

**As Introduced**

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

**S. B. No. 163**

**Senator Niehaus**

**Cosponsors: Senators Cates, Kearney, Austria, Clancy, Schuring, Padgett**

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**A B I L L**

To amend sections 109.57, 109.572, 109.60, 109.99, 1  
2151.413, 2151.414, 2151.419, 2151.421, 2151.86, 2  
3107.14, 5101.132, 5101.134, 5103.03, 5103.16, 3  
5103.18, 5104.011, 5104.013, and 5104.30 and to 4  
enact sections 109.581, 1901.43, 1907.181, 5  
2301.10, 5101.32, 5103.0328, and 5104.022 of the 6  
Revised Code to improve foster caregiver 7  
background checks, clarify when a court must order 8  
a person to be fingerprinted, and establish the 9  
retained applicant fingerprint database. 10

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

**Section 1.** That sections 109.57, 109.572, 109.60, 109.99, 11  
2151.413, 2151.414, 2151.419, 2151.421, 2151.86, 3107.14, 12  
5101.132, 5101.134, 5103.03, 5103.16, 5103.18, 5104.011, 5104.013, 13  
and 5104.30 be amended and sections 109.581, 1901.43, 1907.181, 14  
2301.10, 5101.32, 5103.0328, and 5104.022 of the Revised Code be 15  
enacted to read as follows: 16

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 17  
criminal identification and investigation shall procure from 18  
wherever procurable and file for record photographs, pictures, 19

descriptions, fingerprints, measurements, and other information 20  
that may be pertinent of all persons who have been convicted of 21  
committing within this state a felony, any crime constituting a 22  
misdemeanor on the first offense and a felony on subsequent 23  
offenses, or any misdemeanor described in division (A)(1)(a) or 24  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 25  
under eighteen years of age who have been adjudicated delinquent 26  
children for committing within this state an act that would be a 27  
felony or an offense of violence if committed by an adult or who 28  
have been convicted of or pleaded guilty to committing within this 29  
state a felony or an offense of violence, and of all well-known 30  
and habitual criminals. The person in charge of any county, 31  
multicounty, municipal, municipal-county, or multicounty-municipal 32  
jail or workhouse, community-based correctional facility, halfway 33  
house, alternative residential facility, or state correctional 34  
institution and the person in charge of any state institution 35  
having custody of a person suspected of having committed a felony, 36  
any crime constituting a misdemeanor on the first offense and a 37  
felony on subsequent offenses, or any misdemeanor described in 38  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 39  
Code or having custody of a child under eighteen years of age with 40  
respect to whom there is probable cause to believe that the child 41  
may have committed an act that would be a felony or an offense of 42  
violence if committed by an adult shall furnish such material to 43  
the superintendent of the bureau. Fingerprints, photographs, or 44  
other descriptive information of a child who is under eighteen 45  
years of age, has not been arrested or otherwise taken into 46  
custody for committing an act that would be a felony or an offense 47  
of violence if committed by an adult, has not been adjudicated a 48  
delinquent child for committing an act that would be a felony or 49  
an offense of violence if committed by an adult, has not been 50  
convicted of or pleaded guilty to committing a felony or an 51  
offense of violence, and is not a child with respect to whom there 52

is probable cause to believe that the child may have committed an 53  
act that would be a felony or an offense of violence if committed 54  
by an adult shall not be procured by the superintendent or 55  
furnished by any person in charge of any county, multicounty, 56  
municipal, municipal-county, or multicounty-municipal jail or 57  
workhouse, community-based correctional facility, halfway house, 58  
alternative residential facility, or state correctional 59  
institution, except as authorized in section 2151.313 of the 60  
Revised Code. 61

(2) Every clerk of a court of record in this state, other 62  
than the supreme court or a court of appeals, shall send to the 63  
superintendent of the bureau a weekly report containing a summary 64  
of each case involving a felony, involving any crime constituting 65  
a misdemeanor on the first offense and a felony on subsequent 66  
offenses, involving a misdemeanor described in division (A)(1)(a) 67  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 68  
an adjudication in a case in which a child under eighteen years of 69  
age was alleged to be a delinquent child for committing an act 70  
that would be a felony or an offense of violence if committed by 71  
an adult. The clerk of the court of common pleas shall include in 72  
the report and summary the clerk sends under this division all 73  
information described in divisions (A)(2)(a) to (f) of this 74  
section regarding a case before the court of appeals that is 75  
served by that clerk. The summary shall be written on the standard 76  
forms furnished by the superintendent pursuant to division (B) of 77  
this section and shall include the following information: 78

(a) The incident tracking number contained on the standard 79  
forms furnished by the superintendent pursuant to division (B) of 80  
this section; 81

(b) The style and number of the case; 82

(c) The date of arrest, offense, summons, or arraignment; 83

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

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

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

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise

taken into custody for committing an act that would be a felony or 116  
an offense of violence if committed by an adult. The 117  
superintendent also shall file for record the fingerprint 118  
impressions of all persons confined in a county, multicounty, 119  
municipal, municipal-county, or multicounty-municipal jail or 120  
workhouse, community-based correctional facility, halfway house, 121  
alternative residential facility, or state correctional 122  
institution for the violation of state laws and of all children 123  
under eighteen years of age who are confined in a county, 124  
multicounty, municipal, municipal-county, or multicounty-municipal 125  
jail or workhouse, community-based correctional facility, halfway 126  
house, alternative residential facility, or state correctional 127  
institution or in any facility for delinquent children for 128  
committing an act that would be a felony or an offense of violence 129  
if committed by an adult, and any other information that the 130  
superintendent may receive from law enforcement officials of the 131  
state and its political subdivisions. 132

(4) The superintendent shall carry out Chapter 2950. of the 133  
Revised Code with respect to the registration of persons who are 134  
convicted of or plead guilty to either a sexually oriented offense 135  
that is not a registration-exempt sexually oriented offense or a 136  
child-victim oriented offense and with respect to all other duties 137  
imposed on the bureau under that chapter. 138

(5) The bureau shall perform centralized recordkeeping 139  
functions for criminal history records and services in this state 140  
for purposes of the national crime prevention and privacy compact 141  
set forth in section 109.571 of the Revised Code and is the 142  
criminal history record repository as defined in that section for 143  
purposes of that compact. The superintendent or the 144  
superintendent's designee is the compact officer for purposes of 145  
that compact and shall carry out the responsibilities of the 146  
compact officer specified in that compact. 147

(B) The superintendent shall prepare and furnish to every 148  
county, multicounty, municipal, municipal-county, or 149  
multicounty-municipal jail or workhouse, community-based 150  
correctional facility, halfway house, alternative residential 151  
facility, or state correctional institution and to every clerk of 152  
a court in this state specified in division (A)(2) of this section 153  
standard forms for reporting the information required under 154  
division (A) of this section. The standard forms that the 155  
superintendent prepares pursuant to this division may be in a 156  
tangible format, in an electronic format, or in both tangible 157  
formats and electronic formats. 158

(C) The superintendent may operate a center for electronic, 159  
automated, or other data processing for the storage and retrieval 160  
of information, data, and statistics pertaining to criminals and 161  
to children under eighteen years of age who are adjudicated 162  
delinquent children for committing an act that would be a felony 163  
or an offense of violence if committed by an adult, criminal 164  
activity, crime prevention, law enforcement, and criminal justice, 165  
and may establish and operate a statewide communications network 166  
to gather and disseminate information, data, and statistics for 167  
the use of law enforcement agencies. The superintendent may 168  
gather, store, retrieve, and disseminate information, data, and 169  
statistics that pertain to children who are under eighteen years 170  
of age and that are gathered pursuant to sections 109.57 to 109.61 171  
of the Revised Code together with information, data, and 172  
statistics that pertain to adults and that are gathered pursuant 173  
to those sections. In addition to any other authorized use of 174  
information, data, and statistics of that nature, the 175  
superintendent or the superintendent's designee may provide and 176  
exchange the information, data, and statistics pursuant to the 177  
national crime prevention and privacy compact as described in 178  
division (A)(5) of this section. 179

(D) The information and materials furnished to the 180  
superintendent pursuant to division (A) of this section and 181  
information and materials furnished to any board or person under 182  
division (F) or (G) of this section are not public records under 183  
section 149.43 of the Revised Code. 184

(E) The attorney general shall adopt rules, in accordance 185  
with Chapter 119. of the Revised Code, setting forth the procedure 186  
by which a person may receive or release information gathered by 187  
the superintendent pursuant to division (A) of this section. A 188  
reasonable fee may be charged for this service. If a temporary 189  
employment service submits a request for a determination of 190  
whether a person the service plans to refer to an employment 191  
position has been convicted of or pleaded guilty to an offense 192  
listed in division (A)(1), (3), (4), (5), or (6) of section 193  
109.572 of the Revised Code, the request shall be treated as a 194  
single request and only one fee shall be charged. 195

(F)(1) As used in division (F)(2) of this section, "head 196  
start agency" means an entity in this state that has been approved 197  
to be an agency for purposes of subchapter II of the "Community 198  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 199  
as amended. 200

(2)(a) In addition to or in conjunction with any request that 201  
is required to be made under section 109.572, 2151.86, 3301.32, 202  
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 203  
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 204  
education of any school district; the director of mental 205  
retardation and developmental disabilities; any county board of 206  
mental retardation and developmental disabilities; any entity 207  
under contract with a county board of mental retardation and 208  
developmental disabilities; the chief administrator of any 209  
chartered nonpublic school; the chief administrator of any home 210  
health agency; the chief administrator of or person operating any 211

child day-care center, type A family day-care home, or type B 212  
family day-care home licensed or certified under Chapter 5104. of 213  
the Revised Code; the administrator of any type C family day-care 214  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 215  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 216  
general assembly; the chief administrator of any head start 217  
agency; or the executive director of a public children services 218  
agency may request that the superintendent of the bureau 219  
investigate and determine, with respect to any individual who has 220  
applied for employment in any position after October 2, 1989, or 221  
any individual wishing to apply for employment with a board of 222  
education may request, with regard to the individual, whether the 223  
bureau has any information gathered under division (A) of this 224  
section that pertains to that individual. On receipt of the 225  
request, the superintendent shall determine whether that 226  
information exists and, upon request of the person, board, or 227  
entity requesting information, also shall request from the federal 228  
bureau of investigation any criminal records it has pertaining to 229  
that individual. The superintendent or the superintendent's 230  
designee also may request criminal history records from other 231  
states or the federal government pursuant to the national crime 232  
prevention and privacy compact set forth in section 109.571 of the 233  
Revised Code. Within thirty days of the date that the 234  
superintendent receives a request, the superintendent shall send 235  
to the board, entity, or person a report of any information that 236  
the superintendent determines exists, including information 237  
contained in records that have been sealed under section 2953.32 238  
of the Revised Code, and, within thirty days of its receipt, shall 239  
send the board, entity, or person a report of any information 240  
received from the federal bureau of investigation, other than 241  
information the dissemination of which is prohibited by federal 242  
law. 243

(b) When a board of education is required to receive 244



information under this section as a prerequisite to employment of 245  
an individual pursuant to section 3319.39 of the Revised Code, it 246  
may accept a certified copy of records that were issued by the 247  
bureau of criminal identification and investigation and that are 248  
presented by an individual applying for employment with the 249  
district in lieu of requesting that information itself. In such a 250  
case, the board shall accept the certified copy issued by the 251  
bureau in order to make a photocopy of it for that individual's 252  
employment application documents and shall return the certified 253  
copy to the individual. In a case of that nature, a district only 254  
shall accept a certified copy of records of that nature within one 255  
year after the date of their issuance by the bureau. 256

(3) The state board of education may request, with respect to 257  
any individual who has applied for employment after October 2, 258  
1989, in any position with the state board or the department of 259  
education, any information that a school district board of 260  
education is authorized to request under division (F)(2) of this 261  
section, and the superintendent of the bureau shall proceed as if 262  
the request has been received from a school district board of 263  
education under division (F)(2) of this section. 264

(4) When the superintendent of the bureau receives a request 265  
for information under section 3319.291 of the Revised Code, the 266  
superintendent shall proceed as if the request has been received 267  
from a school district board of education under division (F)(2) of 268  
this section. 269

(5) When a recipient of a classroom reading improvement grant 270  
paid under section 3301.86 of the Revised Code requests, with 271  
respect to any individual who applies to participate in providing 272  
any program or service funded in whole or in part by the grant, 273  
the information that a school district board of education is 274  
authorized to request under division (F)(2)(a) of this section, 275  
the superintendent of the bureau shall proceed as if the request 276

has been received from a school district board of education under 277  
division (F)(2)(a) of this section. 278

(G) In addition to or in conjunction with any request that is 279  
required to be made under section 3701.881, 3712.09, 3721.121, or 280  
3722.151 of the Revised Code with respect to an individual who has 281  
applied for employment in a position that involves providing 282  
direct care to an older adult, the chief administrator of a home 283  
health agency, hospice care program, home licensed under Chapter 284  
3721. of the Revised Code, adult day-care program operated 285  
pursuant to rules adopted under section 3721.04 of the Revised 286  
Code, or adult care facility may request that the superintendent 287  
of the bureau investigate and determine, with respect to any 288  
individual who has applied after January 27, 1997, for employment 289  
in a position that does not involve providing direct care to an 290  
older adult, whether the bureau has any information gathered under 291  
division (A) of this section that pertains to that individual. 292

In addition to or in conjunction with any request that is 293  
required to be made under section 173.27 of the Revised Code with 294  
respect to an individual who has applied for employment in a 295  
position that involves providing ombudsperson services to 296  
residents of long-term care facilities or recipients of 297  
community-based long-term care services, the state long-term care 298  
ombudsperson, ombudsperson's designee, or director of health may 299  
request that the superintendent investigate and determine, with 300  
respect to any individual who has applied for employment in a 301  
position that does not involve providing such ombudsperson 302  
services, whether the bureau has any information gathered under 303  
division (A) of this section that pertains to that applicant. 304

In addition to or in conjunction with any request that is 305  
required to be made under section 173.394 of the Revised Code with 306  
respect to an individual who has applied for employment in a 307  
position that involves providing direct care to an individual, the 308

chief administrator of a community-based long-term care agency may 309  
request that the superintendent investigate and determine, with 310  
respect to any individual who has applied for employment in a 311  
position that does not involve providing direct care, whether the 312  
bureau has any information gathered under division (A) of this 313  
section that pertains to that applicant. 314

On receipt of a request under this division, the 315  
superintendent shall determine whether that information exists 316  
and, on request of the individual requesting information, shall 317  
also request from the federal bureau of investigation any criminal 318  
records it has pertaining to the applicant. The superintendent or 319  
the superintendent's designee also may request criminal history 320  
records from other states or the federal government pursuant to 321  
the national crime prevention and privacy compact set forth in 322  
section 109.571 of the Revised Code. Within thirty days of the 323  
date a request is received, the superintendent shall send to the 324  
requester a report of any information determined to exist, 325  
including information contained in records that have been sealed 326  
under section 2953.32 of the Revised Code, and, within thirty days 327  
of its receipt, shall send the requester a report of any 328  
information received from the federal bureau of investigation, 329  
other than information the dissemination of which is prohibited by 330  
federal law. 331

(H) Information obtained by a government entity or person 332  
under this section is confidential and shall not be released or 333  
disseminated. 334

(I) The superintendent may charge a reasonable fee for 335  
providing information or criminal records under division (F)(2) or 336  
(G) of this section. 337

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 338  
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 339

~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 340  
to division (C)(1) of this section, and a set of fingerprint 341  
impressions obtained in the manner described in division (C)(2) of 342  
this section, the superintendent of the bureau of criminal 343  
identification and investigation shall conduct a criminal records 344  
check in the manner described in division (B) of this section to 345  
determine whether any information exists that indicates that the 346  
person who is the subject of the request previously has been 347  
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 352  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 353  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 354  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 355  
2925.06, or 3716.11 of the Revised Code, felonious sexual 356  
penetration in violation of former section 2907.12 of the Revised 357  
Code, a violation of section 2905.04 of the Revised Code as it 358  
existed prior to July 1, 1996, a violation of section 2919.23 of 359  
the Revised Code that would have been a violation of section 360  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 361  
had the violation been committed prior to that date, or a 362  
violation of section 2925.11 of the Revised Code that is not a 363  
minor drug possession offense; 364

(b) A violation of an existing or former law of this state, 365  
any other state, or the United States that is substantially 366  
equivalent to any of the offenses listed in division (A)(1)(a) of 367  
this section. 368

(2) On receipt of a request pursuant to section 5123.081 of 369  
the Revised Code with respect to an applicant for employment in 370  
any position with the department of mental retardation and 371

developmental disabilities, pursuant to section 5126.28 of the Revised Code with respect to an applicant for employment in any position with a county board of mental retardation and developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the

manner described in division (C)(2) of this section, the 404  
superintendent of the bureau of criminal identification and 405  
investigation shall conduct a criminal records check with respect 406  
to any person who has applied for employment in a position for 407  
which a criminal records check is required by those sections. The 408  
superintendent shall conduct the criminal records check in the 409  
manner described in division (B) of this section to determine 410  
whether any information exists that indicates that the person who 411  
is the subject of the request previously has been convicted of or 412  
pleaded guilty to any of the following: 413

(a) A violation of section 2903.01, 2903.02, 2903.03, 414  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 415  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 416  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 417  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 418  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 419  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 420  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 421  
2925.22, 2925.23, or 3716.11 of the Revised Code; 422

(b) An existing or former law of this state, any other state, 423  
or the United States that is substantially equivalent to any of 424  
the offenses listed in division (A)(3)(a) of this section. 425

(4) On receipt of a request pursuant to section 3701.881 of 426  
the Revised Code with respect to an applicant for employment with 427  
a home health agency as a person responsible for the care, 428  
custody, or control of a child, a completed form prescribed 429  
pursuant to division (C)(1) of this section, and a set of 430  
fingerprint impressions obtained in the manner described in 431  
division (C)(2) of this section, the superintendent of the bureau 432  
of criminal identification and investigation shall conduct a 433  
criminal records check. The superintendent shall conduct the 434  
criminal records check in the manner described in division (B) of 435

this section to determine whether any information exists that 436  
indicates that the person who is the subject of the request 437  
previously has been convicted of or pleaded guilty to any of the 438  
following: 439

(a) A violation of section 2903.01, 2903.02, 2903.03, 440  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 441  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 442  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 443  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 444  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 445  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 446  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 447  
violation of section 2925.11 of the Revised Code that is not a 448  
minor drug possession offense; 449

(b) An existing or former law of this state, any other state, 450  
or the United States that is substantially equivalent to any of 451  
the offenses listed in division (A)(4)(a) of this section. 452

(5) On receipt of a request pursuant to section 5111.95 or 453  
5111.96 of the Revised Code with respect to an applicant for 454  
employment with a waiver agency participating in a department of 455  
job and family services administered home and community-based 456  
waiver program or an independent provider participating in a 457  
department administered home and community-based waiver program in 458  
a position that involves providing home and community-based waiver 459  
services to consumers with disabilities, a completed form 460  
prescribed pursuant to division (C)(1) of this section, and a set 461  
of fingerprint impressions obtained in the manner described in 462  
division (C)(2) of this section, the superintendent of the bureau 463  
of criminal identification and investigation shall conduct a 464  
criminal records check. The superintendent shall conduct the 465  
criminal records check in the manner described in division (B) of 466  
this section to determine whether any information exists that 467

indicates that the person who is the subject of the request 468  
previously has been convicted of or pleaded guilty to any of the 469  
following: 470

(a) A violation of section 2903.01, 2903.02, 2903.03, 471  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 472  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 473  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 474  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 475  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 476  
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 477  
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 478  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 479  
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 480  
Revised Code, felonious sexual penetration in violation of former 481  
section 2907.12 of the Revised Code, a violation of section 482  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 483  
violation of section 2919.23 of the Revised Code that would have 484  
been a violation of section 2905.04 of the Revised Code as it 485  
existed prior to July 1, 1996, had the violation been committed 486  
prior to that date; 487

(b) An existing or former law of this state, any other state, 488  
or the United States that is substantially equivalent to any of 489  
the offenses listed in division (A)(5)(a) of this section. 490

