise permanently placed within the period of 699
extension. In determining whether to extend the temporary custody 700
of the child pursuant to this division, the court shall comply 701
with section 2151.42 of the Revised Code. If the court extends the 702
temporary custody of the child pursuant to this division, upon 703
request it shall issue findings of fact. 704

(2) Prior to the end of the extension granted pursuant to 705
division (D)(1) of this section, the agency that received the 706
extension shall file a motion with the court requesting the 707
issuance of one of the orders of disposition set forth in 708
divisions (A)(1) to (5) of this section or requesting the court to 709
extend the temporary custody order of the child for an additional 710
period of up to six months. If the agency requests the issuance of 711
an order of disposition under divisions (A)(1) to (5) of this 712
section or does not file any motion prior to the expiration of the 713
extension period, the court shall conduct a hearing in accordance 714
with division (B) of this section and issue an appropriate order 715
of disposition. In issuing an order of disposition, the court 716
shall comply with section 2151.42 of the Revised Code. 717

If the agency requests an additional extension of up to six 718
months of the temporary custody order of the child, the court 719
shall schedule and conduct a hearing in the manner set forth in 720
division (D)(1) of this section. The court may extend the 721
temporary custody order of the child for an additional period of 722
up to six months if it determines at the hearing, by clear and 723
convincing evidence, that the additional extension is in the best 724
interest of the child, there has been substantial additional 725
progress since the original extension of temporary custody in the 726
case plan of the child, there has been substantial additional 727

progress since the original extension of temporary custody toward 728
reunifying the child with one of the parents or otherwise 729
permanently placing the child, and there is reasonable cause to 730
believe that the child will be reunified with one of the parents 731
or otherwise placed in a permanent setting before the expiration 732
of the additional extension period. In determining whether to 733
grant an additional extension, the court shall comply with section 734
2151.42 of the Revised Code. If the court extends the temporary 735
custody of the child for an additional period pursuant to this 736
division, upon request it shall issue findings of fact. 737

(3) Prior to the end of the extension of a temporary custody 738
order granted pursuant to division (D)(2) of this section, the 739
agency that received the extension shall file a motion with the 740
court requesting the issuance of one of the orders of disposition 741
set forth in divisions (A)(1) to (5) of this section. Upon the 742
filing of the motion by the agency or, if the agency does not file 743
the motion prior to the expiration of the extension period, upon 744
its own motion, the court, prior to the expiration of the 745
extension period, shall conduct a hearing in accordance with 746
division (B) of this section and issue an appropriate order of 747
disposition. In issuing an order of disposition, the court shall 748
comply with section 2151.42 of the Revised Code. 749

(4) No court shall grant an agency more than two extensions 750
of temporary custody pursuant to division (D) of this section and 751
the court shall not order an existing temporary custody order to 752
continue beyond two years after the date on which the complaint 753
was filed or the child was first placed into shelter care, 754
whichever date is earlier, regardless of whether any extensions 755
have been previously ordered pursuant to division (D) of this 756
section. 757

(E) After the issuance of an order pursuant to division (B) 758
of this section, the court shall retain jurisdiction over the 759

child until the child attains the age of eighteen if the child is 760
not mentally retarded, developmentally disabled, or physically 761
impaired, the child attains the age of twenty-one if the child is 762
mentally retarded, developmentally disabled, or physically 763
impaired, or the child is adopted and a final decree of adoption 764
is issued, unless the court's jurisdiction over the child is 765
extended pursuant to division (E) of section 2151.353 of the 766
Revised Code. 767

(F) The court, on its own motion or the motion of the agency 768
or person with legal custody of the child, the child's guardian ad 769
litem, or any other party to the action, may conduct a hearing 770
with notice to all parties to determine whether any order issued 771
pursuant to this section should be modified or terminated or 772
whether any other dispositional order set forth in divisions 773
(A)(1) to (5) of this section should be issued. After the hearing 774
and consideration of all the evidence presented, the court, in 775
accordance with the best interest of the child, may modify or 776
terminate any order issued pursuant to this section or issue any 777
dispositional order set forth in divisions (A)(1) to (5) of this 778
section. In rendering a decision under this division, the court 779
shall comply with section 2151.42 of the Revised Code. 780

(G) If the court places a child in a planned permanent living 781
arrangement with a public children services agency or a private 782
child placing agency pursuant to this section, the agency with 783
which the child is placed in a planned permanent living 784
arrangement shall not remove the child from the residential 785
placement in which the child is originally placed pursuant to the 786
case plan for the child or in which the child is placed with court 787
approval pursuant to this division, unless the court and the 788
guardian ad litem are given notice of the intended removal and the 789
court issues an order approving the removal or unless the removal 790
is necessary to protect the child from physical or emotional harm 791

and the agency gives the court notice of the removal and of the reasons why the removal is necessary to protect the child from physical or emotional harm immediately after the removal of the child from the prior setting.

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

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

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

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

(4) Project a likely date by which the child may be returned to the child's home or placed for adoption or legal guardianship;

(5) Approve the permanency plan for the child consistent with section 2151.417 of the Revised Code.

Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the foster caregiver's foster child who has resided in the foster caregiver's home for at least ~~twelve~~ six months prior to the date the foster caregiver submits the application to the agency.