(6) On receipt of a request pursuant to section 3701.881 of 491  
the Revised Code with respect to an applicant for employment with 492  
a home health agency in a position that involves providing direct 493  
care to an older adult, a completed form prescribed pursuant to 494  
division (C)(1) of this section, and a set of fingerprint 495  
impressions obtained in the manner described in division (C)(2) of 496  
this section, the superintendent of the bureau of criminal 497  
identification and investigation shall conduct a criminal records 498  
check. The superintendent shall conduct the criminal records check 499



in the manner described in division (B) of this section to 500  
determine whether any information exists that indicates that the 501  
person who is the subject of the request previously has been 502  
convicted of or pleaded guilty to any of the following: 503

(a) A violation of section 2903.01, 2903.02, 2903.03, 504  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 505  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 506  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 507  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 508  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 509  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 510  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 511  
2925.22, 2925.23, or 3716.11 of the Revised Code; 512

(b) An existing or former law of this state, any other state, 513  
or the United States that is substantially equivalent to any of 514  
the offenses listed in division (A)(6)(a) of this section. 515

(7) When conducting a criminal records check upon a request 516  
pursuant to section 3319.39 of the Revised Code for an applicant 517  
who is a teacher, in addition to the determination made under 518  
division (A)(1) of this section, the superintendent shall 519  
determine whether any information exists that indicates that the 520  
person who is the subject of the request previously has been 521  
convicted of or pleaded guilty to any offense specified in section 522  
3319.31 of the Revised Code. 523

(8) On a request pursuant to section 2151.86 of the Revised 524  
Code, a completed form prescribed pursuant to division (C)(1) of 525  
this section, and a set of fingerprint impressions obtained in the 526  
manner described in division (C)(2) of this section, the 527  
superintendent of the bureau of criminal identification and 528  
investigation shall conduct a criminal records check in the manner 529  
described in division (B) of this section to determine whether any 530  
information exists that indicates that the person who is the 531

subject of the request previously has been convicted of or pleaded 532  
guilty to any of the following: 533

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 534  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 535  
2903.211 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 536  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 537  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 538  
2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 539  
2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 540  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 541  
2925.03, 2925.04, 2925.05, 2925.06, ~~or~~ 2927.12, 3716.11, or 542  
4511.19 of the Revised Code, a violation of section 2905.04 of the 543  
Revised Code as it existed prior to July 1, 1996, a violation of 544  
section 2919.23 of the Revised Code that would have been a 545  
violation of section 2905.04 of the Revised Code as it existed 546  
prior to July 1, 1996, had the violation been committed prior to 547  
that date, a violation of section 2925.11 of the Revised Code that 548  
is not a minor drug possession offense, or felonious sexual 549  
penetration in violation of former section 2907.12 of the Revised 550  
Code; 551

(b) A violation of an existing or former law of this state, 552  
any other state, or the United States that is substantially 553  
equivalent to any of the offenses listed in division (A)(8)(a) of 554  
this section. 555

(9) ~~When conducting a criminal records check on~~ Upon receipt 556  
of a request pursuant to section 5104.012 or 5104.013 of the 557  
Revised Code ~~for a person who is an owner, licensee, or~~ 558  
~~administrator of a child day care center or type A family day care~~ 559  
~~home, an authorized provider of a certified type B family day care~~ 560  
~~home, or an adult residing in a type A or certified type B home,~~ 561  
~~or when conducting a criminal records check or a request pursuant~~ 562  
~~to section 5104.012 of the Revised Code for a person who is an~~ 563

~~applicant for employment in a center, type A home, or certified~~ 564  
~~type B home, the superintendent, in addition to the determination~~ 565  
~~made under division (A)(1) of this section, shall, a completed~~ 566  
form prescribed pursuant to division (C)(1) of this section, and a 567  
set of fingerprint impressions obtained in the manner described in 568  
division (C)(2) of this section, the superintendent of the bureau 569  
of criminal identification and investigation shall conduct a 570  
criminal records check in the manner described in division (B) of 571  
this section to determine whether any information exists that 572  
indicates that the person who is the subject of the request has 573  
been convicted of or pleaded guilty to any of the following: 574

(a) A violation of section 2903.01, 2903.02, 2903.03, 575  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 576  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 577  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 578  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 579  
2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 580  
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 581  
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 582  
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 583  
2919.24, 2919.25, 2921.11, 2921.13, ~~or~~ 2923.01, 2923.12, 2923.13, 584  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 585  
of the Revised Code, felonious sexual penetration in violation of 586  
former section 2907.12 of the Revised Code, a violation of section 587  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 588  
violation of section 2919.23 of the Revised Code that would have 589  
been a violation of section 2905.04 of the Revised Code as it 590  
existed prior to July 1, 1996, had the violation been committed 591  
prior to that date, a violation of section 2925.11 of the Revised 592  
Code that is not a minor drug possession offense, a violation of 593  
section 2923.02 or 2923.03 of the Revised Code that relates to a 594  
crime specified in this division ~~or division (A)(1)(a) of this~~ 595  
section, or a second violation of section 4511.19 of the Revised 596

Code within five years of the date of application for licensure or certification. 597  
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(b) A violation of an existing or former law of this state, 599  
any other state, or the United States that is substantially 600  
equivalent to any of the offenses or violations described in 601  
division (A)(9)(a) of this section. 602

(10) Upon receipt of a request pursuant to section 5153.111 603  
of the Revised Code, a completed form prescribed pursuant to 604  
division (C)(1) of this section, and a set of fingerprint 605  
impressions obtained in the manner described in division (C)(2) of 606  
this section, the superintendent of the bureau of criminal 607  
identification and investigation shall conduct a criminal records 608  
check in the manner described in division (B) of this section to 609  
determine whether any information exists that indicates that the 610  
person who is the subject of the request previously has been 611  
convicted of or pleaded guilty to any of the following: 612

(a) A violation of section 2903.01, 2903.02, 2903.03, 613  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 614  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 615  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 616  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 617  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 618  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 619  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 620  
felonious sexual penetration in violation of former section 621  
2907.12 of the Revised Code, a violation of section 2905.04 of the 622  
Revised Code as it existed prior to July 1, 1996, a violation of 623  
section 2919.23 of the Revised Code that would have been a 624  
violation of section 2905.04 of the Revised Code as it existed 625  
prior to July 1, 1996, had the violation been committed prior to 626  
that date, or a violation of section 2925.11 of the Revised Code 627  
that is not a minor drug possession offense; 628

(b) A violation of an existing or former law of this state, 629  
any other state, or the United States that is substantially 630  
equivalent to any of the offenses listed in division (A)(10)(a) of 631  
this section. 632

(11) On receipt of a request for a criminal records check 633  
from an individual pursuant to section 4749.03 or 4749.06 of the 634  
Revised Code, accompanied by a completed copy of the form 635  
prescribed in division (C)(1) of this section and a set of 636  
fingerprint impressions obtained in a manner described in division 637  
(C)(2) of this section, the superintendent of the bureau of 638  
criminal identification and investigation shall conduct a criminal 639  
records check in the manner described in division (B) of this 640  
section to determine whether any information exists indicating 641  
that the person who is the subject of the request has been 642  
convicted of or pleaded guilty to a felony in this state or in any 643  
other state. If the individual indicates that a firearm will be 644  
carried in the course of business, the superintendent shall 645  
require information from the federal bureau of investigation as 646  
described in division (B)(2) of this section. The superintendent 647  
shall report the findings of the criminal records check and any 648  
information the federal bureau of investigation provides to the 649  
director of public safety. 650

(12) On receipt of a request pursuant to section 1322.03, 651  
1322.031, or 4763.05 of the Revised Code, a completed form 652  
prescribed pursuant to division (C)(1) of this section, and a set 653  
of fingerprint impressions obtained in the manner described in 654  
division (C)(2) of this section, the superintendent of the bureau 655  
of criminal identification and investigation shall conduct a 656  
criminal records check with respect to any person who has applied 657  
for a license, permit, or certification from the department of 658  
commerce or a division in the department. The superintendent shall 659  
conduct the criminal records check in the manner described in 660

division (B) of this section to determine whether any information 661  
exists that indicates that the person who is the subject of the 662  
request previously has been convicted of or pleaded guilty to any 663  
of the following: a violation of section 2913.02, 2913.11, 664  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 665  
criminal offense involving theft, receiving stolen property, 666  
embezzlement, forgery, fraud, passing bad checks, money 667  
laundering, or drug trafficking, or any criminal offense involving 668  
money or securities, as set forth in Chapters 2909., 2911., 2913., 669  
2915., 2921., 2923., and 2925. of the Revised Code; or any 670  
existing or former law of this state, any other state, or the 671  
United States that is substantially equivalent to those offenses. 672

(13) Not later than thirty days after the date the 673  
superintendent receives the request, completed form, and 674  
fingerprint impressions, the superintendent shall send the person, 675  
board, or entity that made the request any information, other than 676  
information the dissemination of which is prohibited by federal 677  
law, the superintendent determines exists with respect to the 678  
person who is the subject of the request that indicates that the 679  
person previously has been convicted of or pleaded guilty to any 680  
offense listed or described in division (A)(1), (2), (3), (4), 681  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 682  
appropriate. The superintendent shall send the person, board, or 683  
entity that made the request a copy of the list of offenses 684  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 685  
(9), (10), (11), or (12) of this section, as appropriate. If the 686  
request was made under section 3701.881 of the Revised Code with 687  
regard to an applicant who may be both responsible for the care, 688  
custody, or control of a child and involved in providing direct 689  
care to an older adult, the superintendent shall provide a list of 690  
the offenses specified in divisions (A)(4) and (6) of this 691  
section. 692

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

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

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request and shall review or cause to be reviewed any information the superintendent receives from that bureau.

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

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

tangible and electronic formats. 725

(2) The superintendent shall prescribe standard impression 726  
sheets to obtain the fingerprint impressions of any person for 727  
whom a criminal records check is required by section 121.08, 728  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 729  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 730  
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 731  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 732  
records check is required by any of those sections shall obtain 733  
the fingerprint impressions at a county sheriff's office, 734  
municipal police department, or any other entity with the ability 735  
to make fingerprint impressions on the standard impression sheets 736  
prescribed by the superintendent. The office, department, or 737  
entity may charge the person a reasonable fee for making the 738  
impressions. The standard impression sheets the superintendent 739  
prescribes pursuant to this division may be in a tangible format, 740  
in an electronic format, or in both tangible and electronic 741  
formats. 742

(3) Subject to division (D) of this section, the 743  
superintendent shall prescribe and charge a reasonable fee for 744  
providing a criminal records check requested under section 121.08, 745  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 746  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 747  
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 748  
5126.281, or 5153.111 of the Revised Code. The person making a 749  
criminal records request under ~~section 121.08, 173.27, 173.394,~~ 750  
~~1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881,~~ 751  
~~3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012,~~ 752  
~~5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or~~ 753  
~~5153.111 of the Revised Code~~ any of those sections shall pay the 754  
fee prescribed pursuant to this division. A person making a 755  
request under section 3701.881 of the Revised Code for a criminal 756



records check for an applicant who may be both responsible for the 757  
care, custody, or control of a child and involved in providing 758  
direct care to an older adult shall pay one fee for the request. 759

(4) The superintendent of the bureau of criminal 760  
identification and investigation may prescribe methods of 761  
forwarding fingerprint impressions and information necessary to 762  
conduct a criminal records check, which methods shall include, but 763  
not be limited to, an electronic method. 764

(D) A determination whether any information exists that 765  
indicates that a person previously has been convicted of or 766  
pleaded guilty to any offense listed or described in division 767  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 768  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 769  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 770  
that is made by the superintendent with respect to information 771  
considered in a criminal records check in accordance with this 772  
section is valid for the person who is the subject of the criminal 773  
records check for a period of one year from the date upon which 774  
the superintendent makes the determination. During the period in 775  
which the determination in regard to a person is valid, if another 776  
request under this section is made for a criminal records check 777  
for that person, the superintendent shall provide the information 778  
that is the basis for the superintendent's initial determination 779  
at a lower fee than the fee prescribed for the initial criminal 780  
records check. 781

(E) As used in this section: 782

(1) "Criminal records check" means any criminal records check 783  
conducted by the superintendent of the bureau of criminal 784  
identification and investigation in accordance with division (B) 785  
of this section. 786

(2) "Home and community-based waiver services" and "waiver 787

agency" have the same meanings as in section 5111.95 of the Revised Code. 788  
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(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code. 790  
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(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 792  
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(5) "Older adult" means a person age sixty or older. 794

**Sec. 109.581.** (A) As used in this section: 795

(1) "Individual" means any person who is required by law to submit fingerprint impressions to a participating entity for a criminal records check. 796  
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(2) "Participating entity" means a state agency, or its designee, that requires fingerprint impressions of an individual for a criminal records check as a condition of licensure, certification, employment, or volunteer service with the agency. 799  
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(3) "State agency" has the same meaning as in section 9.23 of the Revised Code. 803  
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(B) The superintendent of the bureau of criminal identification and investigation shall establish and maintain a retained applicant fingerprint database, separate and apart from all other records maintained by the bureau, to notify a participating entity when an individual who is licensed, certified, or employed by, or volunteers with, the participating entity and is arrested for, or pleads guilty to or is convicted of, an offense that would disqualify that individual from licensure, certification, employment, or volunteering with the participating entity. 805  
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The superintendent of the bureau of criminal identification and investigation and each participating entity shall work together to develop procedures and formats necessary to produce 815  
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the notices described in division (D) of this section in a format 818  
that is acceptable for use by the participating entity. 819

(C)(1) A participating entity shall ensure that the 820  
superintendent of the bureau of criminal identification and 821  
investigation receives fingerprint impressions in a manner 822  
prescribed by the bureau in rules adopted under this section prior 823  
to the individual being licensed, certified, or employed by, or 824  
beginning volunteer service with, the participating entity. The 825  
bureau shall enter information and the fingerprint impressions 826  
relating to the individual into the retained applicant fingerprint 827  
database within thirty days of receiving the information and 828  
impressions. 829

(2) An individual who has submitted fingerprint impressions 830  
for licensure, certification, employment, or volunteer service 831  
with a participating entity shall be reprinted for licensure, 832  
certification, employment, or volunteer service with another 833  
participating entity. If an individual has been reprinted, the 834  
superintendent of the bureau of criminal identification and 835  
investigation shall update that individual's information 836  
accordingly. 837

(3) A participating entity shall notify the bureau of 838  
criminal identification and investigation when an individual is no 839  
longer licensed, certified, or employed by, or volunteers with, 840  
the participating entity, or the individual is deceased. 841

(D) The superintendent of the bureau of criminal 842  
identification and investigation shall promptly notify a 843  
participating entity when an individual who is licensed, 844  
certified, or employed by, or volunteers with, a participating 845  
entity is arrested for, or pleads guilty to or is convicted of, an 846  
offense that would disqualify that individual from licensure, 847  
certification, employment, or volunteering with the participating 848  
entity. 849

(E)(1) Information contained in the retained applicant fingerprint database, and in the notice described in division (D) of this section, shall be used by the bureau of criminal identification and investigation and the participating entity for the purposes of licensure, certification, employment, or volunteer service with the participating entity, and such information is otherwise confidential and not a public record under section 149.43 of the Revised Code. 850  
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(2) No person shall knowingly disseminate or use the information contained in the retained applicant fingerprint database for any purpose that is not authorized by law or by rules adopted pursuant to this section. 858  
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(3) No person shall knowingly use the information contained in the retained applicant fingerprint database to harass or intimidate another person. 862  
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(F)(1) Any law enforcement official, or official employed by the participating entity who receives notification under this section, who disseminates, or fails to disseminate, information contained in the retained applicant fingerprint database in good faith compliance with the duties imposed by this section is immune from civil liability relating to that dissemination or failure to disseminate, unless the official's actions were manifestly outside the scope of duties imposed by this section, or unless the official acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 865  
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(2) A participating entity shall not be found negligent per se in a civil action for failure to submit an individual's information or fingerprint impressions to the bureau of criminal identification and investigation in accordance with this section. 875  
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(G) The superintendent of the bureau of criminal identification and investigation shall adopt rules in accordance 879  
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with Chapter 119. of the Revised Code necessary to carry out the 881  
purposes of this section, including rules regarding all of the 882  
following: 883

(1) The establishment and maintenance of the retained 884  
applicant fingerprint database; 885

(2) The collection of fingerprint impressions and a 886  
reasonable fee for utilizing the database; 887

(3) The expungement of fingerprint impressions and other 888  
personal information of individuals who are deceased or are no 889  
longer licensed, certified, or employed by, or volunteer with, a 890  
participating entity. 891

**Sec. 109.60.** (A)(1) The sheriffs of the several counties and 892  
the chiefs of police of cities, immediately upon the arrest of any 893  
person for any felony, on suspicion of any felony, for a crime 894  
constituting a misdemeanor on the first offense and a felony on 895  
subsequent offenses, or for any misdemeanor described in division 896  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, 897  
and immediately upon the arrest or taking into custody of any 898  
child under eighteen years of age for committing an act that would 899  
be a felony or an offense of violence if committed by an adult or 900  
upon probable cause to believe that a child of that age may have 901  
committed an act that would be a felony or an offense of violence 902  
if committed by an adult, shall take the person's or child's 903  
fingerprints, or cause the same to be taken, according to the 904  
fingerprint system of identification on the forms furnished by the 905  
superintendent of the bureau of criminal identification and 906  
investigation, and immediately shall forward copies of the 907  
completed forms, any other description that may be required, and 908  
the history of the offense committed to the bureau to be 909  
classified and filed and to the clerk of the court having 910  
jurisdiction over the prosecution of the offense or over the 911

adjudication relative to the act. 912

(2) ~~If~~ Except as provided in division (B) of this section, if 913  
a person or child has not been arrested and first appears before a 914  
court or magistrate in response to a summons, or if a sheriff or 915  
chief of police has not taken, or caused to be taken, a person's 916  
or child's fingerprints in accordance with division (A)(1) of this 917  
section by the time of the arraignment or first appearance of the 918  
person or child, the court shall order the person or child to 919  
appear before the sheriff or chief of police within twenty-four 920  
hours to have the person's or child's fingerprints taken. The 921  
sheriff or chief of police shall take the person's or child's 922  
fingerprints, or cause the fingerprints to be taken, according to 923  
the fingerprint system of identification on the forms furnished by 924  
the superintendent of the bureau of criminal identification and 925  
investigation and, immediately after the person's or child's 926  
arraignment or first appearance, forward copies of the completed 927  
forms, any other description that may be required, and the history 928  
of the offense committed to the bureau to be classified and filed 929  
and to the clerk of the court. 930

(3) Every court with jurisdiction over a case involving a 931  
person or child with respect to whom division (A)(1) or (2) of 932  
this section requires a sheriff or chief of police to take the 933  
person's or child's fingerprints shall inquire at the time of the 934  
person's or child's sentencing or adjudication whether or not the 935  
person or child has been fingerprinted pursuant to division (A)(1) 936  
or (2) of this section for the original arrest upon which the 937  
sentence or adjudication is based. If the person or child was not 938  
fingerprinted for the original arrest or court appearance upon 939  
which the sentence or adjudication is based, the court shall order 940  
the person or child to appear before the sheriff or chief of 941  
police within twenty-four hours to have the person's or child's 942  
fingerprints taken. The sheriff or chief of police shall take the 943

person's or child's fingerprints, or cause the fingerprints to be 944  
taken, according to the fingerprint system of identification on 945  
the forms furnished by the superintendent of the bureau of 946  
criminal identification and investigation and immediately forward 947  
copies of the completed forms, any other description that may be 948  
required, and the history of the offense committed to the bureau 949  
to be classified and filed and to the clerk of the court. 950

(4) If a person or child is in the custody of a law 951  
enforcement agency or a detention facility, as defined in section 952  
2921.01 of the Revised Code, and the chief law enforcement officer 953  
or chief administrative officer of the detention facility 954  
discovers that a warrant has been issued or a bill of information 955  
has been filed alleging the person or child to have committed an 956  
offense or act other than the offense or act for which the person 957  
or child is in custody, and the other alleged offense or act is 958  
one for which fingerprints are to be taken pursuant to division 959  
(A)(1) of this section, the law enforcement agency or detention 960  
facility shall take the fingerprints of the person or child, or 961  
cause the fingerprints to be taken, according to the fingerprint 962  
system of identification on the forms furnished by the 963  
superintendent of the bureau of criminal identification and 964  
investigation and immediately forward copies of the completed 965  
forms, any other description that may be required, and the history 966  
of the offense committed to the bureau to be classified and filed 967  
and to the clerk of the court that issued the warrant or with 968  
which the bill of information was filed. 969