(B) The department of job and family services shall prescribe an application for a foster caregiver to use under division (A) of this section. The application shall not require that the foster

caregiver provide any information the foster caregiver already 822
provided the department, or undergo an inspection the foster 823
caregiver already underwent, to obtain a foster home certificate 824
under section 5103.03 of the Revised Code. 825

(C) An agency that receives an application prescribed under 826
division (B) of this section from a foster caregiver authorized to 827
use the application shall not require, as a condition of the 828
agency accepting or approving the application, that the foster 829
caregiver undergo a criminal records check under section 2151.86 830
of the Revised Code as a prospective adoptive parent. The agency 831
shall inform the foster caregiver, in accordance with division (G) 832
of section 2151.86 of the Revised Code, that the foster caregiver 833
must undergo the criminal records check before a court may issue a 834
final decree of adoption or interlocutory order of adoption under 835
section 3107.14 of the Revised Code. 836

Sec. 3107.031. Except as otherwise provided in this section, 837
an assessor shall conduct a home study for the purpose of 838
ascertaining whether a person seeking to adopt a minor is suitable 839
to adopt. A written report of the home study shall be filed with 840
the court at least ten days before the petition for adoption is 841
heard. 842

A person seeking to adopt a minor who knowingly makes a false 843
statement that is included in the written report of a home study 844
conducted pursuant to this section is guilty of the offense of 845
falsification under section 2921.13 of the Revised Code, and such 846
a home study shall not be filed with the court. If such a home 847
study is filed with the court, the court may strike the home study 848
from the court's records. 849

The report shall contain the opinion of the assessor as to 850
whether the person who is the subject of the report is suitable to 851
adopt a minor, any multiple children assessment required under 852

section 3107.032 of the Revised Code, and other information and 853
documents specified in rules adopted by the director of job and 854
family services under section 3107.033 of the Revised Code. The 855
assessor shall not consider the person's age when determining 856
whether the person is suitable to adopt if the person is old 857
enough to adopt as provided by section 3107.03 of the Revised 858
Code. 859

An assessor may request departments or agencies within or 860
outside this state to assist in the home study as may be 861
appropriate and to make a written report to be included with and 862
attached to the report to the court. The assessor shall make 863
similar home studies and reports on behalf of other assessors 864
designated by the courts of this state or another place. 865

Upon order of the court, the costs of the home study and 866
other proceedings shall be paid by the person seeking to adopt, 867
and, if the home study is conducted by a public agency or public 868
employee, the part of the cost representing any services and 869
expenses shall be taxed as costs and paid into the state treasury 870
or county treasury, as the court may direct. 871

On request, the assessor shall provide the person seeking to 872
adopt a copy of the report of the home study. The assessor shall 873
delete from that copy any provisions concerning the opinion of 874
other persons, excluding the assessor, of the person's suitability 875
to adopt a minor. 876

This section does not apply to a foster caregiver seeking to 877
adopt the foster caregiver's foster child if the foster child has 878
resided in the foster caregiver's home for at least ~~twelve~~ six 879
months prior to the date the foster caregiver submits an 880
application prescribed under division (B) of section 3107.012 of 881
the Revised Code to the agency arranging the adoption. 882

Sec. 3107.033. Not later than ~~January~~ June 1, ~~2008~~ 2009, the 883

director of job and family services shall adopt rules in 884
accordance with Chapter 119. of the Revised Code specifying both 885
of the following: 886

(A) The manner in which a home study is to be conducted and 887
the information and documents to be included in a home study 888
report, which shall include, pursuant to section 3107.034 of the 889
Revised Code, a summary report of a search of the uniform 890
statewide automated child welfare information system established 891
in section 5101.13 of the Revised Code and a report of a check of 892
a central registry of another state if a request for a check of a 893
central registry of another state is required under division (A) 894
of section 3107.034 of the Revised Code~~+~~. The director shall 895
ensure that rules adopted under this section align the home study 896
content, time period, and process with any foster care home study 897
content, time period, and process required by rules adopted under 898
section 5103.03 of the Revised Code. 899

(B) A procedure under which a person whose application for 900
adoption has been denied as a result of a search of the uniform 901
statewide automated child welfare information system established 902
in section 5101.13 of the Revised Code as part of the home study 903
may appeal the denial to the agency that employed the assessor who 904
filed the report. 905

Sec. 3107.055. (A) Notwithstanding section 3107.01 of the 906
Revised Code, as used in this section, "agency" does not include a 907
public children services agency. 908

(B) An agency or attorney, whichever arranges a minor's 909
adoption, shall file with the court a preliminary estimate 910
accounting not later than the time the adoption petition for the 911
minor is filed with the court. The agency or attorney, whichever 912
arranges the adoption, also shall file a final accounting with the 913
court before a final decree of adoption is issued or an 914

interlocutory order of adoption is finalized for the minor. The 915
agency or attorney shall complete and file accountings in a manner 916
acceptable to the court. 917

An accounting shall specify all disbursements of anything of 918
value the petitioner, a person on the petitioner's behalf, and the 919
agency or attorney made and has agreed to make in connection with 920
the minor's permanent surrender under division (B) of section 921
5103.15 of the Revised Code, placement under section 5103.16 of 922
the Revised Code, and adoption under this chapter. The agency or 923
attorney shall include in an accounting an itemization of each 924
expense listed in division (C) of this section. The itemization of 925
the expenses specified in divisions (C)(3) and (4) of this section 926
shall show the amount the agency or attorney charged or is going 927
to charge for the services and the actual cost to the agency or 928
attorney of providing the services. An accounting shall indicate 929
whether any expenses listed in division (C) of this section do not 930
apply to the adoption proceeding for which the accounting is 931
filed. 932

The agency or attorney shall include with a preliminary 933
estimate accounting and a final accounting a written statement 934
signed by the petitioner that the petitioner has reviewed the 935
accounting and attests to its accuracy. 936

(C) No petitioner, person acting on a petitioner's behalf, or 937
agency or attorney shall make or agree to make any disbursements 938
in connection with the minor's permanent surrender, placement, or 939
adoption other than for the following: 940

(1) Physician expenses incurred on behalf of the birth mother 941
or minor in connection with prenatal care, delivery, and 942
confinement prior to or following the minor's birth; 943