(5) If an accused is found not guilty of the offense charged 970  
or a nolle prosequi is entered in any case, or if any accused 971  
child under eighteen years of age is found not to be a delinquent 972  
child for committing an act that would be a felony or an offense 973  
of violence if committed by an adult or not guilty of the felony 974  
or offense of violence charged or a nolle prosequi is entered in 975

that case, the fingerprints and description shall be given to the 976  
accused upon the accused's request. 977

(6) The superintendent shall compare the description received 978  
with those already on file in the bureau, and, if the 979  
superintendent finds that the person arrested or taken into 980  
custody has a criminal record or a record as a delinquent child 981  
for having committed an act that would be a felony or an offense 982  
of violence if committed by an adult or is a fugitive from justice 983  
or wanted by any jurisdiction in this or another state, the United 984  
States, or a foreign country for any offense, the superintendent 985  
at once shall inform the arresting officer, the officer taking the 986  
person into custody, or the chief administrative officer of the 987  
county, multicounty, municipal, municipal-county, or 988  
multicounty-municipal jail or workhouse, community-based 989  
correctional facility, halfway house, alternative residential 990  
facility, or state correctional institution in which the person or 991  
child is in custody of that fact and give appropriate notice to 992  
the proper authorities in the jurisdiction in which the person is 993  
wanted, or, if that jurisdiction is a foreign country, give 994  
appropriate notice to federal authorities for transmission to the 995  
foreign country. The names, under which each person whose 996  
identification is filed is known, shall be alphabetically indexed 997  
by the superintendent. 998

(B) Division (A) of this section does not apply to a violator 999  
of a city ordinance unless the officers have reason to believe 1000  
that the violator is a past offender or the crime is one 1001  
constituting a misdemeanor on the first offense and a felony on 1002  
subsequent offenses, or unless it is advisable for the purpose of 1003  
subsequent identification. This section does not apply to any 1004  
child under eighteen years of age who was not arrested or 1005  
otherwise taken into custody for committing an act that would be a 1006  
felony or an offense of violence if committed by an adult or upon 1007



probable cause to believe that a child of that age may have 1008  
committed an act that would be a felony or an offense of violence 1009  
if committed by an adult, except as provided in section 2151.313 1010  
of the Revised Code. 1011

(C)(1) For purposes of division (C) of this section, a law 1012  
enforcement agency shall be considered to have arrested a person 1013  
if any law enforcement officer who is employed by, appointed by, 1014  
or serves that agency arrests the person. As used in division (C) 1015  
of this section: 1016

(a) "Illegal methamphetamine manufacturing laboratory" has 1017  
the same meaning as in section 3745.13 of the Revised Code. 1018

(b) "Methamphetamine or a methamphetamine product" means 1019  
methamphetamine, any salt, isomer, or salt of an isomer of 1020  
methamphetamine, or any compound, mixture, preparation, or 1021  
substance containing methamphetamine or any salt, isomer, or salt 1022  
of an isomer of methamphetamine. 1023

(2) Each law enforcement agency that, in any calendar year, 1024  
arrests any person for a violation of section 2925.04 of the 1025  
Revised Code that is based on the manufacture of methamphetamine 1026  
or a methamphetamine product, a violation of section 2925.041 of 1027  
the Revised Code that is based on the possession of chemicals 1028  
sufficient to produce methamphetamine or a methamphetamine 1029  
product, or a violation of any other provision of Chapter 2925. or 1030  
3719. of the Revised Code that is based on the possession of 1031  
chemicals sufficient to produce methamphetamine or a 1032  
methamphetamine product shall prepare an annual report covering 1033  
the calendar year that contains the information specified in 1034  
division (C)(3) of this section relative to all arrests for 1035  
violations of those sections committed under those circumstances 1036  
during that calendar year and relative to illegal methamphetamine 1037  
manufacturing laboratories, dump sites, and chemical caches as 1038  
specified in that division and shall send the annual report, not 1039

later than the first day of March in the calendar year following 1040  
the calendar year covered by the report, to the bureau of criminal 1041  
identification and investigation. 1042

The law enforcement agency shall write any annual report 1043  
prepared and filed under this division on the standard forms 1044  
furnished by the superintendent of the bureau of criminal 1045  
identification and investigation pursuant to division (C)(4) of 1046  
this section. The annual report shall be a statistical report, and 1047  
nothing in the report or in the information it contains shall 1048  
identify, or enable the identification of, any person who was 1049  
arrested and whose arrest is included in the information contained 1050  
in the report. The annual report in the possession of the bureau 1051  
and the information it contains are public records for the purpose 1052  
of section 149.43 of the Revised Code. 1053

(3) The annual report prepared and filed by a law enforcement 1054  
agency under division (C)(2) of this section shall contain all of 1055  
the following information for the calendar year covered by the 1056  
report: 1057

(a) The total number of arrests made by the agency in that 1058  
calendar year for a violation of section 2925.04 of the Revised 1059  
Code that is based on the manufacture of methamphetamine or a 1060  
methamphetamine product, a violation of section 2925.041 of the 1061  
Revised Code that is based on the possession of chemicals 1062  
sufficient to produce methamphetamine or a methamphetamine 1063  
product, or a violation of any other provision of Chapter 2925. or 1064  
3719. of the Revised Code that is based on the possession of 1065  
chemicals sufficient to produce methamphetamine or a 1066  
methamphetamine product; 1067

(b) The total number of illegal methamphetamine manufacturing 1068  
laboratories at which one or more of the arrests reported under 1069  
division (C)(3)(a) of this section occurred, or that were 1070  
discovered in that calendar year within the territory served by 1071

the agency but at which none of the arrests reported under 1072  
division (C)(3)(a) of this section occurred; 1073

(c) The total number of dump sites and chemical caches that 1074  
are, or that are reasonably believed to be, related to illegal 1075  
methamphetamine manufacturing and that were discovered in that 1076  
calendar year within the territory served by the agency. 1077

(4) The superintendent of the bureau of criminal 1078  
identification and investigation shall prepare and furnish to each 1079  
law enforcement agency in this state standard forms for making the 1080  
annual reports required by division (C)(2) of this section. The 1081  
standard forms that the superintendent prepares pursuant to this 1082  
division may be in a tangible format, in an electronic format, or 1083  
in both a tangible format and an electronic format. 1084

(5) The annual report required by division (C)(2) of this 1085  
section is separate from, and in addition to, any report, 1086  
materials, or information required under division (A) of this 1087  
section or under any other provision of sections 109.57 to 109.62 1088  
of the Revised Code. 1089

**Sec. 109.99.** (A) Whoever violates section 109.26 of the 1090  
Revised Code shall be fined not less than five hundred nor more 1091  
than ten thousand dollars or be imprisoned not less than one month 1092  
nor more than one year, or both. 1093

(B) Whoever violates division (G)(1) of section 109.573 of 1094  
the Revised Code is guilty of unlawful disclosure of DNA database 1095  
information, a misdemeanor of the first degree. 1096

(C) Whoever violates division (G)(2) of section 109.573 of 1097  
the Revised Code is guilty of unlawful possession of DNA database 1098  
information, a misdemeanor of the first degree. 1099

(D)(1) Whoever violates division (E)(2) of section 109.581 of 1100  
the Revised Code is guilty of unlawful dissemination or use of 1101

retained applicant fingerprint database information, a misdemeanor 1102  
of the fourth degree. 1103

(2) Whoever violates division (E)(3) of section 109.581 of 1104  
the Revised Code is guilty of harassment or intimidation using 1105  
retained applicant fingerprint database information, as 1106  
applicable, a misdemeanor of the first degree. 1107

(E)(1) Whoever violates division (G)(1) of section 109.35 of 1108  
the Revised Code is guilty of entering into a transaction 1109  
involving a nonprofit health care entity without the approval of 1110  
the attorney general, a felony of the third degree. 1111

(2) Whoever violates division (G)(2) of section 109.35 of the 1112  
Revised Code is guilty of receiving improper compensation relating 1113  
to a transaction involving a nonprofit health care entity, a 1114  
felony of the third degree. 1115

**Sec. 1901.43.** (A) If a sheriff or chief of police has not 1116  
taken, or caused to be taken, a person's or child's fingerprints 1117  
in accordance with division (A)(1) of section 109.60 of the 1118  
Revised Code with respect to a crime or act set forth in that 1119  
division by the time of the arraignment or first appearance of the 1120  
person or child with respect to that crime or act, the municipal 1121  
court shall order the person or child to appear before the sheriff 1122  
or chief of police within twenty-four hours of the arraignment or 1123  
first appearance to have the person's or child's fingerprints 1124  
taken as provided in division (A)(2) of section 109.60 of the 1125  
Revised Code. 1126

(B) If the municipal court has jurisdiction over a case 1127  
involving a person or child with respect to whom division (A)(1) 1128  
or (2) of section 109.60 of the Revised Code requires a sheriff or 1129  
chief of police to take the person's or child's fingerprints, the 1130  
municipal court shall inquire at the time of the person's or 1131  
child's sentencing or adjudication for the crime or act for which 1132

the fingerprints were required to be taken whether or not the 1133  
person or child has been fingerprinted pursuant to division (A)(1) 1134  
or (2) of section 109.60 of the Revised Code for the original 1135  
arrest or court appearance upon which the sentence or adjudication 1136  
is based. If a person or child was not fingerprinted for the 1137  
original arrest or court appearance, the municipal court shall 1138  
order the person or child to appear before the sheriff or chief of 1139  
police within twenty-four hours to have the person's or child's 1140  
fingerprints taken as provided in division (A)(3) of section 1141  
109.60 of the Revised Code. 1142

Sec. 1907.181. (A) If a sheriff or chief of police has not 1143  
taken, or caused to be taken, a person's or child's fingerprints 1144  
in accordance with division (A)(1) of section 109.60 of the 1145  
Revised Code with respect to a crime or act set forth in that 1146  
division by the time of the arraignment or first appearance of the 1147  
person or child with respect to that crime or act, the county 1148  
court shall order the person or child to appear before the sheriff 1149  
or chief of police within twenty-four hours of the arraignment or 1150  
first appearance to have the person's or child's fingerprints 1151  
taken as provided in division (A)(2) of section 109.60 of the 1152  
Revised Code. 1153

(B) If the county court has jurisdiction over a case 1154  
involving a person or child with respect to whom division (A)(1) 1155  
or (2) of section 109.60 of the Revised Code requires a sheriff or 1156  
chief of police to take the person's or child's fingerprints, the 1157  
county court shall inquire at the time of the person's or child's 1158  
sentencing or adjudication for the crime or act for which the 1159  
fingerprints were required to be taken whether or not the person 1160  
or child has been fingerprinted pursuant to division (A)(1) or (2) 1161  
of section 109.60 of the Revised Code for the original arrest or 1162  
court appearance upon which the sentence or adjudication is based. 1163  
If a person or child was not fingerprinted for the original arrest 1164

or court appearance, the county court shall order the person or 1165  
child to appear before the sheriff or chief of police within 1166  
twenty-four hours to have the person's or child's fingerprints 1167  
taken as provided in division (A)(3) of section 109.60 of the 1168  
Revised Code. 1169

**Sec. 2151.413.** (A) A public children services agency or 1170  
private child placing agency that, pursuant to an order of 1171  
disposition under division (A)(2) of section 2151.353 of the 1172  
Revised Code or under any version of section 2151.353 of the 1173  
Revised Code that existed prior to January 1, 1989, is granted 1174  
temporary custody of a child who is not abandoned or orphaned may 1175  
file a motion in the court that made the disposition of the child 1176  
requesting permanent custody of the child. 1177

(B) A public children services agency or private child 1178  
placing agency that, pursuant to an order of disposition under 1179  
division (A)(2) of section 2151.353 of the Revised Code or under 1180  
any version of section 2151.353 of the Revised Code that existed 1181  
prior to January 1, 1989, is granted temporary custody of a child 1182  
who is orphaned may file a motion in the court that made the 1183  
disposition of the child requesting permanent custody of the child 1184  
whenever it can show that no relative of the child is able to take 1185  
legal custody of the child. 1186

(C) A public children services agency or private child 1187  
placing agency that, pursuant to an order of disposition under 1188  
division (A)(5) of section 2151.353 of the Revised Code, places a 1189  
child in a planned permanent living arrangement may file a motion 1190  
in the court that made the disposition of the child requesting 1191  
permanent custody of the child. 1192

(D)(1) Except as provided in division (D)(3) of this section, 1193  
if a child has been in the temporary custody of one or more public 1194  
children services agencies or private child placing agencies for 1195

twelve or more months of a consecutive twenty-two-month period 1196  
ending on or after March 18, 1999, the agency with custody shall 1197  
file a motion requesting permanent custody of the child. If the 1198  
child has been in the temporary custody of one or more public 1199  
children services agencies or private child placing agencies and 1200  
the child was previously in the temporary custody of an equivalent 1201  
agency in another state on or after March 18, 1999, the agency 1202  
with custody of the child shall apply the time in temporary 1203  
custody in the other state to the time in temporary custody in 1204  
this state and, except as provided in division (D)(3) of this 1205  
section, if the time spent in temporary custody equals twelve or 1206  
more months of a consecutive twenty-two-month period, the agency 1207  
with custody may file a motion requesting permanent custody of the 1208  
child. The motion shall be filed in the court that issued the 1209  
current order of temporary custody. For the purposes of this 1210  
division, a child shall be considered to have entered the 1211  
temporary custody of an agency on the earlier of the date the 1212  
child is adjudicated pursuant to section 2151.28 of the Revised 1213  
Code or the date that is sixty days after the removal of the child 1214  
from home. 1215

(2) Except as provided in division (D)(3) of this section, if 1216  
a court makes a determination pursuant to division (A)(2) of 1217  
section 2151.419 of the Revised Code, the public children services 1218  
agency or private child placing agency required to develop the 1219  
permanency plan for the child under division (K) of section 1220  
2151.417 of the Revised Code shall file a motion in the court that 1221  
made the determination requesting permanent custody of the child. 1222

(3) An agency shall not file a motion for permanent custody 1223  
under division (D)(1) or (2) of this section if any of the 1224  
following apply: 1225

(a) The agency documents in the case plan or permanency plan 1226  
a compelling reason that permanent custody is not in the best 1227

interest of the child. 1228

(b) If reasonable efforts to return the child to the child's 1229  
home are required under section 2151.419 of the Revised Code, the 1230  
agency has not provided the services required by the case plan to 1231  
the parents of the child or the child to ensure the safe return of 1232  
the child to the child's home. 1233

(c) The agency has been granted permanent custody of the 1234  
child. 1235

(d) The child has been returned home pursuant to court order 1236  
in accordance with division (A)(3) of section 2151.419 of the 1237  
Revised Code. 1238

(E) Any agency that files a motion for permanent custody 1239  
under this section shall include in the case plan of the child who 1240  
is the subject of the motion, a specific plan of the agency's 1241  
actions to seek an adoptive family for the child and to prepare 1242  
the child for adoption. 1243

(F) The department of job and family services may adopt rules 1244  
pursuant to Chapter 119. of the Revised Code that set forth the 1245  
time frames for case reviews and for filing a motion requesting 1246  
permanent custody under division (D)(1) of this section. 1247

**Sec. 2151.414.** (A)(1) Upon the filing of a motion pursuant to 1248  
section 2151.413 of the Revised Code for permanent custody of a 1249  
child, the court shall schedule a hearing and give notice of the 1250  
filing of the motion and of the hearing, in accordance with 1251  
section 2151.29 of the Revised Code, to all parties to the action 1252  
and to the child's guardian ad litem. The notice also shall 1253  
contain a full explanation that the granting of permanent custody 1254  
permanently divests the parents of their parental rights, a full 1255  
explanation of their right to be represented by counsel and to 1256  
have counsel appointed pursuant to Chapter 120. of the Revised 1257



Code if they are indigent, and the name and telephone number of 1258  
the court employee designated by the court pursuant to section 1259  
2151.314 of the Revised Code to arrange for the prompt appointment 1260  
of counsel for indigent persons. 1261

The court shall conduct a hearing in accordance with section 1262  
2151.35 of the Revised Code to determine if it is in the best 1263  
interest of the child to permanently terminate parental rights and 1264  
grant permanent custody to the agency that filed the motion. The 1265  
adjudication that the child is an abused, neglected, or dependent 1266  
child and any dispositional order that has been issued in the case 1267  
under section 2151.353 of the Revised Code pursuant to the 1268  
adjudication shall not be readjudicated at the hearing and shall 1269  
not be affected by a denial of the motion for permanent custody. 1270

(2) The court shall hold the hearing scheduled pursuant to 1271  
division (A)(1) of this section not later than one hundred twenty 1272  
days after the agency files the motion for permanent custody, 1273  
except that, for good cause shown, the court may continue the 1274  
hearing for a reasonable period of time beyond the 1275  
one-hundred-twenty-day deadline. The court shall issue an order 1276  
that grants, denies, or otherwise disposes of the motion for 1277  
permanent custody, and journalize the order, not later than two 1278  
hundred days after the agency files the motion. 1279

If a motion is made under division (D)(2) of section 2151.413 1280  
of the Revised Code and no dispositional hearing has been held in 1281  
the case, the court may hear the motion in the dispositional 1282  
hearing required by division (B) of section 2151.35 of the Revised 1283  
Code. If the court issues an order pursuant to section 2151.353 of 1284  
the Revised Code granting permanent custody of the child to the 1285  
agency, the court shall immediately dismiss the motion made under 1286  
division (D)(2) of section 2151.413 of the Revised Code. 1287

The failure of the court to comply with the time periods set 1288  
forth in division (A)(2) of this section does not affect the 1289

authority of the court to issue any order under this chapter and 1290  
does not provide any basis for attacking the jurisdiction of the 1291  
court or the validity of any order of the court. 1292

(B)(1) Except as provided in division (B)(2) of this section, 1293  
the court may grant permanent custody of a child to a movant if 1294  
the court determines at the hearing held pursuant to division (A) 1295  
of this section, by clear and convincing evidence, that it is in 1296  
the best interest of the child to grant permanent custody of the 1297  
child to the agency that filed the motion for permanent custody 1298  
and that any of the following apply: 1299

(a) The child is not abandoned ~~or~~, orphaned ~~or~~, has not been 1300  
in the temporary custody of one or more public children services 1301  
agencies or private child placing agencies for twelve or more 1302  
months of a consecutive twenty-two-month period ending on or after 1303  
March 18, 1999, or has not been in the temporary custody of one or 1304  
more public children services agencies or private child placing 1305  
agencies for twelve or more months of a consecutive 1306  
twenty-two-month period if, as described in division (D)(1) of 1307  
section 2151.413 of the Revised Code, the child was previously in 1308  
the temporary custody of an equivalent agency in another state on 1309  
or after March 18, 1999, and the child cannot be placed with 1310  
either of the child's parents within a reasonable time or should 1311  
not be placed with the child's parents. 1312

(b) The child is abandoned. 1313

(c) The child is orphaned, and there are no relatives of the 1314  
child who are able to take permanent custody. 1315

(d) The child has been in the temporary custody of one or 1316  
more public children services agencies or private child placing 1317  
agencies for twelve or more months of a consecutive 1318  
twenty-two-month period ending on or after March 18, 1999, or the 1319  
child has been in the temporary custody of one or more public 1320

children services agencies or private child placing agencies for 1321  
twelve or more months of a consecutive twenty-two-month period 1322  
and, as described in division (D)(1) of section 2151.413 of the 1323  
Revised Code, the child was previously in the temporary custody of 1324  
an equivalent agency in another state on or after March 18, 1999. 1325

For the purposes of division (B)(1) of this section, a child 1326  
shall be considered to have entered the temporary custody of an 1327  
agency on the earlier of the date the child is adjudicated 1328  
pursuant to section 2151.28 of the Revised Code or the date that 1329  
is sixty days after the removal of the child from home. 1330

(2) With respect to a motion made pursuant to division (D)(2) 1331  
of section 2151.413 of the Revised Code, the court shall grant 1332  
permanent custody of the child to the movant if the court 1333  
determines in accordance with division (E) of this section that 1334  
the child cannot be placed with one of the child's parents within 1335  
a reasonable time or should not be placed with either parent and 1336  
determines in accordance with division (D) of this section that 1337  
permanent custody is in the child's best interest. 1338

(C) In making the determinations required by this section or 1339  
division (A)(4) of section 2151.353 of the Revised Code, a court 1340  
shall not consider the effect the granting of permanent custody to 1341  
the agency would have upon any parent of the child. A written 1342  
report of the guardian ad litem of the child shall be submitted to 1343  
the court prior to or at the time of the hearing held pursuant to 1344  
division (A) of this section or section 2151.35 of the Revised 1345  
Code but shall not be submitted under oath. 1346