(2) Hospital or other medical facility expenses incurred on 944
behalf of the birth mother or minor in connection with the minor's 945

birth;	946
(3) Expenses charged by the attorney arranging the adoption for providing legal services in connection with the placement and adoption, including expenses incurred by the attorney pursuant to sections 3107.031, 3107.032, 3107.081, 3107.082, 3107.09, 3107.101, and 3107.12 of the Revised Code;	947 948 949 950 951
(4) Expenses charged by the agency arranging the adoption for providing services in connection with the permanent surrender and adoption, including the agency's application fee and the expenses incurred by the agency pursuant to sections 3107.031, 3107.032, 3107.09, 3107.101, 3107.12, 5103.151, and 5103.152 of the Revised Code;	952 953 954 955 956 957
(5) Temporary costs of routine maintenance and medical care for a minor required under section 5103.16 of the Revised Code if the person seeking to adopt the minor refuses to accept placement of the minor;	958 959 960 961
(6) Guardian ad litem fees incurred on behalf of the minor in any court proceedings;	962 963
(7) Foster care expenses incurred in connection with any temporary care and maintenance of the minor;	964 965
(8) Court expenses incurred in connection with the minor's permanent surrender, placement, and adoption;	966 967
<u>(9) Living expenses not exceeding three thousand dollars for the birth mother that are incurred during pregnancy through the sixtieth day after the date the minor is born and paid by the petitioner to the birth mother through the attorney or agency arranging the minor's adoption.</u>	968 969 970 971 972
(D) If a court determines from an accounting that an amount that is going to be disbursed for an expense listed in division (C) of this section is unreasonable, the court may order a	973 974 975

reduction in the amount to be disbursed. If a court determines 976
from an accounting that an unreasonable amount was disbursed for 977
an expense listed in division (C) of this section, the court may 978
order the person who received the disbursement to refund to the 979
person who made the disbursement an amount the court orders. 980

If a court determines from an accounting that a disbursement 981
for an expense not permitted by division (C) of this section is 982
going to be made, the court may issue an injunction prohibiting 983
the disbursement. If a court determines from an accounting that a 984
disbursement for an expense not permitted by division (C) of this 985
section was made, the court may order the person who received the 986
disbursement to return it to the person who made the disbursement. 987

If a court determines that a final accounting does not 988
completely report all the disbursements that are going to be made 989
or have been made in connection with the minor's permanent 990
surrender, placement, and adoption, the court shall order the 991
agency or attorney to file with the court an accounting that 992
completely reports all such disbursements. 993

The agency or attorney shall file the final accounting with 994
the court not later than ten days prior to the date scheduled for 995
the final hearing on the adoption. The court may not issue a final 996
decree of adoption or finalize an interlocutory order of adoption 997
of a minor until at least ten days after the agency or attorney 998
files the final accounting. 999

(E) This section does not apply to an adoption by a 1000
stepparent whose spouse is a biological or adoptive parent of the 1001
minor. 1002

Sec. 3107.06. Unless consent is not required under section 1003
3107.07 of the Revised Code, a petition to adopt a minor may be 1004
granted only if written consent to the adoption has been executed 1005
by all of the following: 1006

(A) The mother of the minor;	1007
(B) The father of the minor, if any of the following apply:	1008
(1) The minor was conceived or born while the father was married to the mother;	1009 1010
(2) The minor is his child by adoption;	1011
(3) Prior to the date the petition was filed, it was determined by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative proceeding in another state that he has a parent and child relationship with the minor;	1012 1013 1014 1015 1016 1017 1018
(4) He acknowledged paternity of the child and that acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code.	1019 1020 1021
(C) The putative father of the minor;	1022
(D) Any person or agency having permanent custody of the minor or authorized by court order to consent;	1023 1024
(E) The juvenile court that has jurisdiction to determine custody of the minor, if the legal guardian or custodian of the minor is not authorized by law or court order to consent to the adoption;	1025 1026 1027 1028
(F) The minor, if more than twelve years of age, unless the court, finding that it is in the best interest of the minor, determines that the minor's consent is not required.	1029 1030 1031
Sec. 3107.07. Consent to adoption is not required of any of the following:	1032 1033
(A) A parent of a minor, when it is alleged in the adoption petition and the court finds , after proper service of notice and	1034 1035

hearing, finds by clear and convincing evidence that the parent 1036
has failed without justifiable cause to ~~communicate~~ provide more 1037
than de minimis contact with the minor or to provide for the 1038
maintenance and support of the minor as required by law or 1039
judicial decree for a period of at least one year immediately 1040
preceding either the filing of the adoption petition or the 1041
placement of the minor in the home of the petitioner. 1042

(B) The putative father of a minor if either of the following 1043
applies: 1044

(1) The putative father fails to register as the minor's 1045
putative father with the putative father registry established 1046
under section 3107.062 of the Revised Code not later than thirty 1047
days after the minor's birth; 1048

(2) The court finds, after proper service of notice and 1049
hearing, that any of the following are the case: 1050

(a) The putative father is not the father of the minor; 1051

(b) The putative father has willfully abandoned or failed to 1052
care for and support the minor; 1053

(c) The putative father has willfully abandoned the mother of 1054
the minor during her pregnancy and up to the time of her surrender 1055
of the minor, or the minor's placement in the home of the 1056
petitioner, whichever occurs first. 1057

(C) Except as provided in section 3107.071 of the Revised 1058
Code, a parent who has entered into a voluntary permanent custody 1059
surrender agreement under division (B) of section 5103.15 of the 1060
Revised Code; 1061

(D) A parent whose parental rights have been terminated by 1062
order of a juvenile court under Chapter 2151. of the Revised Code; 1063

(E) A parent who is married to the petitioner and supports 1064
the adoption; 1065

(F) The father, or putative father, of a minor if the minor is conceived as the result of the commission of rape by the father or putative father and the father or putative father is convicted of or pleads guilty to the commission of that offense. As used in this division, "rape" means a violation of section 2907.02 of the Revised Code or a similar law of another state.

(G) A legal guardian or guardian ad litem of a parent judicially declared incompetent in a separate court proceeding who has failed to respond in writing to a request for consent, for a period of thirty days, or who, after examination of the written reasons for withholding consent, is found by the court to be withholding consent unreasonably;

(H) Any legal guardian or lawful custodian of the person to be adopted, other than a parent, who has failed to respond in writing to a request for consent, for a period of thirty days, or who, after examination of the written reasons for withholding consent, is found by the court to be withholding consent unreasonably;

(I) The spouse of the person to be adopted, if the failure of the spouse to consent to the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain the consent or refusal of the spouse;

(J) Any parent, legal guardian, or other lawful custodian in a foreign country, if the person to be adopted has been released for adoption pursuant to the laws of the country in which the person resides and the release of such person is in a form that satisfies the requirements of the immigration and naturalization service of the United States department of justice for purposes of immigration to the United States pursuant to section 101(b)(1)(F) of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8

U.S.C. 1101(b)(1)(F), as amended or reenacted. 1098

(K) Except as provided in divisions (G) and (H) of this 1099
section, a juvenile court, agency, or person given notice of the 1100
petition pursuant to division (A)(1) of section 3107.11 of the 1101
Revised Code that fails to file an objection to the petition 1102
within fourteen days after proof is filed pursuant to division (B) 1103
of that section that the notice was given; 1104

(L) Any guardian, custodian, or other party who has temporary 1105
custody of the child. 1106

Sec. 3107.101. (A) Not later than seven days after a minor to 1107
be adopted is placed in a prospective adoptive home pursuant to 1108
section 5103.16 of the Revised Code, the assessor providing 1109
placement or post placement services in the prospective adoptive 1110
home shall ~~conduct a~~ begin monthly prospective adoptive home ~~visit~~ 1111
visits in that home, ~~every thirty days,~~ until the court issues a 1112
final decree of adoption. During the prospective adoptive home 1113
visits, the assessor shall evaluate the progression of the 1114
placement in the prospective adoptive home. The assessor shall 1115
include the evaluation in the prefinalization assessment required 1116
under section 3107.12 of the Revised Code. 1117

(B) During the prospective home visit required under division 1118
(A) of this section, the assessor shall make face-to-face contact 1119
with the prospective adoptive parent and the minor to be adopted. 1120
The assessor shall make contact, as prescribed by rule under 1121
division (C) of this section, with all other children or adults 1122
residing in the prospective adoptive home. 1123

(C) The director of job and family services shall adopt rules 1124
in accordance with Chapter 119. of the Revised Code necessary for 1125
the implementation and execution of this section. 1126

(D) This section does not apply to an adoption by a 1127

stepparent whose spouse is a biological or adoptive parent of the 1128
minor to be adopted. 1129

Sec. 3107.11. (A) After the filing of a petition to adopt an 1130
adult or a minor, the court shall fix a time and place for hearing 1131
the petition. The hearing may take place at any time more than 1132
thirty days after the date on which the minor is placed in the 1133
home of the petitioner. At least twenty days before the date of 1134
hearing, notice of the filing of the petition and of the time and 1135
place of hearing shall be given by the court to all of the 1136
following: 1137

(1) Any juvenile court, agency, or person whose consent to 1138
the adoption is required by this chapter but who has not 1139
consented; 1140

(2) A person whose consent is not required as provided by 1141
division (A), (G), (H), or (I) of section 3107.07 of the Revised 1142
Code and has not consented; 1143

(3) Any guardian, custodian, or other party who has temporary 1144
custody or permanent custody of the child. 1145

Notice shall not be given to a person whose consent is not 1146
required as provided by division (B), (C), (D), (E), (F), or (J) 1147
of section 3107.07, or section 3107.071, of the Revised Code. 1148
Second notice shall not be given to a juvenile court, agency, or 1149
person whose consent is not required as provided by division (K) 1150
of section 3107.07 of the Revised Code because the court, agency, 1151
or person failed to file an objection to the petition within 1152
fourteen days after proof was filed pursuant to division (B) of 1153
this section that a first notice was given to the court, agency, 1154
or person pursuant to division (A)(1) of this section. 1155

(B) Upon the filing of a petition for adoption that alleges 1156
that a parent has failed without justifiable cause to provide more 1157

than de minimis contact with the minor or to provide for the 1158
maintenance and support of the minor, the clerk of courts shall 1159
send a notice to that parent with the following language in 1160
boldface type and in all capital letters: 1161

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 1162
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 1163
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 1164
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 1165
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 1166
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 1167
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES. IF YOU WISH TO 1168
CONTEST THE ADOPTION, YOU MUST FILE AN OBJECTION TO THE PETITION 1169
WITHIN FOURTEEN DAYS AFTER PROOF OF SERVICE OF NOTICE OF THE 1170
FILING OF THE PETITION AND OF THE TIME AND PLACE OF HEARING IS 1171
GIVEN TO YOU. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST ALSO 1172
APPEAR AT THE HEARING. A FINAL DECREE OF ADOPTION MAY BE ENTERED 1173
IF YOU FAIL TO FILE AN OBJECTION TO THE ADOPTION PETITION OR 1174
APPEAR AT THE HEARING." 1175

(C) All notices required under this section shall be given as 1176
specified in the Rules of Civil Procedure. Proof of the giving of 1177
notice shall be filed with the court before the petition is heard. 1178
1179

Sec. 3107.14. (A) The petitioner and the person sought to be 1180
adopted shall appear at the hearing on the petition, unless the 1181
presence of either is excused by the court for good cause shown. 1182

(B) The court may continue the hearing from time to time to 1183
permit further observation, investigation, or consideration of any 1184
facts or circumstances affecting the granting of the petition, and 1185
may examine the petitioners separate and apart from each other. 1186