If the court grants permanent custody of a child to a movant 1347  
under this division, the court, upon the request of any party, 1348  
shall file a written opinion setting forth its findings of fact 1349  
and conclusions of law in relation to the proceeding. The court 1350  
shall not deny an agency's motion for permanent custody solely 1351  
because the agency failed to implement any particular aspect of 1352

the child's case plan. 1353

(D) In determining the best interest of a child at a hearing 1354  
held pursuant to division (A) of this section or for the purposes 1355  
of division (A)(4) or (5) of section 2151.353 or division (C) of 1356  
section 2151.415 of the Revised Code, the court shall consider all 1357  
relevant factors, including, but not limited to, the following: 1358

(1) The interaction and interrelationship of the child with 1359  
the child's parents, siblings, relatives, foster caregivers and 1360  
out-of-home providers, and any other person who may significantly 1361  
affect the child; 1362

(2) The wishes of the child, as expressed directly by the 1363  
child or through the child's guardian ad litem, with due regard 1364  
for the maturity of the child; 1365

(3) The custodial history of the child, including whether the 1366  
child has been in the temporary custody of one or more public 1367  
children services agencies or private child placing agencies for 1368  
twelve or more months of a consecutive twenty-two-month period 1369  
ending on or after March 18, 1999, or the child has been in the 1370  
temporary custody of one or more public children services agencies 1371  
or private child placing agencies for twelve or more months of a 1372  
consecutive twenty-two-month period and, as described in division 1373  
(D)(1) of section 2151.413 of the Revised Code, the child was 1374  
previously in the temporary custody of an equivalent agency in 1375  
another state on or after March 18, 1999; 1376

(4) The child's need for a legally secure permanent placement 1377  
and whether that type of placement can be achieved without a grant 1378  
of permanent custody to the agency; 1379

(5) Whether any of the factors in divisions (E)(7) to (11) of 1380  
this section apply in relation to the parents and child. 1381

For the purposes of this division, a child shall be 1382  
considered to have entered the temporary custody of an agency on 1383

the earlier of the date the child is adjudicated pursuant to 1384  
section 2151.28 of the Revised Code or the date that is sixty days 1385  
after the removal of the child from home. 1386

(E) In determining at a hearing held pursuant to division (A) 1387  
of this section or for the purposes of division (A)(4) of section 1388  
2151.353 of the Revised Code whether a child cannot be placed with 1389  
either parent within a reasonable period of time or should not be 1390  
placed with the parents, the court shall consider all relevant 1391  
evidence. If the court determines, by clear and convincing 1392  
evidence, at a hearing held pursuant to division (A) of this 1393  
section or for the purposes of division (A)(4) of section 2151.353 1394  
of the Revised Code that one or more of the following exist as to 1395  
each of the child's parents, the court shall enter a finding that 1396  
the child cannot be placed with either parent within a reasonable 1397  
time or should not be placed with either parent: 1398

(1) Following the placement of the child outside the child's 1399  
home and notwithstanding reasonable case planning and diligent 1400  
efforts by the agency to assist the parents to remedy the problems 1401  
that initially caused the child to be placed outside the home, the 1402  
parent has failed continuously and repeatedly to substantially 1403  
remedy the conditions causing the child to be placed outside the 1404  
child's home. In determining whether the parents have 1405  
substantially remedied those conditions, the court shall consider 1406  
parental utilization of medical, psychiatric, psychological, and 1407  
other social and rehabilitative services and material resources 1408  
that were made available to the parents for the purpose of 1409  
changing parental conduct to allow them to resume and maintain 1410  
parental duties. 1411

(2) Chronic mental illness, chronic emotional illness, mental 1412  
retardation, physical disability, or chemical dependency of the 1413  
parent that is so severe that it makes the parent unable to 1414  
provide an adequate permanent home for the child at the present 1415

time and, as anticipated, within one year after the court holds 1416  
the hearing pursuant to division (A) of this section or for the 1417  
purposes of division (A)(4) of section 2151.353 of the Revised 1418  
Code; 1419

(3) The parent committed any abuse as described in section 1420  
2151.031 of the Revised Code against the child, caused the child 1421  
to suffer any neglect as described in section 2151.03 of the 1422  
Revised Code, or allowed the child to suffer any neglect as 1423  
described in section 2151.03 of the Revised Code between the date 1424  
that the original complaint alleging abuse or neglect was filed 1425  
and the date of the filing of the motion for permanent custody; 1426

(4) The parent has demonstrated a lack of commitment toward 1427  
the child by failing to regularly support, visit, or communicate 1428  
with the child when able to do so, or by other actions showing an 1429  
unwillingness to provide an adequate permanent home for the child; 1430

(5) The parent is incarcerated for an offense committed 1431  
against the child or a sibling of the child; 1432

(6) The parent has been convicted of or pleaded guilty to an 1433  
offense under division (A) or (C) of section 2919.22 or under 1434  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1435  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1436  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1437  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 1438  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 1439  
Revised Code and the child or a sibling of the child was a victim 1440  
of the offense or the parent has been convicted of or pleaded 1441  
guilty to an offense under section 2903.04 of the Revised Code, a 1442  
sibling of the child was the victim of the offense, and the parent 1443  
who committed the offense poses an ongoing danger to the child or 1444  
a sibling of the child. 1445

(7) The parent has been convicted of or pleaded guilty to one 1446

of the following: 1447

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 1448  
the Revised Code or under an existing or former law of this state, 1449  
any other state, or the United States that is substantially 1450  
equivalent to an offense described in those sections and the 1451  
victim of the offense was a sibling of the child or the victim was 1452  
another child who lived in the parent's household at the time of 1453  
the offense; 1454

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 1455  
the Revised Code or under an existing or former law of this state, 1456  
any other state, or the United States that is substantially 1457  
equivalent to an offense described in those sections and the 1458  
victim of the offense is the child, a sibling of the child, or 1459  
another child who lived in the parent's household at the time of 1460  
the offense; 1461

(c) An offense under division (B)(2) of section 2919.22 of 1462  
the Revised Code or under an existing or former law of this state, 1463  
any other state, or the United States that is substantially 1464  
equivalent to the offense described in that section and the child, 1465  
a sibling of the child, or another child who lived in the parent's 1466  
household at the time of the offense is the victim of the offense; 1467

(d) An offense under section 2907.02, 2907.03, 2907.04, 1468  
2907.05, or 2907.06 of the Revised Code or under an existing or 1469  
former law of this state, any other state, or the United States 1470  
that is substantially equivalent to an offense described in those 1471  
sections and the victim of the offense is the child, a sibling of 1472  
the child, or another child who lived in the parent's household at 1473  
the time of the offense; 1474

(e) A conspiracy or attempt to commit, or complicity in 1475  
committing, an offense described in division (E)(7)(a) or (d) of 1476  
this section. 1477

(8) The parent has repeatedly withheld medical treatment or 1478  
food from the child when the parent has the means to provide the 1479  
treatment or food, and, in the case of withheld medical treatment, 1480  
the parent withheld it for a purpose other than to treat the 1481  
physical or mental illness or defect of the child by spiritual 1482  
means through prayer alone in accordance with the tenets of a 1483  
recognized religious body. 1484

(9) The parent has placed the child at substantial risk of 1485  
harm two or more times due to alcohol or drug abuse and has 1486  
rejected treatment two or more times or refused to participate in 1487  
further treatment two or more times after a case plan issued 1488  
pursuant to section 2151.412 of the Revised Code requiring 1489  
treatment of the parent was journalized as part of a dispositional 1490  
order issued with respect to the child or an order was issued by 1491  
any other court requiring treatment of the parent. 1492

(10) The parent has abandoned the child. 1493

(11) The parent has had parental rights involuntarily 1494  
terminated ~~pursuant to this section or section 2151.353 or~~ 1495  
~~2151.415 of the Revised Code~~ with respect to a sibling of the 1496  
child pursuant to this section or section 2151.353 or 2151.415 of 1497  
the Revised Code, or under an existing or former law of this 1498  
state, any other state, or the United States that is substantially 1499  
equivalent to those sections. 1500

(12) The parent is incarcerated at the time of the filing of 1501  
the motion for permanent custody or the dispositional hearing of 1502  
the child and will not be available to care for the child for at 1503  
least eighteen months after the filing of the motion for permanent 1504  
custody or the dispositional hearing. 1505

(13) The parent is repeatedly incarcerated, and the repeated 1506  
incarceration prevents the parent from providing care for the 1507  
child. 1508



(14) The parent for any reason is unwilling to provide food, 1509  
clothing, shelter, and other basic necessities for the child or to 1510  
prevent the child from suffering physical, emotional, or sexual 1511  
abuse or physical, emotional, or mental neglect. 1512

(15) The parent has committed abuse as described in section 1513  
2151.031 of the Revised Code against the child or caused or 1514  
allowed the child to suffer neglect as described in section 1515  
2151.03 of the Revised Code, and the court determines that the 1516  
seriousness, nature, or likelihood of recurrence of the abuse or 1517  
neglect makes the child's placement with the child's parent a 1518  
threat to the child's safety. 1519

(16) Any other factor the court considers relevant. 1520

(F) The parents of a child for whom the court has issued an 1521  
order granting permanent custody pursuant to this section, upon 1522  
the issuance of the order, cease to be parties to the action. This 1523  
division is not intended to eliminate or restrict any right of the 1524  
parents to appeal the granting of permanent custody of their child 1525  
to a movant pursuant to this section. 1526

**Sec. 2151.419.** (A)(1) Except as provided in division (A)(2) 1527  
of this section, at any hearing held pursuant to section 2151.28, 1528  
division (E) of section 2151.31, or section 2151.314, 2151.33, or 1529  
2151.353 of the Revised Code at which the court removes a child 1530  
from the child's home or continues the removal of a child from the 1531  
child's home, the court shall determine whether the public 1532  
children services agency or private child placing agency that 1533  
filed the complaint in the case, removed the child from home, has 1534  
custody of the child, or will be given custody of the child has 1535  
made reasonable efforts to prevent the removal of the child from 1536  
the child's home, to eliminate the continued removal of the child 1537  
from the child's home, or to make it possible for the child to 1538  
return safely home. The agency shall have the burden of proving 1539

that it has made those reasonable efforts. If the agency removed 1540  
the child from home during an emergency in which the child could 1541  
not safely remain at home and the agency did not have prior 1542  
contact with the child, the court is not prohibited, solely 1543  
because the agency did not make reasonable efforts during the 1544  
emergency to prevent the removal of the child, from determining 1545  
that the agency made those reasonable efforts. In determining 1546  
whether reasonable efforts were made, the child's health and 1547  
safety shall be paramount. 1548

(2) If any of the following apply, the court shall make a 1549  
determination that the agency is not required to make reasonable 1550  
efforts to prevent the removal of the child from the child's home, 1551  
eliminate the continued removal of the child from the child's 1552  
home, and return the child to the child's home: 1553

(a) The parent from whom the child was removed has been 1554  
convicted of or pleaded guilty to one of the following: 1555

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 1556  
the Revised Code or under an existing or former law of this state, 1557  
any other state, or the United States that is substantially 1558  
equivalent to an offense described in those sections and the 1559  
victim of the offense was a sibling of the child or the victim was 1560  
another child who lived in the parent's household at the time of 1561  
the offense; 1562

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 1563  
the Revised Code or under an existing or former law of this state, 1564  
any other state, or the United States that is substantially 1565  
equivalent to an offense described in those sections and the 1566  
victim of the offense is the child, a sibling of the child, or 1567  
another child who lived in the parent's household at the time of 1568  
the offense; 1569

(iii) An offense under division (B)(2) of section 2919.22 of 1570

the Revised Code or under an existing or former law of this state, 1571  
any other state, or the United States that is substantially 1572  
equivalent to the offense described in that section and the child, 1573  
a sibling of the child, or another child who lived in the parent's 1574  
household at the time of the offense is the victim of the offense; 1575

(iv) An offense under section 2907.02, 2907.03, 2907.04, 1576  
2907.05, or 2907.06 of the Revised Code or under an existing or 1577  
former law of this state, any other state, or the United States 1578  
that is substantially equivalent to an offense described in those 1579  
sections and the victim of the offense is the child, a sibling of 1580  
the child, or another child who lived in the parent's household at 1581  
the time of the offense; 1582

(v) A conspiracy or attempt to commit, or complicity in 1583  
committing, an offense described in division (A)(2)(a)(i) or (iv) 1584  
of this section. 1585

(b) The parent from whom the child was removed has repeatedly 1586  
withheld medical treatment or food from the child when the parent 1587  
has the means to provide the treatment or food. If the parent has 1588  
withheld medical treatment in order to treat the physical or 1589  
mental illness or defect of the child by spiritual means through 1590  
prayer alone, in accordance with the tenets of a recognized 1591  
religious body, the court or agency shall comply with the 1592  
requirements of division (A)(1) of this section. 1593

(c) The parent from whom the child was removed has placed the 1594  
child at substantial risk of harm two or more times due to alcohol 1595  
or drug abuse and has rejected treatment two or more times or 1596  
refused to participate in further treatment two or more times 1597  
after a case plan issued pursuant to section 2151.412 of the 1598  
Revised Code requiring treatment of the parent was journalized as 1599  
part of a dispositional order issued with respect to the child or 1600  
an order was issued by any other court requiring such treatment of 1601  
the parent. 1602

(d) The parent from whom the child was removed has abandoned the child. 1603  
1604

(e) The parent from whom the child was removed has had parental rights involuntarily terminated ~~pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code~~ with respect to a sibling of the child pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code, or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to those sections. 1605  
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(3) At any hearing in which the court determines whether to return a child to the child's home, the court may issue an order that returns the child in situations in which the conditions described in divisions (A)(2)(a) to (e) of this section are present. 1612  
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(B)(1) A court that is required to make a determination as described in division (A)(1) or (2) of this section shall issue written findings of fact setting forth the reasons supporting its determination. If the court makes a written determination under division (A)(1) of this section, it shall briefly describe in the findings of fact the relevant services provided by the agency to the family of the child and why those services did not prevent the removal of the child from the child's home or enable the child to return safely home. 1617  
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(2) If a court issues an order that returns the child to the child's home in situations in which division (A)(2)(a), (b), (c), (d), or (e) of this section applies, the court shall issue written findings of fact setting forth the reasons supporting its determination. 1626  
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(C) If the court makes a determination pursuant to division (A)(2) of this section, the court shall conduct a review hearing pursuant to section 2151.417 of the Revised Code to approve a 1631  
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1633

permanency plan with respect to the child, unless the court issues 1634  
an order returning the child home pursuant to division (A)(3) of 1635  
this section. The hearing to approve the permanency plan may be 1636  
held immediately following the court's determination pursuant to 1637  
division (A)(2) of this section and shall be held no later than 1638  
thirty days following that determination. 1639

**Sec. 2151.421.** (A)(1)(a) No person described in division 1640  
(A)(1)(b) of this section who is acting in an official or 1641  
professional capacity and knows, or has reasonable cause to 1642  
suspect based on facts that would cause a reasonable person in a 1643  
similar position to suspect, that a child under eighteen years of 1644  
age or a mentally retarded, developmentally disabled, or 1645  
physically impaired child under twenty-one years of age has 1646  
suffered or faces a threat of suffering any physical or mental 1647  
wound, injury, disability, or condition of a nature that 1648  
reasonably indicates abuse or neglect of the child shall fail to 1649  
immediately report that knowledge or reasonable cause to suspect 1650  
to the entity or persons specified in this division. Except as 1651  
provided in section 5120.173 of the Revised Code, the person 1652  
making the report shall make it to the public children services 1653  
agency or a municipal or county peace officer in the county in 1654  
which the child resides or in which the abuse or neglect is 1655  
occurring or has occurred. In the circumstances described in 1656  
section 5120.173 of the Revised Code, the person making the report 1657  
shall make it to the entity specified in that section. 1658

(b) Division (A)(1)(a) of this section applies to any person 1659  
who is an attorney; physician, including a hospital intern or 1660  
resident; dentist; podiatrist; practitioner of a limited branch of 1661  
medicine as specified in section 4731.15 of the Revised Code; 1662  
registered nurse; licensed practical nurse; visiting nurse; other 1663  
health care professional; licensed psychologist; licensed school 1664  
psychologist; independent marriage and family therapist or 1665

marriage and family therapist; speech pathologist or audiologist; 1666  
coroner; administrator or employee of a child day-care center; 1667  
administrator or employee of a residential camp or child day camp; 1668  
administrator or employee of a certified child care agency or 1669  
other public or private children services agency; school teacher; 1670  
school employee; school authority; person engaged in social work 1671  
or the practice of professional counseling; agent of a county 1672  
humane society; person, other than a cleric, rendering spiritual 1673  
treatment through prayer in accordance with the tenets of a 1674  
well-recognized religion; superintendent, board member, or 1675  
employee of a county board of mental retardation; investigative 1676  
agent contracted with by a county board of mental retardation; 1677  
employee of the department of mental retardation and developmental 1678  
disabilities; employee of a facility or home that provides respite 1679  
care in accordance with section 5123.171 of the Revised Code; 1680  
employee of a home health agency; employee of an entity that 1681  
provides homemaker services; a person performing the duties of an 1682  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1683  
or third party employed by a public children services agency to 1684  
assist in providing child or family related services. 1685

(2) Except as provided in division (A)(3) of this section, an 1686  
attorney or a physician is not required to make a report pursuant 1687  
to division (A)(1) of this section concerning any communication 1688  
the attorney or physician receives from a client or patient in an 1689  
attorney-client or physician-patient relationship, if, in 1690  
accordance with division (A) or (B) of section 2317.02 of the 1691  
Revised Code, the attorney or physician could not testify with 1692  
respect to that communication in a civil or criminal proceeding. 1693

(3) The client or patient in an attorney-client or 1694  
physician-patient relationship described in division (A)(2) of 1695  
this section is deemed to have waived any testimonial privilege 1696  
under division (A) or (B) of section 2317.02 of the Revised Code 1697

with respect to any communication the attorney or physician 1698  
receives from the client or patient in that attorney-client or 1699  
physician-patient relationship, and the attorney or physician 1700  
shall make a report pursuant to division (A)(1) of this section 1701  
with respect to that communication, if all of the following apply: 1702

(a) The client or patient, at the time of the communication, 1703  
is either a child under eighteen years of age or a mentally 1704  
retarded, developmentally disabled, or physically impaired person 1705  
under twenty-one years of age. 1706

(b) The attorney or physician knows, or has reasonable cause 1707  
to suspect based on facts that would cause a reasonable person in 1708  
similar position to suspect, as a result of the communication or 1709  
any observations made during that communication, that the client 1710  
or patient has suffered or faces a threat of suffering any 1711  
physical or mental wound, injury, disability, or condition of a 1712  
nature that reasonably indicates abuse or neglect of the client or 1713  
patient. 1714

(c) The abuse or neglect does not arise out of the client's 1715  
or patient's attempt to have an abortion without the notification 1716  
of her parents, guardian, or custodian in accordance with section 1717  
2151.85 of the Revised Code. 1718

(4)(a) No cleric and no person, other than a volunteer, 1719  
designated by any church, religious society, or faith acting as a 1720  
leader, official, or delegate on behalf of the church, religious 1721  
society, or faith who is acting in an official or professional 1722  
capacity, who knows, or has reasonable cause to believe based on 1723  
facts that would cause a reasonable person in a similar position 1724  
to believe, that a child under eighteen years of age or a mentally 1725  
retarded, developmentally disabled, or physically impaired child 1726  
under twenty-one years of age has suffered or faces a threat of 1727  
suffering any physical or mental wound, injury, disability, or 1728  
condition of a nature that reasonably indicates abuse or neglect 1729

of the child, and who knows, or has reasonable cause to believe 1730  
based on facts that would cause a reasonable person in a similar 1731  
position to believe, that another cleric or another person, other 1732  
than a volunteer, designated by a church, religious society, or 1733  
faith acting as a leader, official, or delegate on behalf of the 1734  
church, religious society, or faith caused, or poses the threat of 1735  
causing, the wound, injury, disability, or condition that 1736  
reasonably indicates abuse or neglect shall fail to immediately 1737  
report that knowledge or reasonable cause to believe to the entity 1738  
or persons specified in this division. Except as provided in 1739  
section 5120.173 of the Revised Code, the person making the report 1740  
shall make it to the public children services agency or a 1741  
municipal or county peace officer in the county in which the child 1742  
resides or in which the abuse or neglect is occurring or has 1743  
occurred. In the circumstances described in section 5120.173 of 1744  
the Revised Code, the person making the report shall make it to 1745  
the entity specified in that section. 1746