(C) If, at the conclusion of the hearing, the court finds 1187
that the required consents have been obtained or excused and that 1188

the adoption is in the best interest of the person sought to be 1189
adopted as supported by the evidence, it may issue, subject to 1190
division (C)(1)(a) of section 2151.86, section 3107.064, and 1191
division (E) of section 3107.09 of the Revised Code, and any other 1192
limitations specified in this chapter, a final decree of adoption 1193
or an interlocutory order of adoption, which by its own terms 1194
automatically becomes a final decree of adoption on a date 1195
specified in the order, which, except as provided in division (B) 1196
of section 3107.13 of the Revised Code, shall not be less than six 1197
months or more than one year from the date ~~of issuance of the~~ 1198
~~order~~ the person to be adopted is placed in the petitioner's home, 1199
unless sooner vacated by the court for good cause shown. In 1200
determining whether the adoption is in the best interest of the 1201
person sought to be adopted, the court shall not consider the age 1202
of the petitioner if the petitioner is old enough to adopt as 1203
provided by section 3107.03 of the Revised Code. 1204

In an interlocutory order of adoption, the court shall 1205
provide for observation, investigation, and a further report on 1206
the adoptive home during the interlocutory period. 1207

(D) If the requirements for a decree under division (C) of 1208
this section have not been satisfied or the court vacates an 1209
interlocutory order of adoption, or if the court finds that a 1210
person sought to be adopted was placed in the home of the 1211
petitioner in violation of law, the court shall dismiss the 1212
petition and may determine the agency or person to have temporary 1213
or permanent custody of the person, which may include the agency 1214
or person that had custody prior to the filing of the petition or 1215
the petitioner, if the court finds it is in the best interest of 1216
the person as supported by the evidence, or if the person is a 1217
minor, the court may certify the case to the juvenile court of the 1218
county where the minor is then residing for appropriate action and 1219
disposition. 1220

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

Sec. 3107.60. As used in sections 3107.60 to 3107.68 of the Revised Code:

(A) "Agency," "attorney," and "identifying information" have the same meanings as in section 3107.01 of the Revised Code.

(B) "Nonidentifying information" means one of the following:

(1) In relation to a birth parent, any information that is not identifying information, including all of the following:

~~(1)~~(a) A birth parent's age at the time the birth parent's child is adopted;

~~(2)~~(b) The medical and genetic history of the birth parents;

~~(3)~~(c) The age, sex, and medical and genetic history of an adopted person's birth sibling and extended family members;

~~(4)~~(d) A person's heritage and ethnic background, educational level, general physical appearance, religion, occupation, and cause of death;

~~(5)~~(e) Any information that may be included in a social and medical history as specified in divisions (B) and (C) of section 3107.09 of the Revised Code.

(2) In relation to an adoptive parent, subject to a determination made pursuant to division (E) of section 3107.66 of the Revised Code, any information that is not identifying information, including all of the following:

(a) An adoptive parent's age at the time of adoption;

(b) An adoptive sibling's age at the time of adoption;

<u>(c) The heritage, ethnic background, religion, educational</u>	1249
<u>level, and occupation of the adoptive parent;</u>	1250
<u>(d) General information known about the well-being of the</u>	1251
<u>adoptee before and after the adoption.</u>	1252
Sec. 3107.66. (A) As used in this section:	1253
(1) "Adopted person" includes both an "adopted person" as	1254
defined in section 3107.39 of the Revised Code and an "adopted	1255
person" as defined in section 3107.45 of the Revised Code.	1256
(2) "Adoptive parent" means a person who adopted an adopted	1257
person.	1258
(3) "Birth parent" means the biological parent of an adopted	1259
person.	1260
(4) "Birth sibling" means a biological sibling of an adopted	1261
person.	1262
(B) An adopted person age eighteen or older, an adoptive	1263
parent of an adopted person under age eighteen, or an adoptive	1264
family member of a deceased adopted person may submit a written	1265
request to the agency or attorney who arranged the adopted	1266
person's adoption, or the probate court that finalized the adopted	1267
person's adoption, for the agency, attorney, or court to provide	1268
the adopted person, adoptive parent, or adoptive family member	1269
information about the adopted person's birth parent or birth	1270
sibling contained in the agency's, attorney's, or court's adoption	1271
records that is nonidentifying information. Except as provided in	1272
division (C) of this section, the agency, attorney, or court shall	1273
provide the adopted person, adoptive parent, or adoptive family	1274
member the information sought within a reasonable amount of time.	1275
The agency, attorney, or court may charge a reasonable fee for	1276
providing the information.	1277
A birth parent of an adopted person <u>eighteen years of age or</u>	1278

older, a birth sibling age eighteen or older, or a birth family member of a deceased birth parent may submit a written request to the agency or attorney who arranged the adopted person's adoption, or the probate court that finalized the adoption, for the agency, attorney, or court to provide the birth parent, birth sibling, or birth family member information about the adopted person or adoptive parent contained in the agency's, attorney's, or court's adoption records that is nonidentifying information. Except as provided in division (C) of this section, the agency, attorney, or court shall provide the birth parent, birth sibling, or birth family member the information sought within a reasonable amount of time. The agency, attorney, or court may charge a reasonable fee for providing the information.

(C) An agency or attorney that has permanently ceased to arrange adoptions is not subject to division (B) of this section. If the adoption records of such an agency or attorney are held by a probate court, person, or other governmental entity pursuant to section 3107.67 of the Revised Code, the adopted person, adoptive parent, adoptive family member, birth parent, birth sibling, or birth family member may submit the written request that otherwise would be submitted to the agency or attorney under division (B) of this section to the court, person, or other governmental entity that holds the records. On receipt of the request, the court, person, or other governmental entity shall provide the information that the agency or attorney would have been required to provide within a reasonable amount of time. The court, person, or other governmental entity may charge a reasonable fee for providing the information.

(D) Prior to providing nonidentifying information pursuant to division (B) or (C) of this section, the person or governmental entity providing the information shall review the record to ensure that all identifying information about any person contained in the

record is deleted. 1311

(E) An agency, attorney, person, or other governmental entity 1312
may classify any information described in division (B)(2) of 1313
section 3107.60 of the Revised Code as identifying information and 1314
deny the request made under division (B) or (C) of this section if 1315
the agency, attorney, court, person, or other governmental entity 1316
determines that the information could lead to the identification 1317
of the adoptive parent. This determination shall be done on a 1318
case-by-case basis. 1319

Sec. 3313.6011. (A) As used in this section, "sexual 1320
activity" has the same meaning as in section 2907.01 of the 1321
Revised Code. 1322

(B) Instruction in venereal disease education pursuant to 1323
division (A)(5)(c) of section 3313.60 of the Revised Code shall 1324
emphasize that abstinence from sexual activity is the only 1325
protection that is one hundred per cent effective against unwanted 1326
pregnancy, sexually transmitted disease, and the sexual 1327
transmission of a virus that causes acquired immunodeficiency 1328
syndrome. 1329

(C) In adopting minimum standards under section 3301.07 of 1330
the Revised Code, the state board of education shall require 1331
course material and instruction in venereal disease education 1332
courses taught pursuant to division (A)(5)(c) of section 3313.60 1333
of the Revised Code to do all of the following: 1334

(1) Stress that students should abstain from sexual activity 1335
until after marriage; 1336

(2) Teach the potential physical, psychological, emotional, 1337
and social side effects of participating in sexual activity 1338
outside of marriage; 1339

(3) Teach that conceiving children out of wedlock is likely 1340

to have harmful consequences for the child, the child's parents,
and society;

(4) Stress that sexually transmitted diseases are serious
possible hazards of sexual activity;

(5) Advise students of the laws pertaining to financial
responsibility of parents to children born in and out of wedlock;

(6) Advise students of the circumstances under which it is
criminal to have sexual contact with a person under the age of
sixteen pursuant to section 2907.04 of the Revised Code;

(7) Emphasize adoption as an option for unintended
pregnancies.

(D) Any model education program for health education the
state board of education adopts shall conform to the requirements
of this section.

(E) On and after March 18, 1999, and notwithstanding section
3302.07 of the Revised Code, the superintendent of public
instruction shall not approve, pursuant to section 3302.07 of the
Revised Code, any waiver of any requirement of this section or of
any rule adopted by the state board of education pursuant to this
section.

Sec. 3317.024. In addition to the moneys paid to eligible
school districts pursuant to section 3317.022 of the Revised Code,
moneys appropriated for the education programs in divisions (A) to
(I), (K), (L), and (N) of this section shall be distributed to
school districts meeting the requirements of section 3317.01 of
the Revised Code; in the case of divisions (G) and (L) of this
section, to educational service centers as provided in section
3317.11 of the Revised Code; in the case of divisions (D) and (J)
of this section, to county MR/DD boards; in the case of division
(N) of this section, to joint vocational school districts; in the

case of division (H) of this section, to cooperative education 1371
school districts; and in the case of division (M) of this section, 1372
to the institutions defined under section 3317.082 of the Revised 1373
Code providing elementary or secondary education programs to 1374
children other than children receiving special education under 1375
section 3323.091 of the Revised Code. The following shall be 1376
distributed monthly, quarterly, or annually as may be determined 1377
by the state board of education: 1378

(A) An amount for each island school district and each joint 1379
state school district for the operation of each high school and 1380
each elementary school maintained within such district and for 1381
capital improvements for such schools. Such amounts shall be 1382
determined on the basis of standards adopted by the state board of 1383
education. 1384

(B) An amount for each school district operating classes for 1385
children of migrant workers who are unable to be in attendance in 1386
an Ohio school during the entire regular school year. The amounts 1387
shall be determined on the basis of standards adopted by the state 1388
board of education, except that payment shall be made only for 1389
subjects regularly offered by the school district providing the 1390
classes. 1391

(C) An amount for each school district with guidance, 1392
testing, and counseling programs approved by the state board of 1393
education. The amount shall be determined on the basis of 1394
standards adopted by the state board of education. 1395

(D) An amount for the emergency purchase of school buses as 1396
provided for in section 3317.07 of the Revised Code; 1397

(E) An amount for each school district required to pay 1398
tuition for a child in an institution maintained by the department 1399
of youth services pursuant to section 3317.082 of the Revised 1400
Code, provided the child was not included in the calculation of 1401

the district's average daily membership for the preceding school year. 1402
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(F) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education. 1404
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(G) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center. 1408
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(H) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education. 1420
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(I) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school 1427
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year. 1434

(J) An amount for each county MR/DD board, distributed on the 1435
basis of standards adopted by the state board of education, for 1436
the approved cost of transportation required for children 1437
attending special education programs operated by the county MR/DD 1438
board under section 3323.09 of the Revised Code; 1439

(K) An amount for each school district that establishes a 1440
mentor teacher program that complies with rules of the state board 1441
of education. No school district shall be required to establish or 1442
maintain such a program in any year unless sufficient funds are 1443
appropriated to cover the district's total costs for the program. 1444

(L) An amount to each school district or educational service 1445
center for the total number of gifted units approved pursuant to 1446
section 3317.05 of the Revised Code. The amount for each such unit 1447
shall be the sum of the minimum salary for the teacher of the 1448
unit, calculated on the basis of the teacher's training level and 1449
years of experience pursuant to the salary schedule prescribed in 1450
the version of section 3317.13 of the Revised Code in effect prior 1451
to July 1, 2001, plus fifteen per cent of that minimum salary 1452
amount, plus two thousand six hundred seventy-eight dollars. 1453

(M) An amount to each institution defined under section 1454
3317.082 of the Revised Code providing elementary or secondary 1455
education to children other than children receiving special 1456
education under section 3323.091 of the Revised Code. This amount 1457
for any institution in any fiscal year shall equal the total of 1458
all tuition amounts required to be paid to the institution under 1459
division (A)(1) of section 3317.082 of the Revised Code. 1460