(b) Except as provided in division (A)(4)(c) of this section, 1747  
a cleric is not required to make a report pursuant to division 1748  
(A)(4)(a) of this section concerning any communication the cleric 1749  
receives from a penitent in a cleric-penitent relationship, if, in 1750  
accordance with division (C) of section 2317.02 of the Revised 1751  
Code, the cleric could not testify with respect to that 1752  
communication in a civil or criminal proceeding. 1753

(c) The penitent in a cleric-penitent relationship described 1754  
in division (A)(4)(b) of this section is deemed to have waived any 1755  
testimonial privilege under division (C) of section 2317.02 of the 1756  
Revised Code with respect to any communication the cleric receives 1757  
from the penitent in that cleric-penitent relationship, and the 1758  
cleric shall make a report pursuant to division (A)(4)(a) of this 1759  
section with respect to that communication, if all of the 1760  
following apply: 1761



(i) The penitent, at the time of the communication, is either 1762  
a child under eighteen years of age or a mentally retarded, 1763  
developmentally disabled, or physically impaired person under 1764  
twenty-one years of age. 1765

(ii) The cleric knows, or has reasonable cause to believe 1766  
based on facts that would cause a reasonable person in a similar 1767  
position to believe, as a result of the communication or any 1768  
observations made during that communication, the penitent has 1769  
suffered or faces a threat of suffering any physical or mental 1770  
wound, injury, disability, or condition of a nature that 1771  
reasonably indicates abuse or neglect of the penitent. 1772

(iii) The abuse or neglect does not arise out of the 1773  
penitent's attempt to have an abortion performed upon a child 1774  
under eighteen years of age or upon a mentally retarded, 1775  
developmentally disabled, or physically impaired person under 1776  
twenty-one years of age without the notification of her parents, 1777  
guardian, or custodian in accordance with section 2151.85 of the 1778  
Revised Code. 1779

(d) Divisions (A)(4)(a) and (c) of this section do not apply 1780  
in a cleric-penitent relationship when the disclosure of any 1781  
communication the cleric receives from the penitent is in 1782  
violation of the sacred trust. 1783

(e) As used in divisions (A)(1) and (4) of this section, 1784  
"cleric" and "sacred trust" have the same meanings as in section 1785  
2317.02 of the Revised Code. 1786

(B) Anyone who knows, or has reasonable cause to suspect 1787  
based on facts that would cause a reasonable person in similar 1788  
circumstances to suspect, that a child under eighteen years of age 1789  
or a mentally retarded, developmentally disabled, or physically 1790  
impaired person under twenty-one years of age has suffered or 1791  
faces a threat of suffering any physical or mental wound, injury, 1792

disability, or other condition of a nature that reasonably 1793  
indicates abuse or neglect of the child may report or cause 1794  
reports to be made of that knowledge or reasonable cause to 1795  
suspect to the entity or persons specified in this division. 1796  
Except as provided in section 5120.173 of the Revised Code, a 1797  
person making a report or causing a report to be made under this 1798  
division shall make it or cause it to be made to the public 1799  
children services agency or to a municipal or county peace 1800  
officer. In the circumstances described in section 5120.173 of the 1801  
Revised Code, a person making a report or causing a report to be 1802  
made under this division shall make it or cause it to be made to 1803  
the entity specified in that section. 1804

(C) Any report made pursuant to division (A) or (B) of this 1805  
section shall be made forthwith either by telephone or in person 1806  
and shall be followed by a written report, if requested by the 1807  
receiving agency or officer. The written report shall contain: 1808

(1) The names and addresses of the child and the child's 1809  
parents or the person or persons having custody of the child, if 1810  
known; 1811

(2) The child's age and the nature and extent of the child's 1812  
injuries, abuse, or neglect that is known or reasonably suspected 1813  
or believed, as applicable, to have occurred or of the threat of 1814  
injury, abuse, or neglect that is known or reasonably suspected or 1815  
believed, as applicable, to exist, including any evidence of 1816  
previous injuries, abuse, or neglect; 1817

(3) Any other information that might be helpful in 1818  
establishing the cause of the injury, abuse, or neglect that is 1819  
known or reasonably suspected or believed, as applicable, to have 1820  
occurred or of the threat of injury, abuse, or neglect that is 1821  
known or reasonably suspected or believed, as applicable, to 1822  
exist. 1823

Any person, who is required by division (A) of this section 1824  
to report child abuse or child neglect that is known or reasonably 1825  
suspected or believed to have occurred, may take or cause to be 1826  
taken color photographs of areas of trauma visible on a child and, 1827  
if medically indicated, cause to be performed radiological 1828  
examinations of the child. 1829

(D) As used in this division, "children's advocacy center" 1830  
and "sexual abuse of a child" have the same meanings as in section 1831  
2151.425 of the Revised Code. 1832

(1) When a municipal or county peace officer receives a 1833  
report concerning the possible abuse or neglect of a child or the 1834  
possible threat of abuse or neglect of a child, upon receipt of 1835  
the report, the municipal or county peace officer who receives the 1836  
report shall refer the report to the appropriate public children 1837  
services agency. 1838

(2) When a public children services agency receives a report 1839  
pursuant to this division or division (A) or (B) of this section, 1840  
upon receipt of the report, the public children services agency 1841  
shall do both of the following: 1842

(a) Comply with section 2151.422 of the Revised Code; 1843

(b) If the county served by the agency is also served by a 1844  
children's advocacy center and the report alleges sexual abuse of 1845  
a child or another type of abuse of a child that is specified in 1846  
the memorandum of understanding that creates the center as being 1847  
within the center's jurisdiction, comply regarding the report with 1848  
the protocol and procedures for referrals and investigations, with 1849  
the coordinating activities, and with the authority or 1850  
responsibility for performing or providing functions, activities, 1851  
and services stipulated in the interagency agreement entered into 1852  
under section 2151.428 of the Revised Code relative to that 1853  
center. 1854

(E) No township, municipal, or county peace officer shall 1855  
remove a child about whom a report is made pursuant to this 1856  
section from the child's parents, stepparents, or guardian or any 1857  
other persons having custody of the child without consultation 1858  
with the public children services agency, unless, in the judgment 1859  
of the officer, and, if the report was made by physician, the 1860  
physician, immediate removal is considered essential to protect 1861  
the child from further abuse or neglect. The agency that must be 1862  
consulted shall be the agency conducting the investigation of the 1863  
report as determined pursuant to section 2151.422 of the Revised 1864  
Code. 1865

(F)(1) Except as provided in section 2151.422 of the Revised 1866  
Code or in an interagency agreement entered into under section 1867  
2151.428 of the Revised Code that applies to the particular 1868  
report, the public children services agency shall investigate, 1869  
within twenty-four hours, each report of child abuse or child 1870  
neglect that is known or reasonably suspected or believed to have 1871  
occurred and of a threat of child abuse or child neglect that is 1872  
known or reasonably suspected or believed to exist that is 1873  
referred to it under this section to determine the circumstances 1874  
surrounding the injuries, abuse, or neglect or the threat of 1875  
injury, abuse, or neglect, the cause of the injuries, abuse, 1876  
neglect, or threat, and the person or persons responsible. The 1877  
investigation shall be made in cooperation with the law 1878  
enforcement agency and in accordance with the memorandum of 1879  
understanding prepared under division (J) of this section. A 1880  
representative of the public children services agency shall, at 1881  
the time of initial contact with the person subject to the 1882  
investigation, inform the person of the specific complaints or 1883  
allegations made against the person. The information shall be 1884  
given in a manner that is consistent with division (H)(1) of this 1885  
section and protects the rights of the person making the report 1886  
under this section. 1887

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

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

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

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 1920  
section. 1921

(2) In any civil or criminal action or proceeding in which it 1922  
is alleged and proved that participation in the making of a report 1923  
under this section was not in good faith or participation in a 1924  
judicial proceeding resulting from a report made under this 1925  
section was not in good faith, the court shall award the 1926  
prevailing party reasonable attorney's fees and costs and, if a 1927  
civil action or proceeding is voluntarily dismissed, may award 1928  
reasonable attorney's fees and costs to the party against whom the 1929  
civil action or proceeding is brought. 1930

(H)(1) Except as provided in divisions (H)(4) and (M) of this 1931  
section, a report made under this section is confidential. The 1932  
information provided in a report made pursuant to this section and 1933  
the name of the person who made the report shall not be released 1934  
for use, and shall not be used, as evidence in any civil action or 1935  
proceeding brought against the person who made the report. In a 1936  
criminal proceeding, the report is admissible in evidence in 1937  
accordance with the Rules of Evidence and is subject to discovery 1938  
in accordance with the Rules of Criminal Procedure. 1939

(2) No person shall permit or encourage the unauthorized 1940  
dissemination of the contents of any report made under this 1941  
section. 1942

(3) A person who knowingly makes or causes another person to 1943  
make a false report under division (B) of this section that 1944  
alleges that any person has committed an act or omission that 1945  
resulted in a child being an abused child or a neglected child is 1946  
guilty of a violation of section 2921.14 of the Revised Code. 1947

(4) If a report is made pursuant to division (A) or (B) of 1948  
this section and the child who is the subject of the report dies 1949  
for any reason at any time after the report is made, but before 1950

the child attains eighteen years of age, the public children 1951  
services agency or municipal or county peace officer to which the 1952  
report was made or referred, on the request of the child fatality 1953  
review board, shall submit a summary sheet of information 1954  
providing a summary of the report to the review board of the 1955  
county in which the deceased child resided at the time of death. 1956  
On the request of the review board, the agency or peace officer 1957  
may, at its discretion, make the report available to the review 1958  
board. If the county served by the public children services agency 1959  
is also served by a children's advocacy center and the report of 1960  
alleged sexual abuse of a child or another type of abuse of a 1961  
child is specified in the memorandum of understanding that creates 1962  
the center as being within the center's jurisdiction, the agency 1963  
or center shall perform the duties and functions specified in this 1964  
division in accordance with the interagency agreement entered into 1965  
under section 2151.428 of the Revised Code relative to that 1966  
advocacy center. 1967

(5) A public children services agency shall advise a person 1968  
alleged to have inflicted abuse or neglect on a child who is the 1969  
subject of a report made pursuant to this section, including a 1970  
report alleging sexual abuse of a child or another type of abuse 1971  
of a child referred to a children's advocacy center pursuant to an 1972  
interagency agreement entered into under section 2151.428 of the 1973  
Revised Code, in writing of the disposition of the investigation. 1974  
The agency shall not provide to the person any information that 1975  
identifies the person who made the report, statements of 1976  
witnesses, or police or other investigative reports. 1977

(I) Any report that is required by this section, other than a 1978  
report that is made to the state highway patrol as described in 1979  
section 5120.173 of the Revised Code, shall result in protective 1980  
services and emergency supportive services being made available by 1981  
the public children services agency on behalf of the children 1982

about whom the report is made, in an effort to prevent further 1983  
neglect or abuse, to enhance their welfare, and, whenever 1984  
possible, to preserve the family unit intact. The agency required 1985  
to provide the services shall be the agency conducting the 1986  
investigation of the report pursuant to section 2151.422 of the 1987  
Revised Code. 1988

(J)(1) Each public children services agency shall prepare a 1989  
memorandum of understanding that is signed by all of the 1990  
following: 1991

(a) If there is only one juvenile judge in the county, the 1992  
juvenile judge of the county or the juvenile judge's 1993  
representative; 1994

(b) If there is more than one juvenile judge in the county, a 1995  
juvenile judge or the juvenile judges' representative selected by 1996  
the juvenile judges or, if they are unable to do so for any 1997  
reason, the juvenile judge who is senior in point of service or 1998  
the senior juvenile judge's representative; 1999

(c) The county peace officer; 2000

(d) All chief municipal peace officers within the county; 2001

(e) Other law enforcement officers handling child abuse and 2002  
neglect cases in the county; 2003

(f) The prosecuting attorney of the county; 2004

(g) If the public children services agency is not the county 2005  
department of job and family services, the county department of 2006  
job and family services; 2007

(h) The county humane society; 2008

(i) If the public children services agency participated in 2009  
the execution of a memorandum of understanding under section 2010  
2151.426 of the Revised Code establishing a children's advocacy 2011  
center, each participating member of the children's advocacy 2012



center established by the memorandum. 2013

(2) A memorandum of understanding shall set forth the normal 2014  
operating procedure to be employed by all concerned officials in 2015  
the execution of their respective responsibilities under this 2016  
section and division (C) of section 2919.21, division (B)(1) of 2017  
section 2919.22, division (B) of section 2919.23, and section 2018  
2919.24 of the Revised Code and shall have as two of its primary 2019  
goals the elimination of all unnecessary interviews of children 2020  
who are the subject of reports made pursuant to division (A) or 2021  
(B) of this section and, when feasible, providing for only one 2022  
interview of a child who is the subject of any report made 2023  
pursuant to division (A) or (B) of this section. A failure to 2024  
follow the procedure set forth in the memorandum by the concerned 2025  
officials is not grounds for, and shall not result in, the 2026  
dismissal of any charges or complaint arising from any reported 2027  
case of abuse or neglect or the suppression of any evidence 2028  
obtained as a result of any reported child abuse or child neglect 2029  
and does not give, and shall not be construed as giving, any 2030  
rights or any grounds for appeal or post-conviction relief to any 2031  
person. 2032

(3) A memorandum of understanding shall include all of the 2033  
following: 2034

(a) The roles and responsibilities for handling emergency and 2035  
nonemergency cases of abuse and neglect; 2036

(b) Standards and procedures to be used in handling and 2037  
coordinating investigations of reported cases of child abuse and 2038  
reported cases of child neglect, methods to be used in 2039  
interviewing the child who is the subject of the report and who 2040  
allegedly was abused or neglected, and standards and procedures 2041  
addressing the categories of persons who may interview the child 2042  
who is the subject of the report and who allegedly was abused or 2043  
neglected. 2044

(4) If a public children services agency participated in the 2045  
execution of a memorandum of understanding under section 2151.426 2046  
of the Revised Code establishing a children's advocacy center, the 2047  
agency shall incorporate the contents of that memorandum in the 2048  
memorandum prepared pursuant to this section. 2049

(5) The clerk of the court of common pleas in the county may 2050  
sign the memorandum of understanding prepared under division 2051  
(J)(1) of this section. If the clerk signs the memorandum of 2052  
understanding, the clerk shall execute all relevant 2053  
responsibilities as required of officials specified in the 2054  
memorandum. 2055

(K)(1) Except as provided in division (K)(4) of this section, 2056  
a person who is required to make a report pursuant to division (A) 2057  
of this section may make a reasonable number of requests of the 2058  
public children services agency that receives or is referred the 2059  
report, or of the children's advocacy center that is referred the 2060  
report if the report is referred to a children's advocacy center 2061  
pursuant to an interagency agreement entered into under section 2062  
2151.428 of the Revised Code, to be provided with the following 2063  
information: 2064

(a) Whether the agency or center has initiated an 2065  
investigation of the report; 2066

(b) Whether the agency or center is continuing to investigate 2067  
the report; 2068

(c) Whether the agency or center is otherwise involved with 2069  
the child who is the subject of the report; 2070

(d) The general status of the health and safety of the child 2071  
who is the subject of the report; 2072

(e) Whether the report has resulted in the filing of a 2073  
complaint in juvenile court or of criminal charges in another 2074  
court. 2075

(2) A person may request the information specified in 2076  
division (K)(1) of this section only if, at the time the report is 2077  
made, the person's name, address, and telephone number are 2078  
provided to the person who receives the report. 2079

When a municipal or county peace officer or employee of a 2080  
public children services agency receives a report pursuant to 2081  
division (A) or (B) of this section the recipient of the report 2082  
shall inform the person of the right to request the information 2083  
described in division (K)(1) of this section. The recipient of the 2084  
report shall include in the initial child abuse or child neglect 2085  
report that the person making the report was so informed and, if 2086  
provided at the time of the making of the report, shall include 2087  
the person's name, address, and telephone number in the report. 2088

Each request is subject to verification of the identity of 2089  
the person making the report. If that person's identity is 2090  
verified, the agency shall provide the person with the information 2091  
described in division (K)(1) of this section a reasonable number 2092  
of times, except that the agency shall not disclose any 2093  
confidential information regarding the child who is the subject of 2094  
the report other than the information described in those 2095  
divisions. 2096

(3) A request made pursuant to division (K)(1) of this 2097  
section is not a substitute for any report required to be made 2098  
pursuant to division (A) of this section. 2099

(4) If an agency other than the agency that received or was 2100  
referred the report is conducting the investigation of the report 2101  
pursuant to section 2151.422 of the Revised Code, the agency 2102  
conducting the investigation shall comply with the requirements of 2103  
division (K) of this section. 2104

(L) The director of job and family services shall adopt rules 2105  
in accordance with Chapter 119. of the Revised Code to implement 2106

this section. The department of job and family services may enter 2107  
into a plan of cooperation with any other governmental entity to 2108  
aid in ensuring that children are protected from abuse and 2109  
neglect. The department shall make recommendations to the attorney 2110  
general that the department determines are necessary to protect 2111  
children from child abuse and child neglect. 2112

(M)(1) As used in this division: 2113

(a) "Out-of-home care" includes a nonchartered nonpublic 2114  
school if the alleged child abuse or child neglect, or alleged 2115  
threat of child abuse or child neglect, described in a report 2116  
received by a public children services agency allegedly occurred 2117  
in or involved the nonchartered nonpublic school and the alleged 2118  
perpetrator named in the report holds a certificate, permit, or 2119  
license issued by the state board of education under section 2120  
3301.071 or Chapter 3319. of the Revised Code. 2121

(b) "Administrator, director, or other chief administrative 2122  
officer" means the superintendent of the school district if the 2123  
out-of-home care entity subject to a report made pursuant to this 2124  
section is a school operated by the district. 2125

(2) No later than the end of the day following the day on 2126  
which a public children services agency receives a report of 2127  
alleged child abuse or child neglect, or a report of an alleged 2128  
threat of child abuse or child neglect, that allegedly occurred in 2129  
or involved an out-of-home care entity, the agency shall provide 2130  
written notice of the allegations contained in and the person 2131  
named as the alleged perpetrator in the report to the 2132  
administrator, director, or other chief administrative officer of 2133  
the out-of-home care entity that is the subject of the report 2134  
unless the administrator, director, or other chief administrative 2135  
officer is named as an alleged perpetrator in the report. If the 2136  
administrator, director, or other chief administrative officer of 2137  
an out-of-home care entity is named as an alleged perpetrator in a 2138

report of alleged child abuse or child neglect, or a report of an 2139  
alleged threat of child abuse or child neglect, that allegedly 2140  
occurred in or involved the out-of-home care entity, the agency 2141  
shall provide the written notice to the owner or governing board 2142  
of the out-of-home care entity that is the subject of the report. 2143  
The agency shall not provide witness statements or police or other 2144  
investigative reports. 2145

(3) No later than three days after the day on which a public 2146  
children services agency that conducted the investigation as 2147  
determined pursuant to section 2151.422 of the Revised Code makes 2148  
a disposition of an investigation involving a report of alleged 2149  
child abuse or child neglect, or a report of an alleged threat of 2150  
child abuse or child neglect, that allegedly occurred in or 2151  
involved an out-of-home care entity, the agency shall send written 2152  
notice of the disposition of the investigation to the 2153  
administrator, director, or other chief administrative officer and 2154  
the owner or governing board of the out-of-home care entity. The 2155  
agency shall not provide witness statements or police or other 2156  
investigative reports. 2157

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 2158  
entity that appoints or employs any person responsible for a 2159  
child's care in out-of-home care shall request the superintendent 2160  
of BCII to conduct a criminal records check with respect to any 2161  
person who is under final consideration for appointment or 2162  
employment as a person responsible for a child's care in 2163  
out-of-home care, except that section 3319.39 of the Revised Code 2164  
shall apply instead of this section if the out-of-home care entity 2165  
is a public school, educational service center, or chartered 2166  
nonpublic school. 2167

(2) The administrative director of an agency, or attorney, 2168  
who arranges an adoption for a prospective adoptive parent shall 2169

request the superintendent of BCII to conduct a criminal records 2170  
check with respect to that prospective adoptive parent and all 2171  
persons eighteen years of age or older who reside with the 2172  
prospective adoptive parent. 2173