(N) A grant to each school district and joint vocational 1461
school district that operates a "graduation, reality, and 1462
dual-role skills" (GRADS) program for pregnant and parenting 1463
students that is approved by the department. The amount of the 1464

payment shall be the district's state share percentage, as defined 1465
in section 3317.022 or 3317.16 of the Revised Code, times the 1466
GRADS personnel allowance times the full-time-equivalent number of 1467
GRADS teachers approved by the department. The GRADS personnel 1468
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 1469
program shall include instruction on adoption as an option for 1470
unintended pregnancies. 1471

The state board of education or any other board of education 1472
or governing board may provide for any resident of a district or 1473
educational service center territory any educational service for 1474
which funds are made available to the board by the United States 1475
under the authority of public law, whether such funds come 1476
directly or indirectly from the United States or any agency or 1477
department thereof or through the state or any agency, department, 1478
or political subdivision thereof. 1479

Sec. 5103.03. (A) The director of job and family services 1480
shall adopt rules as necessary for the adequate and competent 1481
management of institutions or associations. The director shall 1482
ensure that foster care home study rules adopted under this 1483
section align any home study content, time period, and process 1484
with any home study content, time period, and process required by 1485
rules adopted under section 3107.033 of the Revised Code. 1486

(B)(1) Except for facilities under the control of the 1487
department of youth services, places of detention for children 1488
established and maintained pursuant to sections 2152.41 to 2152.44 1489
of the Revised Code, and child day-care centers subject to Chapter 1490
5104. of the Revised Code, the department of job and family 1491
services every two years shall pass upon the fitness of every 1492
institution and association that receives, or desires to receive 1493
and care for children, or places children in private homes. 1494

(2) When the department of job and family services is 1495

satisfied as to the care given such children, and that the 1496
requirements of the statutes and rules covering the management of 1497
such institutions and associations are being complied with, it 1498
shall issue to the institution or association a certificate to 1499
that effect. A certificate is valid for two years, unless sooner 1500
revoked by the department. When determining whether an institution 1501
or association meets a particular requirement for certification, 1502
the department may consider the institution or association to have 1503
met the requirement if the institution or association shows to the 1504
department's satisfaction that it has met a comparable requirement 1505
to be accredited by a nationally recognized accreditation 1506
organization. 1507

(3) The department may issue a temporary certificate valid 1508
for less than one year authorizing an institution or association 1509
to operate until minimum requirements have been met. 1510

(4) An institution or association that knowingly makes a 1511
false statement that is included as a part of certification under 1512
this section is guilty of the offense of falsification under 1513
section 2921.13 of the Revised Code and the department shall not 1514
certify that institution or association. 1515

(5) The department shall not issue a certificate to a 1516
prospective foster home or prospective specialized foster home 1517
pursuant to this section if the prospective foster home or 1518
prospective specialized foster home operates as a type A family 1519
day-care home pursuant to Chapter 5104. of the Revised Code. The 1520
department shall not issue a certificate to a prospective 1521
specialized foster home if the prospective specialized foster home 1522
operates a type B family day-care home pursuant to Chapter 5104. 1523
of the Revised Code. 1524

(C) The department may revoke a certificate if it finds that 1525
the institution or association is in violation of law or rule. No 1526
juvenile court shall commit a child to an association or 1527

institution that is required to be certified under this section if 1528
its certificate has been revoked or, if after revocation, the date 1529
of reissue is less than fifteen months prior to the proposed 1530
commitment. 1531

(D) Every two years, on a date specified by the department, 1532
each institution or association desiring certification or 1533
recertification shall submit to the department a report showing 1534
its condition, management, competency to care adequately for the 1535
children who have been or may be committed to it or to whom it 1536
provides care or services, the system of visitation it employs for 1537
children placed in private homes, and other information the 1538
department requires. 1539

(E) The department shall, not less than once each year, send 1540
a list of certified institutions and associations to each juvenile 1541
court and certified association or institution. 1542

(F) No person shall receive children or receive or solicit 1543
money on behalf of such an institution or association not so 1544
certified or whose certificate has been revoked. 1545

(G)(1) The director may delegate by rule any duties imposed 1546
on it by this section to inspect and approve family foster homes 1547
and specialized foster homes to public children services agencies, 1548
private child placing agencies, or private noncustodial agencies. 1549

(2) The director shall adopt rules that require a foster 1550
caregiver or other individual certified to operate a foster home 1551
under this section to notify the recommending agency that the 1552
foster caregiver or other individual is certified to operate a 1553
type B family day-care home under Chapter 5104. of the Revised 1554
Code. 1555

(H) If the director of job and family services determines 1556
that an institution or association that cares for children is 1557
operating without a certificate, the director may petition the 1558

court of common pleas in the county in which the institution or 1559
association is located for an order enjoining its operation. The 1560
court shall grant injunctive relief upon a showing that the 1561
institution or association is operating without a certificate. 1562

(I) If both of the following are the case, the director of 1563
job and family services may petition the court of common pleas of 1564
any county in which an institution or association that holds a 1565
certificate under this section operates for an order, and the 1566
court may issue an order, preventing the institution or 1567
association from receiving additional children into its care or an 1568
order removing children from its care: 1569

(1) The department has evidence that the life, health, or 1570
safety of one or more children in the care of the institution or 1571
association is at imminent risk. 1572

(2) The department has issued a proposed adjudication order 1573
pursuant to Chapter 119. of the Revised Code to deny renewal of or 1574
revoke the certificate of the institution or association. 1575

Sec. 5107.30. (A) As used in this section: 1576

(1) "Equivalent of a high school diploma" and "good cause" 1577
have the meanings established in rules adopted under section 1578
5107.05 of the Revised Code. 1579

(2) "Participating teen" means an individual to whom all of 1580
the following apply: 1581

(a) The individual is a participant of Ohio works first; 1582

(b) The individual is under age eighteen or is age eighteen 1583
and in school and is a natural or adoptive parent or is pregnant; 1584

(c) The individual is subject to the LEAP program's 1585
requirements. 1586

(3) "School" means an educational program that is designed to 1587

lead to the attainment of a high school diploma or the equivalent 1588
of a high school diploma. 1589