(3) Before a recommending agency submits a recommendation to 2174  
the department of job and family services on whether the 2175  
department should issue a certificate to a foster home under 2176  
section 5103.03 of the Revised Code, the administrative director 2177  
of the agency shall request that the superintendent of BCII 2178  
conduct a criminal records check with respect to the prospective 2179  
foster caregiver and all other persons eighteen years of age or 2180  
older who reside with the foster caregiver. 2181

(B)(1) If a person subject to a criminal records check under 2182  
divisions (A)(1) and (A)(2) of this section does not present proof 2183  
that the person has been a resident of this state for the 2184  
five-year period immediately prior to the date upon which the 2185  
criminal records check is requested or does not provide evidence 2186  
that within that five-year period the superintendent of BCII has 2187  
requested information about the person from the federal bureau of 2188  
investigation in a criminal records check, the appointing or 2189  
hiring officer, administrative director, or attorney shall request 2190  
that the superintendent of BCII obtain information from the 2191  
federal bureau of investigation as a part of the criminal records 2192  
check, including fingerprint based checks of national crime 2193  
information databases as described in 42 U.S.C. 671. If the person 2194  
subject to the criminal records check presents proof that the 2195  
person has been a resident of this state for that five-year 2196  
period, the officer, ~~director,~~ or attorney may request that the 2197  
superintendent of BCII include information from the federal bureau 2198  
of investigation in the criminal records check, including 2199  
fingerprint based checks of national crime information databases 2200  
as described in 42 U.S.C. 671. 2201

The administrative director of a recommending agency shall 2202  
request that the superintendent of BCII obtain information from 2203  
the federal bureau of investigation as part of a criminal records 2204  
check, including fingerprint based checks of national crime 2205  
information databases as described in 42 U.S.C. 671, for a person 2206  
subject to a criminal records check under division (A)(3) of this 2207  
section prior to issuing a foster home certificate, or upon every 2208  
other foster home recertification, under section 5103.03 of the 2209  
Revised Code. 2210

(2) An appointing or hiring officer, administrative director, 2211  
or attorney required by division (A) of this section to request a 2212  
criminal records check shall provide to each person subject to a 2213  
criminal records check a copy of the form prescribed pursuant to 2214  
division (C)(1) of section 109.572 of the Revised Code and a 2215  
standard impression sheet to obtain fingerprint impressions 2216  
prescribed pursuant to division (C)(2) of section 109.572 of the 2217  
Revised Code, obtain the completed form and impression sheet from 2218  
the person, and forward the completed form and impression sheet to 2219  
the superintendent of BCII at the time the criminal records check 2220  
is requested. 2221

Any person subject to a criminal records check who receives 2222  
pursuant to this division a copy of the form prescribed pursuant 2223  
to division (C)(1) of section 109.572 of the Revised Code and a 2224  
copy of an impression sheet prescribed pursuant to division (C)(2) 2225  
of that section and who is requested to complete the form and 2226  
provide a set of fingerprint impressions shall complete the form 2227  
or provide all the information necessary to complete the form and 2228  
shall provide the impression sheet with the impressions of the 2229  
person's fingerprints. If a person subject to a criminal records 2230  
check, upon request, fails to provide the information necessary to 2231  
complete the form or fails to provide impressions of the person's 2232  
fingerprints, the appointing or hiring officer shall not appoint 2233

or employ the person as a person responsible for a child's care in 2234  
out-of-home care, a probate court may not issue a final decree of 2235  
adoption or an interlocutory order of adoption making the person 2236  
an adoptive parent, and the department of job and family services 2237  
shall not issue a certificate authorizing the prospective foster 2238  
caregiver to operate a foster home. 2239

(C)(1) ~~No~~ (a) Except as provided in division (C)(1)(b) of 2240  
this section, no appointing or hiring officer shall appoint or 2241  
employ a person as a person responsible for a child's care in 2242  
out-of-home care, the department of job and family services shall 2243  
not issue a certificate under section 5103.03 of the Revised Code 2244  
authorizing a prospective foster caregiver to operate a foster 2245  
home, and no probate court shall issue a final decree of adoption 2246  
or an interlocutory order of adoption making a person an adoptive 2247  
parent if the person or, in the case of a prospective foster 2248  
caregiver or prospective adoptive parent, any person eighteen 2249  
years of age or older who resides with the prospective foster 2250  
caregiver or prospective adoptive parent previously has been 2251  
convicted of or pleaded guilty to any of the ~~following~~ violations 2252  
described in division (A)(8) of section 109.572 of the Revised 2253  
Code, unless the person meets rehabilitation standards established 2254  
in rules adopted under division (F) of this section~~+~~. 2255

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 2256  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 2257  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 2258  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 2259  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 2260  
~~2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,~~ 2261  
~~2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,~~ 2262  
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 2263  
~~violation of section 2905.04 of the Revised Code as it existed~~ 2264  
~~prior to July 1, 1996, a violation of section 2919.23 of the~~ 2265



~~Revised Code that would have been a violation of section 2905.04 2266  
of the Revised Code as it existed prior to July 1, 1996, had the 2267  
violation been committed prior to that date, a violation of 2268  
section 2925.11 of the Revised Code that is not a minor drug 2269  
possession offense, or felonious sexual penetration in violation 2270  
of former section 2907.12 of the Revised Code; 2271~~

~~(b) A violation of an existing or former law of this state, 2272  
any other state, or the United States that is substantially 2273  
equivalent to any of the offenses described in division (C)(1)(a) 2274  
of this section. 2275~~

(b) The appointing or hiring officer shall not appoint or 2276  
employ a person as a person responsible for a child's care in 2277  
out-of-home care, the department of job and family services shall 2278  
not issue a certificate under section 5103.03 of the Revised Code 2279  
to a prospective foster caregiver, and the probate court shall not 2280  
issue a final decree of adoption or an interlocutory order of 2281  
adoption making a person an adoptive parent if the prospective 2282  
appointee, employee, foster caregiver, or adoptive parent, or any 2283  
person sixteen years of age or older residing with any of these 2284  
persons has been convicted of, pleaded guilty to, or adjudicated a 2285  
juvenile traffic offender for committing a violation of section 2286  
4511.19 of the Revised Code or a violation of an existing or 2287  
former law of this state, any other state, or the United States 2288  
that is substantially equivalent to a violation of section 4511.19 2289  
of the Revised Code, two or more times within the three years 2290  
immediately preceding the submission of the application or 2291  
petition. 2292

Division (C)(1)(b) of this section shall not apply if the 2293  
prospective appointee, employee, adoptive parent, or foster 2294  
caregiver or the person sixteen years of age or older residing 2295  
with the prospective appointee, employee, adoptive parent, or 2296  
foster caregiver meets the rehabilitation standards established in 2297

rules adopted under division (F) of this section. 2298

(2) The appointing or hiring officer may appoint or employ a 2299  
person as a person responsible for a child's care in out-of-home 2300  
care conditionally until the criminal records check required by 2301  
this section is completed and the officer receives the results of 2302  
the criminal records check. If the results of the criminal records 2303  
check indicate that, pursuant to division (C)(1) of this section, 2304  
the person subject to the criminal records check does not qualify 2305  
for appointment or employment, the officer shall release the 2306  
person from appointment or employment. 2307

(3) Prior to certification under section 5103.03 of the 2308  
Revised Code, the prospective foster caregiver subject to a 2309  
criminal records check under division (A)(3) of this section shall 2310  
notify the recommending agency of the revocation of any foster 2311  
home license, certificate, or other similar authorization in 2312  
another state occurring within five years prior to the date of 2313  
application to become a foster caregiver in this state. If a 2314  
person has had a revocation in another state, the department of 2315  
job and family services shall not issue a foster home certificate 2316  
to the prospective foster caregiver. 2317

(D) The appointing or hiring officer, administrative 2318  
director, or attorney shall pay to the bureau of criminal 2319  
identification and investigation the fee prescribed pursuant to 2320  
division (C)(3) of section 109.572 of the Revised Code for each 2321  
criminal records check conducted in accordance with that section 2322  
upon a request pursuant to division (A) of this section. The 2323  
officer, director, or attorney may charge the person subject to 2324  
the criminal records check a fee for the costs the officer, 2325  
director, or attorney incurs in obtaining the criminal records 2326  
check. A fee charged under this division shall not exceed the 2327  
amount of fees the officer, director, or attorney pays for the 2328  
criminal records check. If a fee is charged under this division, 2329

the officer, director, or attorney shall notify the person who is 2330  
the applicant at the time of the person's initial application for 2331  
appointment or employment, an adoption to be arranged, or a 2332  
certificate to operate a foster home of the amount of the fee and 2333  
that, unless the fee is paid, the person who is the applicant will 2334  
not be considered for appointment or employment or as an adoptive 2335  
parent or foster caregiver. 2336

(E) The report of any criminal records check conducted by the 2337  
bureau of criminal identification and investigation in accordance 2338  
with section 109.572 of the Revised Code and pursuant to a request 2339  
made under division (A) of this section is not a public record for 2340  
the purposes of section 149.43 of the Revised Code and shall not 2341  
be made available to any person other than the following: 2342

(1) The person who is the subject of the criminal records 2343  
check or the person's representative; ~~the~~ 2344

(2) The appointing or hiring officer, administrative 2345  
director, or attorney requesting the criminal records check or the 2346  
officer's, director's, or attorney's representative; ~~the~~ 2347

(3) The department of job and family services ~~or~~, a county 2348  
department of job and family services, or a public children 2349  
services agency; ~~and any~~ 2350

(4) Any court, hearing officer, or other necessary individual 2351  
involved in a case dealing with the denial of employment, a final 2352  
decree of adoption or interlocutory order of adoption, or a foster 2353  
home certificate. 2354

(F) The director of job and family services shall adopt rules 2355  
in accordance with Chapter 119. of the Revised Code to implement 2356  
this section. The rules shall include rehabilitation standards a 2357  
person who has been convicted of or pleaded guilty to an offense 2358  
listed in division ~~(C)(1) of this section~~ (A)(8) of section 2359  
109.572 of the Revised Code must meet for an appointing or hiring 2360

officer to appoint or employ the person as a person responsible 2361  
for a child's care in out-of-home care, a probate court to issue a 2362  
final decree of adoption or interlocutory order of adoption making 2363  
the person an adoptive parent, or the department to issue a 2364  
certificate authorizing the prospective foster caregiver to 2365  
operate a foster home or not revoke a foster home certificate for 2366  
a violation of section 4511.19 of the Revised Code, pursuant to 2367  
section 5103.0328 of the Revised Code. 2368

(G) An appointing or hiring officer, administrative director, 2369  
or attorney required by division (A) of this section to request a 2370  
criminal records check shall inform each person who is the 2371  
applicant, at the time of the person's initial application for 2372  
appointment or employment, an adoption to be arranged, or a foster 2373  
home certificate, that the person subject to the criminal records 2374  
check is required to provide a set of impressions of the person's 2375  
fingerprints and that a criminal records check is required to be 2376  
conducted and satisfactorily completed in accordance with section 2377  
109.572 of the Revised Code. 2378

(H) The department of job and family services may waive the 2379  
requirement that a criminal records check based on fingerprints be 2380  
conducted for an adult resident of a prospective adoptive or 2381  
foster home or the home of a foster caregiver if the recommending 2382  
agency documents to the department's satisfaction that the adult 2383  
resident is physically unable to comply with the fingerprinting 2384  
requirement and poses no danger to foster children or adoptive 2385  
children who may be placed in the home. In such cases, the 2386  
recommending or approving agency shall request that the bureau of 2387  
criminal identification and investigation conduct a criminal 2388  
records check using the person's name and social security number. 2389

(I) As used in this section: 2390

(1) "Children's hospital" means any of the following: 2391

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

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

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

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

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

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

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

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

(b) A prospective adoptive parent;	2423
(c) A prospective foster caregiver;	2424
(d) A person eighteen years old or older who resides with a prospective foster caregiver or a prospective adoptive parent.	2425 2426
<del>(6)</del> (5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.	2427 2428 2429 2430
<del>(7)</del> (6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.	2431 2432
<u>Sec. 2301.10. (A) If a sheriff or chief of police has not taken, or caused to be taken, a person's or child's fingerprints in accordance with division (A)(1) of section 109.60 of the Revised Code with respect to a crime or act set forth in that division by the time of the arraignment or first appearance of the person or child with respect to that crime or act, the court of common pleas shall order the person or child to appear before the sheriff or chief of police within twenty-four hours of the arraignment or first appearance to have the person's or child's fingerprints taken as provided in division (A)(2) of section 109.60 of the Revised Code.</u>	2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443
<u>(B) If the court of common pleas has jurisdiction over a case involving a person or child with respect to whom division (A)(1) or (2) of section 109.60 of the Revised Code requires a sheriff or chief of police to take the person's or child's fingerprints, the court of common pleas shall inquire at the time of the person's or child's sentencing or adjudication for the crime or act for which the fingerprints were required to be taken whether or not the person or child has been fingerprinted pursuant to division (A)(1) or (2) of section 109.60 of the Revised Code for the original</u>	2444 2445 2446 2447 2448 2449 2450 2451 2452

arrest or court appearance upon which the sentence or adjudication 2453  
is based. If a person or child was not fingerprinted for the 2454  
original arrest or court appearance, the court of common pleas 2455  
shall order the person or child to appear before the sheriff or 2456  
chief of police within twenty-four hours to have the person's or 2457  
child's fingerprints taken as provided in division (A)(3) of 2458  
section 109.60 of the Revised Code. 2459

**Sec. 3107.14.** (A) The petitioner and the person sought to be 2460  
adopted shall appear at the hearing on the petition, unless the 2461  
presence of either is excused by the court for good cause shown. 2462

(B) The court may continue the hearing from time to time to 2463  
permit further observation, investigation, or consideration of any 2464  
facts or circumstances affecting the granting of the petition, and 2465  
may examine the petitioners separate and apart from each other. 2466

(C) If, at the conclusion of the hearing, the court finds 2467  
that the required consents have been obtained or excused and that 2468  
the adoption is in the best interest of the person sought to be 2469  
adopted as supported by the evidence, it may issue, subject to 2470  
division (C)(1)(a) of section 2151.86, section 3107.064, and 2471  
division (E) of section 3107.09 of the Revised Code, and any other 2472  
limitations specified in this chapter, a final decree of adoption 2473  
or an interlocutory order of adoption, which by its own terms 2474  
automatically becomes a final decree of adoption on a date 2475  
specified in the order, which, except as provided in division (B) 2476  
of section 3107.13 of the Revised Code, shall not be less than six 2477  
months or more than one year from the date of issuance of the 2478  
order, unless sooner vacated by the court for good cause shown. In 2479  
determining whether the adoption is in the best interest of the 2480  
person sought to be adopted, the court shall not consider the age 2481  
of the petitioner if the petitioner is old enough to adopt as 2482  
provided by section 3107.03 of the Revised Code. 2483

In an interlocutory order of adoption, the court shall 2484  
provide for observation, investigation, and a further report on 2485  
the adoptive home during the interlocutory period. 2486

(D) If the requirements for a decree under division (C) of 2487  
this section have not been satisfied or the court vacates an 2488  
interlocutory order of adoption, or if the court finds that a 2489  
person sought to be adopted was placed in the home of the 2490  
petitioner in violation of law, the court shall dismiss the 2491  
petition and may determine the agency or person to have temporary 2492  
or permanent custody of the person, which may include the agency 2493  
or person that had custody prior to the filing of the petition or 2494  
the petitioner, if the court finds it is in the best interest of 2495  
the person as supported by the evidence, or if the person is a 2496  
minor, the court may certify the case to the juvenile court of the 2497  
county where the minor is then residing for appropriate action and 2498  
disposition. 2499

(E) The issuance of a final decree or interlocutory order of 2500  
adoption for an adult adoption under division (A)(4) of section 2501  
3107.02 of the Revised Code shall not disqualify that adult for 2502  
services under section 2151.82 or 2151.83 of the Revised Code. 2503

**Sec. 5101.132.** Information contained in the information 2504  
system established and maintained under section 5101.13 of the 2505  
Revised Code may be accessed only as follows: 2506

(A) The department of job and family services ~~and~~ a public 2507  
children services agency, private child placing agency, and 2508  
private noncustodial agency may access the information when either 2509  
of the following is the case: 2510

(1) The access is directly connected with assessment, 2511  
investigation, or services regarding a child or family; 2512

(2) The access is permitted by state or federal law, rule, or 2513



regulation. 2514

(B) A person may access the information in a manner, to the 2515  
extent, and for the purposes authorized by rules adopted by the 2516  
department. 2517

**Sec. 5101.134.** (A) ~~Notwithstanding any provision of the~~ 2518  
~~Revised Code that requires confidentiality of information that is~~ 2519  
~~contained in the uniform statewide automated child welfare~~ 2520  
~~information system established in section 5101.13 of the Revised~~ 2521  
~~Code, the~~ The department of job and family services shall adopt 2522  
rules in accordance with Chapter 119. of the Revised Code 2523  
regarding ~~a private child placing agency's or private noncustodial~~ 2524  
~~agency's~~ access, data entry, and use of information in the uniform 2525  
statewide automated child welfare information system. 2526

(B)~~(1)~~ The department of job and family services may adopt 2527  
rules in accordance with section 111.15 of the Revised Code, as if 2528  
they were internal management rules, as necessary to carry out the 2529  
purposes of sections 5101.13 to 5101.133 of the Revised Code. 2530

~~(2) The department may adopt rules in accordance with Chapter~~ 2531  
~~119. of the Revised Code as necessary to carry out the purposes of~~ 2532  
~~division (B) of section 5101.132 of the Revised Code.~~ 2533

~~(C) Public children services agencies shall implement and use~~ 2534  
~~the information system established pursuant to section 5101.13 of~~ 2535  
~~the Revised Code in accordance with rules adopted by the~~ 2536  
~~department.~~ 2537

**Sec. 5101.32.** (A) The department of job and family services 2538  
shall work with the superintendent of the bureau of criminal 2539  
identification and investigation to develop procedures and formats 2540  
necessary to produce the notices described in division (D) of 2541  
section 109.581 of the Revised Code in a format that is acceptable 2542  
for use by the department. The department also shall adopt rules 2543

in accordance with section 111.15 of the Revised Code, as if they 2544  
were internal management rules, necessary for such collaboration. 2545

(B) The department of job and family services shall adopt 2546  
rules in accordance with Chapter 119. of the Revised Code 2547  
necessary for utilizing the information received pursuant to 2548  
section 109.581 of the Revised Code. 2549

**Sec. 5103.03.** (A) The director of job and family services 2550  
shall adopt rules as necessary for the adequate and competent 2551  
management of institutions or associations. 2552

(B)(1) Except for facilities under the control of the 2553  
department of youth services, places of detention for children 2554  
established and maintained pursuant to sections 2152.41 to 2152.44 2555  
of the Revised Code, and child day-care centers subject to Chapter 2556  
5104. of the Revised Code, the department of job and family 2557  
services every two years shall pass upon the fitness of every 2558  
institution and association that receives, or desires to receive 2559  
and care for children, or places children in private homes. 2560

(2) When the department of job and family services is 2561  
satisfied as to the care given such children, and that the 2562  
requirements of the statutes and rules covering the management of 2563  
such institutions and associations are being complied with, it 2564  
shall issue to the institution or association a certificate to 2565  
that effect. A certificate is valid for two years, unless sooner 2566  
revoked by the department. When determining whether an institution 2567  
or association meets a particular requirement for certification, 2568  
the department may consider the institution or association to have 2569  
met the requirement if the institution or association shows to the 2570  
department's satisfaction that it has met a comparable requirement 2571  
to be accredited by a nationally recognized accreditation 2572  
organization. 2573

(3) The department may issue a temporary certificate valid 2574

for less than one year authorizing an institution or association 2575  
to operate until minimum requirements have been met. 2576

(4) An institution or association that knowingly makes a 2577  
false statement that is included as a part of certification under 2578  
this section is guilty of the offense of falsification under 2579  
section 2921.13 of the Revised Code and the department shall not 2580  
certify that institution or association. 2581

(5) The department shall not pass upon the fitness of, or 2582  
issue a temporary or two-year certificate to, a prospective foster 2583  
home or prospective specialized foster home pursuant to this 2584  
section if the prospective foster home or prospective specialized 2585  
foster home operates as a type A family day-care home pursuant to 2586  
Chapter 5104. of the Revised Code. The department shall not pass 2587  
upon the fitness of, or issue a temporary or two-year certificate 2588  
to, a prospective specialized foster home if the prospective 2589  
specialized foster home operates a type B family day-care home 2590  
pursuant to Chapter 5104. of the Revised Code. 2591