(B) The director of job and family services may conduct a 1590
program titled the "LEAP program" in accordance with rules adopted 1591
under section 5107.05 of the Revised Code. The purpose of the LEAP 1592
program is to encourage teens to complete school. The LEAP program 1593
shall provide information on adoption as an option for unintended 1594
pregnancies to participating teens. 1595

Every participating teen shall attend school in accordance 1596
with the requirements governing the LEAP program unless the 1597
participating teen shows good cause for not attending school. The 1598
department shall provide, in addition to the cash assistance 1599
payment provided under Ohio works first, an incentive payment, in 1600
an amount determined by the department, to every participating 1601
teen who attends school in accordance with the requirements 1602
governing the LEAP program. In addition to the incentive payment, 1603
the department may provide other incentives to participating teens 1604
who attend school in accordance with the LEAP program's 1605
requirements. The department shall reduce the cash assistance 1606
payment, in an amount determined by the department, under Ohio 1607
works first to every participating teen who fails or refuses, 1608
without good cause, to meet the LEAP program's requirements. 1609

Every participating teen shall enter into a written agreement 1610
with the county department of job and family services that 1611
specifies all of the following: 1612

(1) The participating teen, to be eligible to receive the 1613
incentive payment and other incentives, if any, under this 1614
section, must meet the requirements of the LEAP program. 1615

(2) The incentive payment and other incentives, if any, will 1616
be provided if the participating teen meets the requirements of 1617
the LEAP program. 1618

(3) The participating teen's cash assistance payment under Ohio works first will be reduced if the participating teen fails or refuses without good cause to attend school in accordance with the requirements governing the LEAP program.

(C) A minor head of household's participation in the LEAP program shall be counted in determining whether a county department of job and family services meets the requirement of section 5107.44 of the Revised Code.

(D) Subject to the availability of funds, county departments of job and family services shall provide for participating teens to receive support services the county department determines to be necessary for LEAP participation. Support services may include publicly funded child care under Chapter 5104. of the Revised Code, transportation, and other services.

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

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency; ~~assessing~~

(B) Assessing child safety; ~~assessing~~

(C) Assessing risks; ~~interviewing~~

(D) Interviewing persons; ~~investigating~~

(E) Investigating cases; ~~intervening~~

<u>(F) Intervening; providing</u>	1649
<u>(G) Providing services to children and their families; the</u>	1650
<u>(H) The importance of and need for accurate data; preparation</u>	1651
	1652
<u>(I) Preparation for court; maintenance</u>	1653
<u>(J) Maintenance of case record information; and other topics</u>	1654
relevant to child abuse, neglect, and dependency. The training	1655
shall also include courses in the	1656
<u>(K) The legal duties of PCSA caseworkers to protect the</u>	1657
constitutional and statutory rights of children and families from	1658
the initial time of contact during investigation through treatment	1659
that shall include, including instruction regarding parents'	1660
rights and the limitations that the Fourth Amendment to the United	1661
States Constitution places upon caseworkers and their	1662
investigations;	1663
<u>(L) Content on other topics relevant to child abuse, neglect,</u>	1664
<u>and dependency, including permanency strategies, concurrent</u>	1665
<u>planning, and adoption as an option for unintended pregnancies.</u>	1666
After a PCSA caseworker's first year of continuous employment	1667
as a PCSA caseworker, the caseworker annually shall complete	1668
thirty-six hours of training in areas relevant to the caseworker's	1669
assigned duties.	1670
During the first two years of continuous employment as a PCSA	1671
caseworker, each PCSA caseworker shall complete at least twelve	1672
hours of training in recognizing the signs of domestic violence	1673
and its relationship to child abuse as established in rules the	1674
director of job and family services shall adopt pursuant to	1675
Chapter 119. of the Revised Code. The twelve hours may be in	1676
addition to the training required during the caseworker's first	1677
year of employment or part of the training required during the	1678

second year of employment. 1679

Section 2. That existing sections 2151.353, 2151.361, 1680
2151.414, 2151.415, 3107.012, 3107.031, 3107.033, 3107.055, 1681
3107.06, 3107.07, 3107.101, 3107.11, 3107.14, 3107.60, 3107.66, 1682
3313.6011, 3317.024, 5103.03, 5107.30, and 5153.122 of the Revised 1683
Code are hereby repealed. 1684

Section 3. The Director of Job and Family Services shall 1685
establish a Child-Centered Recruitment Task Force. The Task Force 1686
shall consist of the Director of Job and Family Services, adoption 1687
professionals, and at least one professional from a public 1688
children services agency, private noncustodial agency, and private 1689
child placing agency. One member of the Task Force shall represent 1690
an agency that has created, utilized, or is currently utilizing, 1691
child-centered recruitment. Members of the Task Force shall serve 1692
without compensation. 1693

The Department of Job and Family Services shall provide the 1694
Task Force with meeting space and administrative support. 1695

The Task Force shall compile all effective procedures, 1696
models, and other relevant information regarding child-centered 1697
recruitment that public children services agencies, private 1698
noncustodial agencies, and private child placing agencies 1699
currently using child-centered recruitment utilize when seeking 1700
adoptive families for children in permanent custody. 1701

After compiling the procedures, models, or other relevant 1702
information, the Task Force shall create a uniform child-centered 1703
recruitment model based on the information compiled. The model 1704
shall include recommendations for finding an adoptive family for 1705
both of the following: (1) a child who has been in the custody of 1706
a public children services agency for at least one year and (2) a 1707
child who is nine years of age or older, in the custody of a 1708
public children services agency, and does not have a potential 1709

adoptive family identified. Not later than December 31, 2009, the 1710
Task Force shall disseminate the model to all public children 1711
services agencies, private noncustodial agencies, and private 1712
child placing agencies in this state. Upon dissemination of the 1713
uniform child-centered recruitment model, the Task Force shall 1714
cease to exist. 1715