(C) The department may revoke a certificate if it finds that 2592  
the institution or association is in violation of law or rule. No 2593  
juvenile court shall commit a child to an association or 2594  
institution that is required to be certified under this section if 2595  
its certificate has been revoked or, if after revocation, the date 2596  
of reissue is less than fifteen months prior to the proposed 2597  
commitment. 2598

(D) Every two years, on a date specified by the department, 2599  
each institution or association desiring certification or 2600  
recertification shall submit to the department a report showing 2601  
its condition, management, competency to care adequately for the 2602  
children who have been or may be committed to it or to whom it 2603  
provides care or services, the system of visitation it employs for 2604  
children placed in private homes, and other information the 2605  
department requires. 2606

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

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

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

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

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

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

(1) The department has evidence that the life, health, or

safety of one or more children in the care of the institution or 2638  
association is at imminent risk. 2639

(2) The department has issued a proposed adjudication order 2640  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 2641  
revoke the certificate of the institution or association. 2642

Sec. 5103.0328. The department of job and family services 2643  
shall review, for possible revocation, a foster caregiver's 2644  
certificate if the department learns that the foster caregiver or 2645  
any person sixteen years of age or older residing with the foster 2646  
caregiver has been convicted of, pleaded guilty to, adjudicated a 2647  
juvenile traffic offender for committing a violation of section 2648  
4511.19 of the Revised Code or a violation of an existing or 2649  
former law of this state, any other state, or the United States 2650  
that is substantially equivalent to a violation of section 4511.19 2651  
of the Revised Code, two or more times within a three-year period. 2652  
The department shall not revoke the certificate pursuant to this 2653  
section if the foster caregiver or person meets the rehabilitation 2654  
standards established in rules under division (F) of section 2655  
2151.86 of the Revised Code. 2656

~~Sec. 5103.16.~~ (A) ~~Pursuant to section 5103.18 of the Revised~~ 2657  
~~Code and except~~ Except as otherwise provided in this section, no 2658  
child shall be placed or accepted for placement under any written 2659  
or oral agreement or understanding that transfers or surrenders 2660  
the legal rights, powers, or duties of the legal parent, parents, 2661  
or guardian of the child into the temporary or permanent custody 2662  
of any association or institution that is not certified by the 2663  
department of job and family services under section 5103.03 of the 2664  
Revised Code, without the written consent of the office in the 2665  
department that oversees the interstate compact on placement of 2666  
children established under section 5103.20 of the Revised Code, or 2667  
by a commitment of a juvenile court, or by a commitment of a 2668

probate court as provided in this section. A child may be placed 2669  
temporarily without written consent or court commitment with 2670  
persons related by blood or marriage or in a legally licensed 2671  
boarding home. 2672

(B)(1) Associations and institutions certified under section 2673  
5103.03 of the Revised Code for the purpose of placing children in 2674  
free foster homes or for legal adoption shall keep a record of the 2675  
temporary and permanent surrenders of children. This record shall 2676  
be available for separate statistics, which shall include a copy 2677  
of an official birth record and all information concerning the 2678  
social, mental, and medical history of the children that will aid 2679  
in an intelligent disposition of the children in case that becomes 2680  
necessary because the parents or guardians fail or are unable to 2681  
reassume custody. 2682

(2) No child placed on a temporary surrender with an 2683  
association or institution shall be placed permanently in a foster 2684  
home or for legal adoption. All surrendered children who are 2685  
placed permanently in foster homes or for adoption shall have been 2686  
permanently surrendered, and a copy of the permanent surrender 2687  
shall be a part of the separate record kept by the association or 2688  
institution. 2689

(C) Any agreement or understanding to transfer or surrender 2690  
the legal rights, powers, or duties of the legal parent or parents 2691  
and place a child with a person seeking to adopt the child under 2692  
this section shall be construed to contain a promise by the person 2693  
seeking to adopt the child to pay the expenses listed in divisions 2694  
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 2695  
if the person seeking to adopt the child refuses to accept 2696  
placement of the child, to pay the temporary costs of routine 2697  
maintenance and medical care for the child in a hospital, foster 2698  
home, or other appropriate place for up to thirty days or until 2699  
other custody is established for the child, as provided by law, 2700

whichever is less. 2701

(D) No child shall be placed or received for adoption or with 2702  
intent to adopt unless placement is made by a public children 2703  
services agency, an institution or association that is certified 2704  
by the department of job and family services under section 5103.03 2705  
of the Revised Code to place children for adoption, or custodians 2706  
in another state or foreign country, or unless all of the 2707  
following criteria are met: 2708

(1) Prior to the placement and receiving of the child, the 2709  
parent or parents of the child personally have applied to, and 2710  
appeared before, the probate court of the county in which the 2711  
parent or parents reside, or in which the person seeking to adopt 2712  
the child resides, for approval of the proposed placement 2713  
specified in the application and have signed and filed with the 2714  
court a written statement showing that the parent or parents are 2715  
aware of their right to contest the decree of adoption subject to 2716  
the limitations of section 3107.16 of the Revised Code; 2717

(2) The court ordered an independent home study of the 2718  
proposed placement to be conducted as provided in section 3107.031 2719  
of the Revised Code, and after completion of the home study, the 2720  
court determined that the proposed placement is in the best 2721  
interest of the child; 2722

(3) The court has approved of record the proposed placement. 2723

In determining whether a custodian has authority to place 2724  
children for adoption under the laws of a foreign country, the 2725  
probate court shall determine whether the child has been released 2726  
for adoption pursuant to the laws of the country in which the 2727  
child resides, and if the release is in a form that satisfies the 2728  
requirements of the immigration and naturalization service of the 2729  
United States department of justice for purposes of immigration to 2730  
this country pursuant to section 101(b)(1)(F) of the "Immigration 2731

and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 2732  
(b)(1)(F), as amended or reenacted. 2733

If the parent or parents of the child are deceased or have 2734  
abandoned the child, as determined under division (A) of section 2735  
3107.07 of the Revised Code, the application for approval of the 2736  
proposed adoptive placement may be brought by the relative seeking 2737  
to adopt the child, or by the department, board, or organization 2738  
not otherwise having legal authority to place the orphaned or 2739  
abandoned child for adoption, but having legal custody of the 2740  
orphaned or abandoned child, in the probate court of the county in 2741  
which the child is a resident, or in which the department, board, 2742  
or organization is located, or where the person or persons with 2743  
whom the child is to be placed reside. Unless the parent, parents, 2744  
or guardian of the person of the child personally have appeared 2745  
before the court and applied for approval of the placement, notice 2746  
of the hearing on the application shall be served on the parent, 2747  
parents, or guardian. 2748

The consent to placement, surrender, or adoption executed by 2749  
a minor parent before a judge of the probate court or an 2750  
authorized deputy or referee of the court, whether executed within 2751  
or outside the confines of the court, is as valid as though 2752  
executed by an adult. A consent given as above before an employee 2753  
of a children services agency that is licensed as provided by law, 2754  
is equally effective, if the consent also is accompanied by an 2755  
affidavit executed by the witnessing employee or employees to the 2756  
effect that the legal rights of the parents have been fully 2757  
explained to the parents, prior to the execution of any consent, 2758  
and that the action was done after the birth of the child. 2759

If the court approves a placement, the prospective adoptive 2760  
parent with whom the child is placed has care, custody, and 2761  
control of the child pending further order of the court. 2762

(E) This section does not apply to an adoption by a 2763



stepparent, a grandparent, or a guardian. 2764

**Sec. 5103.18.** (A) Prior to ~~placement certification or~~ 2765  
~~recertification as a foster home~~ under section ~~5103.16~~ 5103.03 of 2766  
the Revised Code, ~~an association or institution certified to place~~ 2767  
~~a child into a foster home~~ a recommending agency shall ~~include~~ 2768  
obtain a summary report of a search of the uniform statewide 2769  
automated child welfare information system, established in section 2770  
5101.13 of the Revised Code ~~with records required under division~~ 2771  
~~(B)(1) of section 5103.16 of the Revised Code,~~ from an entity 2772  
listed in section 5101.132 of the Revised Code. 2773

(B)(1) The summary report required under division (A) of this 2774  
section shall contain, if applicable, a chronological list of 2775  
abuse and neglect determinations or allegations of which a person 2776  
seeking to become a foster caregiver of a child is subject and in 2777  
regards to which a public children services agency has done one of 2778  
the following: 2779

(a) Determined that abuse or neglect occurred; 2780

(b) Initiated an investigation, and the investigation is 2781  
ongoing; 2782

(c) Initiated an investigation, and the agency was unable to 2783  
determine whether abuse or neglect occurred. 2784

(2) The summary report required under division (A) of this 2785  
section shall not contain any of the following: 2786

(a) An abuse and neglect determination of which a person 2787  
seeking to become a foster caregiver of a child is subject and in 2788  
regards to which a public children services agency determined that 2789  
abuse or neglect did not occur; 2790

(b) Information or reports the dissemination of which is 2791  
prohibited by, or interferes with eligibility under, the "Child 2792  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 2793

5101 et seq., as amended; 2794

(c) The name of the person who or entity that made, or 2795  
participated in the making of, the report of abuse or neglect. 2796

(C)(1) A foster ~~placement~~ home certification or 2797  
recertification may be denied based on a summary report containing 2798  
the information described under division (B)(1)(a) of this 2799  
section, when considered within the totality of the circumstances. 2800

(2) A foster ~~placement~~ home certification or recertification 2801  
shall not be denied solely based on a summary report containing 2802  
the information described under division (B)(1)(b) or (c) of this 2803  
section. 2804

(D) Not later than January 1, 2008, the director of job and 2805  
family services shall adopt rules in accordance with Chapter 119. 2806  
of the Revised Code necessary for the implementation and execution 2807  
of this section. 2808

**Sec. 5104.011.** (A) The director of job and family services 2809  
shall adopt rules pursuant to Chapter 119. of the Revised Code 2810  
governing the operation of child day-care centers, including, but 2811  
not limited to, parent cooperative centers, part-time centers, 2812  
drop-in centers, and school child centers, which rules shall 2813  
reflect the various forms of child care and the needs of children 2814  
receiving child care or publicly funded child care and shall 2815  
include specific rules for school child care centers that are 2816  
developed in consultation with the department of education. The 2817  
rules shall not require an existing school facility that is in 2818  
compliance with applicable building codes to undergo an additional 2819  
building code inspection or to have structural modifications. The 2820  
rules shall include the following: 2821

(1) Submission of a site plan and descriptive plan of 2822  
operation to demonstrate how the center proposes to meet the 2823

requirements of this chapter and rules adopted pursuant to this	2824
chapter for the initial license application;	2825
(2) Standards for ensuring that the physical surroundings of	2826
the center are safe and sanitary including, but not limited to,	2827
the physical environment, the physical plant, and the equipment of	2828
the center;	2829
(3) Standards for the supervision, care, and discipline of	2830
children receiving child care or publicly funded child care in the	2831
center;	2832
(4) Standards for a program of activities, and for play	2833
equipment, materials, and supplies, to enhance the development of	2834
each child; however, any educational curricula, philosophies, and	2835
methodologies that are developmentally appropriate and that	2836
enhance the social, emotional, intellectual, and physical	2837
development of each child shall be permissible. As used in this	2838
division, "program" does not include instruction in religious or	2839
moral doctrines, beliefs, or values that is conducted at child	2840
day-care centers owned and operated by churches and does include	2841
methods of disciplining children at child day-care centers.	2842
(5) Admissions policies and procedures, health care policies	2843
and procedures, including, but not limited to, procedures for the	2844
isolation of children with communicable diseases, first aid and	2845
emergency procedures, procedures for discipline and supervision of	2846
children, standards for the provision of nutritious meals and	2847
snacks, and procedures for screening children and employees,	2848
including, but not limited to, any necessary physical examinations	2849
and immunizations;	2850
(6) Methods for encouraging parental participation in the	2851
center and methods for ensuring that the rights of children,	2852
parents, and employees are protected and that responsibilities of	2853
parents and employees are met;	2854

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	2855 2856 2857
(8) Procedures for record keeping, organization, and administration;	2858 2859
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	2860 2861 2862
(10) Inspection procedures;	2863
(11) Procedures and standards for setting initial and renewal license application fees;	2864 2865
(12) Procedures for receiving, recording, and responding to complaints about centers;	2866 2867
(13) Procedures for enforcing section 5104.04 of the Revised Code;	2868 2869
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	2870 2871 2872 2873 2874
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	2875 2876 2877 2878 2879 2880
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	2881 2882 2883 2884

(17) Standards providing for the special needs of children 2885  
who are handicapped or who require treatment for health conditions 2886  
while the child is receiving child care or publicly funded child 2887  
care in the center; 2888

(18) A procedure for reporting of injuries of children that 2889  
occur at the center; 2890

(19) Any other procedures and standards necessary to carry 2891  
out this chapter. 2892

(B)(1) The child day-care center shall have, for each child 2893  
for whom the center is licensed, at least thirty-five square feet 2894  
of usable indoor floor space wall-to-wall regularly available for 2895  
the child care operation exclusive of any parts of the structure 2896  
in which the care of children is prohibited by law or by rules 2897  
adopted by the board of building standards. The minimum of 2898  
thirty-five square feet of usable indoor floor space shall not 2899  
include hallways, kitchens, storage areas, or any other areas that 2900  
are not available for the care of children, as determined by the 2901  
director, in meeting the space requirement of this division, and 2902  
bathrooms shall be counted in determining square footage only if 2903  
they are used exclusively by children enrolled in the center, 2904  
except that the exclusion of hallways, kitchens, storage areas, 2905  
bathrooms not used exclusively by children enrolled in the center, 2906  
and any other areas not available for the care of children from 2907  
the minimum of thirty-five square feet of usable indoor floor 2908  
space shall not apply to: 2909

(a) Centers licensed prior to or on September 1, 1986, that 2910  
continue under licensure after that date; 2911

(b) Centers licensed prior to or on September 1, 1986, that 2912  
are issued a new license after that date solely due to a change of 2913  
ownership of the center. 2914

(2) The child day-care center shall have on the site a safe 2915

outdoor play space which is enclosed by a fence or otherwise 2916  
protected from traffic or other hazards. The play space shall 2917  
contain not less than sixty square feet per child using such space 2918  
at any one time, and shall provide an opportunity for supervised 2919  
outdoor play each day in suitable weather. The director may exempt 2920  
a center from the requirement of this division, if an outdoor play 2921  
space is not available and if all of the following are met: 2922

(a) The center provides an indoor recreation area that has 2923  
not less than sixty square feet per child using the space at any 2924  
one time, that has a minimum of one thousand four hundred forty 2925  
square feet of space, and that is separate from the indoor space 2926  
required under division (B)(1) of this section. 2927

(b) The director has determined that there is regularly 2928  
available and scheduled for use a conveniently accessible and safe 2929  
park, playground, or similar outdoor play area for play or 2930  
recreation. 2931

(c) The children are closely supervised during play and while 2932  
traveling to and from the area. 2933

The director also shall exempt from the requirement of this 2934  
division a child day-care center that was licensed prior to 2935  
September 1, 1986, if the center received approval from the 2936  
director prior to September 1, 1986, to use a park, playground, or 2937  
similar area, not connected with the center, for play or 2938  
recreation in lieu of the outdoor space requirements of this 2939  
section and if the children are closely supervised both during 2940  
play and while traveling to and from the area and except if the 2941  
director determines upon investigation and inspection pursuant to 2942  
section 5104.04 of the Revised Code and rules adopted pursuant to 2943  
that section that the park, playground, or similar area, as well 2944  
as access to and from the area, is unsafe for the children. 2945

(3) The child day-care center shall have at least two 2946

responsible adults available on the premises at all times when 2947  
 seven or more children are in the center. The center shall 2948  
 organize the children in the center in small groups, shall provide 2949  
 child-care staff to give continuity of care and supervision to the 2950  
 children on a day-by-day basis, and shall ensure that no child is 2951  
 left alone or unsupervised. Except as otherwise provided in 2952  
 division (E) of this section, the maximum number of children per 2953  
 child-care staff member and maximum group size, by age category of 2954  
 children, are as follows: 2955

	Maximum Number of		
Age Category	Children Per	Maximum	
of Children	Child-Care	Group	
	Staff Member	Size	
(a) Infants:			2960
(i) Less than twelve			2961
months old	5:1, or		2962
	12:2 if two		2963
	child-care		2964
	staff members		2965
	are in the room	12	2966
(ii) At least twelve			2967
months old, but			2968
less than eighteen			2969
months old	6:1	12	2970
(b) Toddlers:			2971
(i) At least eighteen			2972
months old, but			2973
less than thirty			2974
months old	7:1	14	2975
(ii) At least thirty months			2976
old, but less than			2977
three years old	8:1	16	2978
(c) Preschool			2979

children:			2980
(i) Three years old	12:1	24	2981
(ii) Four years old and			2982
five years old who			2983
are not school			2984
children	14:1	28	2985
(d) School children:			2986
(i) A child who is			2987
enrolled in or is			2988
eligible to be			2989
enrolled in a grade			2990
of kindergarten			2991
or above, but			2992
is less than			2993
eleven years old	18:1	36	2994
(ii) Eleven through fourteen			2995
years old	20:1	40	2996
Except as otherwise provided in division (E) of this section,			2997
the maximum number of children per child-care staff member and			2998
maximum group size requirements of the younger age group shall			2999
apply when age groups are combined.			3000
(4)(a) The child day-care center administrator shall show the			3001
director both of the following:			3002
(i) Evidence of at least high school graduation or			3003
certification of high school equivalency by the state board of			3004
education or the appropriate agency of another state;			3005
(ii) Evidence of having completed at least two years of			3006
training in an accredited college, university, or technical			3007
college, including courses in child development or early childhood			3008
education, or at least two years of experience in supervising and			3009
giving daily care to children attending an organized group			3010
program.			3011



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

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;

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

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

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

(5) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of

job and family services or state board of education, except as 3043  
follows: 3044

(a) A child-care staff member may be less than eighteen years 3045  
of age if the staff member is either of the following: 3046

(i) A graduate of a two-year vocational child-care training 3047  
program approved by the state board of education; 3048

(ii) A student enrolled in the second year of a vocational 3049  
child-care training program approved by the state board of 3050  
education which leads to high school graduation, provided that the 3051  
student performs the student's duties in the child day-care center 3052  
under the continuous supervision of an experienced child-care 3053  
staff member, receives periodic supervision from the vocational 3054  
child-care training program teacher-coordinator in the student's 3055  
high school, and meets all other requirements of this chapter and 3056  
rules adopted pursuant to this chapter. 3057

(b) A child-care staff member shall be exempt from the 3058  
educational requirements of this division if the staff member: 3059

(i) Prior to January 1, 1972, was employed or designated by a 3060  
child day-care center and has been continuously employed since 3061  
either by the same child day-care center employer or at the same 3062  
child day-care center; or 3063

(ii) Is a student enrolled in the second year of a vocational 3064  
child-care training program approved by the state board of 3065  
education which leads to high school graduation, provided that the 3066  
student performs the student's duties in the child day-care center 3067  
under the continuous supervision of an experienced child-care 3068  
staff member, receives periodic supervision from the vocational 3069  
child-care training program teacher-coordinator in the student's 3070  
high school, and meets all other requirements of this chapter and 3071  
rules adopted pursuant to this chapter. 3072

(6) Every child care staff member of a child day-care center 3073

annually shall complete fifteen hours of inservice training in 3074  
child development or early childhood education, child abuse 3075  
recognition and prevention, first aid, and in prevention, 3076  
recognition, and management of communicable diseases, until a 3077  
total of forty-five hours of training has been completed, unless 3078  
the staff member furnishes one of the following to the director: 3079

(a) Evidence of an associate or higher degree in child 3080  
development or early childhood education from an accredited 3081  
college, university, or technical college; 3082

(b) A license designated for teaching in an associate 3083  
teaching position in a preschool setting issued by the state board 3084  
of education; 3085

(c) Evidence of a child development associate credential; 3086

(d) Evidence of a preprimary credential from the American 3087  
Montessori society or the association Montessori ~~international~~ 3088  
internationale. For the purposes of division (B)(6) of this 3089  
section, "hour" means sixty minutes. 3090

(7) The administrator of each child day-care center shall 3091  
prepare at least once annually and for each group of children at 3092  
the center a roster of names and telephone numbers of parents, 3093  
custodians, or guardians of each group of children attending the 3094  
center and upon request shall furnish the roster for each group to 3095  
the parents, custodians, or guardians of the children in that 3096  
group. The administrator may prepare a roster of names and 3097  
telephone numbers of all parents, custodians, or guardians of 3098  
children attending the center and upon request shall furnish the 3099  
roster to the parents, custodians, or guardians of the children 3100  
who attend the center. The administrator shall not include in any 3101  
roster the name or telephone number of any parent, custodian, or 3102  
guardian who requests the administrator not to include the 3103  
parent's, custodian's, or guardian's name or number and shall not 3104

furnish any roster to any person other than a parent, custodian, 3105  
or guardian of a child who attends the center. 3106

(C)(1) Each child day-care center shall have on the center 3107  
premises and readily available at all times at least one 3108  
child-care staff member who has completed a course in first aid 3109  
and in prevention, recognition, and management of communicable 3110  
diseases which is approved by the state department of health and a 3111  
staff member who has completed a course in child abuse recognition 3112  
and prevention training which is approved by the department of job 3113  
and family services. 3114

(2) The administrator of each child day-care center shall 3115  
maintain enrollment, health, and attendance records for all 3116  
children attending the center and health and employment records 3117  
for all center employees. The records shall be confidential, 3118  
except as otherwise provided in division (B)(7) of this section 3119  
and except that they shall be disclosed by the administrator to 3120  
the director upon request for the purpose of administering and 3121  
enforcing this chapter and rules adopted pursuant to this chapter. 3122  
Neither the center nor the licensee, administrator, or employees 3123  
of the center shall be civilly or criminally liable in damages or 3124  
otherwise for records disclosed to the director by the 3125  
administrator pursuant to this division. It shall be a defense to 3126  
any civil or criminal charge based upon records disclosed by the 3127  
administrator to the director that the records were disclosed 3128  
pursuant to this division. 3129

(3)(a) Any parent who is the residential parent and legal 3130  
custodian of a child enrolled in a child day-care center and any 3131  
custodian or guardian of such a child shall be permitted unlimited 3132  
access to the center during its hours of operation for the 3133  
purposes of contacting their children, evaluating the care 3134  
provided by the center, evaluating the premises of the center, or 3135  
for other purposes approved by the director. A parent of a child 3136

enrolled in a child day-care center who is not the child's 3137  
residential parent shall be permitted unlimited access to the 3138  
center during its hours of operation for those purposes under the 3139  
same terms and conditions under which the residential parent of 3140  
that child is permitted access to the center for those purposes. 3141  
However, the access of the parent who is not the residential 3142  
parent is subject to any agreement between the parents and, to the 3143  
extent described in division (C)(3)(b) of this section, is subject 3144  
to any terms and conditions limiting the right of access of the 3145  
parent who is not the residential parent, as described in division 3146  
(I) of section 3109.051 of the Revised Code, that are contained in 3147  
a parenting time order or decree issued under that section, 3148  
section 3109.12 of the Revised Code, or any other provision of the 3149  
Revised Code. 3150

(b) If a parent who is the residential parent of a child has 3151  
presented the administrator or the administrator's designee with a 3152  
copy of a parenting time order that limits the terms and 3153  
conditions under which the parent who is not the residential 3154  
parent is to have access to the center, as described in division 3155  
(I) of section 3109.051 of the Revised Code, the parent who is not 3156  
the residential parent shall be provided access to the center only 3157  
to the extent authorized in the order. If the residential parent 3158  
has presented such an order, the parent who is not the residential 3159  
parent shall be permitted access to the center only in accordance 3160  
with the most recent order that has been presented to the 3161  
administrator or the administrator's designee by the residential 3162  
parent or the parent who is not the residential parent. 3163

(c) Upon entering the premises pursuant to division (C)(3)(a) 3164  
or (b) of this section, the parent who is the residential parent 3165  
and legal custodian, the parent who is not the residential parent, 3166  
or the custodian or guardian shall notify the administrator or the 3167  
administrator's designee of the parent's, custodian's, or 3168

guardian's presence. 3169

(D) The director of job and family services, in addition to 3170  
the rules adopted under division (A) of this section, shall adopt 3171  
rules establishing minimum requirements for child day-care 3172  
centers. The rules shall include, but not be limited to, the 3173  
requirements set forth in divisions (B) and (C) of this section. 3174  
Except as provided in section 5104.07 of the Revised Code, the 3175  
rules shall not change the square footage requirements of division 3176  
(B)(1) or (2) of this section; the maximum number of children per 3177  
child-care staff member and maximum group size requirements of 3178  
division (B)(3) of this section; the educational and experience 3179  
requirements of division (B)(4) of this section; the age, 3180  
educational, and experience requirements of division (B)(5) of 3181  
this section; the number of inservice training hours required 3182  
under division (B)(6) of this section; or the requirement for at 3183  
least annual preparation of a roster for each group of children of 3184  
names and telephone numbers of parents, custodians, or guardians 3185  
of each group of children attending the center that must be 3186  
furnished upon request to any parent, custodian, or guardian of 3187  
any child in that group required under division (B)(7) of this 3188  
section; however, the rules shall provide procedures for 3189  
determining compliance with those requirements. 3190

(E)(1) When age groups are combined, the maximum number of 3191  
children per child-care staff member shall be determined by the 3192  
age of the youngest child in the group, except that when no more 3193  
than one child thirty months of age or older receives services in 3194  
a group in which all the other children are in the next older age 3195  
group, the maximum number of children per child-care staff member 3196  
and maximum group size requirements of the older age group 3197  
established under division (B)(3) of this section shall apply. 3198

(2) The maximum number of toddlers or preschool children per 3199  
child-care staff member in a room where children are napping shall 3200

be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

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

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

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

(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

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

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

(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	3231 3232 3233
(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	3234 3235 3236 3237 3238 3239
(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	3240 3241 3242 3243 3244 3245 3246 3247
(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	3248 3249 3250 3251
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	3252 3253 3254
(8) Procedures for record keeping, organization, and administration;	3255 3256
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	3257 3258 3259
(10) Inspection procedures;	3260



(11) Procedures and standards for setting initial and renewal license application fees;	3261 3262
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	3263 3264
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3265 3266
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	3267 3268 3269 3270 3271 3272
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	3273 3274 3275 3276
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	3277 3278 3279 3280
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	3281 3282 3283 3284
(18) Standards for the maximum number of children per child-care staff member;	3285 3286
(19) Requirements for the amount of usable indoor floor space for each child;	3287 3288
(20) Requirements for safe outdoor play space;	3289
(21) Qualifications and training requirements for	3290

administrators and for child-care staff members;	3291
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	3292 3293 3294
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	3295 3296
(24) Any other procedures and standards necessary to carry out this chapter.	3297 3298
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	3299 3300 3301
(1) The rules shall include <del>procedures</del> <u>all of the following:</u>	3302
<u>(a) Procedures</u> , standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	3303 3304 3305
<del>(a)</del> <u>(i)</u> Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	3306 3307 3308 3309 3310
<del>(b)</del> <u>(ii)</u> Persons who provide child care for eligible children all of whom are the children of the same caretaker parent- <del>i</del>	3311 3312
<del>The rules shall require, and shall include procedures</del> <u>(b) Procedures</u> for the director to ensure, that type B family day-care homes that receive a limited certification provide child care to children in a safe and sanitary manner; <u>i</u>	3313 3314 3315 3316
<u>(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code. With</u>	3317 3318 3319
<u>With</u> regard to providers who apply for limited certification,	3320

a provider shall be granted a provisional limited certification on 3321  
signing a declaration under oath attesting that the provider meets 3322  
the standards for limited certification. Such provisional limited 3323  
certifications shall remain in effect for no more than sixty 3324  
calendar days and shall entitle the provider to offer publicly 3325  
funded child care during the provisional period. Except as 3326  
otherwise provided in division (G)(1) of this section, section 3327  
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 3328  
section 5104.11 of the Revised Code, prior to the expiration of 3329  
the provisional limited certificate, a county department of job 3330  
and family services shall inspect the home and shall grant limited 3331  
certification to the provider if the provider meets the 3332  
requirements of this division. Limited certificates remain valid 3333  
for two years unless earlier revoked. Except as otherwise provided 3334  
in division (G)(1) of this section, providers operating under 3335  
limited certification shall be inspected annually. 3336

If a provider is a person described in division (G)(1)(a)(i) 3337  
of this section or a person described in division (G)(1)(~~b~~)(a)(ii) 3338  
of this section who is a friend of the caretaker parent, the 3339  
provider and the caretaker parent may verify in writing to the 3340  
county department of job and family services that minimum health 3341  
and safety requirements are being met in the home. Except as 3342  
otherwise provided in section 5104.013 or 5104.09 or in division 3343  
(A)(2) of section 5104.11 of the Revised Code, if such 3344  
verification is provided, the county shall waive any inspection 3345  
required by this chapter and grant limited certification to the 3346  
provider. 3347

(2) The rules shall provide for safeguarding the health, 3348  
safety, and welfare of children receiving child care or publicly 3349  
funded child care in a certified type B home and shall include the 3350  
following: 3351

(a) Standards for ensuring that the type B home and the 3352

physical surroundings of the type B home are safe and sanitary, 3353  
including, but not limited to, physical environment, physical 3354  
plant, and equipment; 3355

(b) Standards for the supervision, care, and discipline of 3356  
children receiving child care or publicly funded child care in the 3357  
home; 3358

(c) Standards for a program of activities, and for play 3359  
equipment, materials, and supplies to enhance the development of 3360  
each child; however, any educational curricula, philosophies, and 3361  
methodologies that are developmentally appropriate and that 3362  
enhance the social, emotional, intellectual, and physical 3363  
development of each child shall be permissible; 3364

(d) Admission policies and procedures, health care, first aid 3365  
and emergency procedures, procedures for the care of sick 3366  
children, procedures for discipline and supervision of children, 3367  
nutritional standards, and procedures for screening children and 3368  
authorized providers, including, but not limited to, any necessary 3369  
physical examinations and immunizations; 3370

(e) Methods of encouraging parental participation and 3371  
ensuring that the rights of children, parents, and authorized 3372  
providers are protected and the responsibilities of parents and 3373  
authorized providers are met; 3374

(f) Standards for the safe transport of children when under 3375  
the care of authorized providers; 3376

(g) Procedures for issuing, renewing, denying, refusing to 3377  
renew, or revoking certificates; 3378

(h) Procedures for the inspection of type B ~~family day care~~ 3379  
homes that require, at a minimum, that each type B ~~family day care~~ 3380  
home be inspected prior to certification to ensure that the home 3381  
is safe and sanitary; 3382

(i) Procedures for record keeping and evaluation;	3383
(j) Procedures for receiving, recording, and responding to complaints;	3384 3385
(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	3386 3387 3388 3389
(l) Requirements for the amount of usable indoor floor space for each child;	3390 3391
(m) Requirements for safe outdoor play space;	3392
(n) Qualification and training requirements for authorized providers;	3393 3394
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	3395 3396 3397
(p) <u>Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;</u>	3398 3399 3400
(q) Any other procedures and standards necessary to carry out this chapter.	3401 3402
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that	3403 3404 3405 3406 3407 3408 3409 3410 3411 3412

receive a limited certification provide child care to children in 3413  
a safe and sanitary manner. The rules shall provide for 3414  
safeguarding the health, safety, and welfare of children receiving 3415  
publicly funded child care in their own home and shall include the 3416  
following: 3417

(1) Standards for ensuring that the child's home and the 3418  
physical surroundings of the child's home are safe and sanitary, 3419  
including, but not limited to, physical environment, physical 3420  
plant, and equipment; 3421

(2) Standards for the supervision, care, and discipline of 3422  
children receiving publicly funded child care in their own home; 3423

(3) Standards for a program of activities, and for play 3424  
equipment, materials, and supplies to enhance the development of 3425  
each child; however, any educational curricula, philosophies, and 3426  
methodologies that are developmentally appropriate and that 3427  
enhance the social, emotional, intellectual, and physical 3428  
development of each child shall be permissible; 3429

(4) Health care, first aid, and emergency procedures, 3430  
procedures for the care of sick children, procedures for 3431  
discipline and supervision of children, nutritional standards, and 3432  
procedures for screening children and in-home aides, including, 3433  
but not limited to, any necessary physical examinations and 3434  
immunizations; 3435

(5) Methods of encouraging parental participation and 3436  
ensuring that the rights of children, parents, and in-home aides 3437  
are protected and the responsibilities of parents and in-home 3438  
aides are met; 3439

(6) Standards for the safe transport of children when under 3440  
the care of in-home aides; 3441

(7) Procedures for issuing, renewing, denying, refusing to 3442  
renew, or revoking certificates; 3443

(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	3444 3445
(9) Procedures for record keeping and evaluation;	3446
(10) Procedures for receiving, recording, and responding to complaints;	3447 3448
(11) Qualifications and training requirements for in-home aides;	3449 3450
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	3451 3452 3453 3454
(13) Any other procedures and standards necessary to carry out this chapter.	3455 3456
(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.	3457 3458 3459 3460 3461
(J)(1) The director of job and family services shall do all of the following:	3462 3463
(a) Send to each licensee notice of proposed rules governing the licensure of child day-care centers and type A homes;	3464 3465
(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	3466 3467 3468
(c) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee.	3469 3470 3471
(2) The director shall do all of the following:	3472

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

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

(c) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date.

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

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

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



(6) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family day-care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.

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

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

**Sec. 5104.013.** (A)(1) The director of job and family services, as part of the process of licensure of child day-care centers and type A family day-care homes, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

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

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

(2) The director of a county department of job and family services, as part of the process of certification of type B family

day-care homes, shall request the superintendent of the bureau of 3534  
criminal identification and investigation to conduct a criminal 3535  
records check with respect to any authorized provider of a 3536  
certified type B family day-care home and any person eighteen 3537  
years of age or older who resides in a certified type B family 3538  
day-care home. 3539

~~(3) If the owner, licensee, administrator, or person eighteen 3540  
years of age or older who is the subject of a criminal records 3541  
check pursuant to division (A)(1) of this section, or the 3542  
authorized provider or person eighteen years of age or older who 3543  
is the subject of a criminal records check pursuant to division 3544  
(A)(2) of this section, does not present proof that the owner, 3545  
licensee, administrator, authorized provider, or person has been a 3546  
resident of this state for the five year period immediately prior 3547  
to the date upon which the criminal records check is requested or 3548  
does not provide evidence that within that five year period the 3549  
superintendent of the bureau of criminal identification and 3550  
investigation has requested information about the owner, licensee, 3551  
administrator, authorized provider, or person from the federal 3552  
bureau of investigation in a criminal records check, the The 3553  
director shall request that the superintendent of the bureau of 3554  
criminal identification and investigation obtain information from 3555  
the federal bureau of investigation as a part of the criminal 3556  
records check for the applicant at licensure, every other license 3557  
renewal, certification, and every other certification renewal, as 3558  
applicable. ~~If the owner, licensee, administrator, authorized 3559  
provider, or person presents proof that the owner, licensee, 3560  
administrator, authorized provider, or person has been a resident 3561  
of this state for that five year period, the director may request 3562  
that the superintendent include information from the federal 3563  
bureau of investigation in the criminal records check.~~ 3564~~

(B) The director of job and family services or the director 3565

of a county department of job and family services shall provide to 3566  
each person for whom a criminal records check is required under 3567  
this section a copy of the form prescribed pursuant to division 3568  
(C)(1) of section 109.572 of the Revised Code and a standard 3569  
impression sheet to obtain fingerprint impressions prescribed 3570  
pursuant to division (C)(2) of that section, obtain the completed 3571  
form and impression sheet from that person, and forward the 3572  
completed form and impression sheet to the superintendent of the 3573  
bureau of criminal identification and investigation. 3574

(C) A person who receives pursuant to division (B) of this 3575  
section a copy of the form and standard impression sheet described 3576  
in that division and who is requested to complete the form and 3577  
provide a set of fingerprint impressions shall complete the form 3578  
or provide all the information necessary to complete the form and 3579  
shall provide the impression sheet with the impressions of the 3580  
person's fingerprints. If the person, upon request, fails to 3581  
provide the information necessary to complete the form or fails to 3582  
provide impressions of the person's fingerprints, the director may 3583  
consider the failure as a reason to deny licensure or 3584  
certification. 3585

(D)~~(1)~~ Except as provided in rules adopted under division (G) 3586  
of this section, the director of job and family services shall not 3587  
grant a license to a child day-care center or type A family 3588  
day-care home and a county director of job and family services 3589  
shall not certify a type B family day-care home if a person for 3590  
whom a criminal records check was required in connection with the 3591  
center or home previously has been convicted of or pleaded guilty 3592  
to any of the ~~following~~: 3593

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 3594  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 3595  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 3596  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 3597

~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3598  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3599  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3600  
2925.06, or 3716.11 of the Revised Code, a violation of section 3601  
2905.04 as it existed prior to July 1, 1996, a violation of 3602  
section 2919.23 of the Revised Code that would have been a 3603  
violation of section 2905.04 of the Revised Code as it existed 3604  
prior to July 1, 1996, had the violation been committed prior to 3605  
that date, a violation of section 2925.11 of the Revised Code that 3606  
is not a minor drug possession offense, or felonious sexual 3607  
penetration in violation of former section 2907.12 of the Revised 3608  
Code; 3609~~

~~(b) A violation of an existing or former law of this state, 3610  
any other state, or the United States that is substantially 3611  
equivalent to any of the offenses or violations described in 3612  
division (D)(1)(a) of this section. 3613~~

~~(2) In addition to the prohibition described in division 3614  
(D)(1) of this section, and except as provided in rules adopted 3615  
under division (C) of this section, the director shall not grant a 3616  
license to a child day care center or type A family day care home 3617  
and a county director shall not certify a type B family day care 3618  
home if an owner, licensee, or administrator of a child day care 3619  
center or type A family day care home or an authorized provider of 3620  
a certified type B family day care home previously has been 3621  
convicted of or pleaded guilty to any of the following: 3622~~

~~(a) A violation of section 2913.02, 2913.03, 2913.04, 3623  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3624  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3625  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 3626  
2921.13, or 2923.01 of the Revised Code, a violation of section 3627  
2923.02 or 2923.03 of the Revised Code that relates to a crime 3628  
specified in this division or division (D)(1) of this section, or 3629~~

~~a second violation of section 4511.19 of the Revised Code within  
five years of the date of application for licensure or  
certification.~~

~~(b) A violation of an existing or former law of this state,  
any other state, or the United States that is substantially  
equivalent to any of the offenses or violations described in  
division (D)(2)(a) of this section violations described in  
division (A)(9) of section 109.572 of the Revised Code.~~

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

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

(G) The director of job and family services shall adopt rules  
pursuant to Chapter 119. of the Revised Code to implement this  
section, including rules specifying exceptions to the prohibition  
in division (D) of this section for persons who have been

convicted of an offense listed in that division but who meet 3662  
standards in regard to rehabilitation set by the department. 3663

(H) As used in this section: 3664

~~(1) "Criminal, "criminal records check" has the same meaning 3665  
as in section 109.572 of the Revised Code. 3666~~

~~(2) "Minor drug possession offense" has the same meaning as 3667  
in section 2925.01 of the Revised Code. 3668~~

Sec. 5104.022. The department of job and family services 3669  
shall not license a prospective type A family day-care home if 3670  
that prospective family day-care home is certified to be a foster 3671  
home or specialized foster home pursuant to Chapter 5103. of the 3672  
Revised Code. A county department of job and family services shall 3673  
not certify a prospective type B family day-care home if that 3674  
prospective family day-care home is certified to be a specialized 3675  
foster home pursuant to Chapter 5103. of the Revised Code. 3676

**Sec. 5104.30.** (A) The department of job and family services 3677  
is hereby designated as the state agency responsible for 3678  
administration and coordination of federal and state funding for 3679  
publicly funded child care in this state. Publicly funded child 3680  
care shall be provided to the following: 3681

(1) Recipients of transitional child care as provided under 3682  
section 5104.34 of the Revised Code; 3683

(2) Participants in the Ohio works first program established 3684  
under Chapter 5107. of the Revised Code; 3685

(3) Individuals who would be participating in the Ohio works 3686  
first program if not for a sanction under section 5107.16 of the 3687  
Revised Code and who continue to participate in a work activity, 3688  
developmental activity, or alternative work activity pursuant to 3689  
an assignment under section 5107.42 of the Revised Code; 3690

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

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

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

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

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

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

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

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

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

(b) Activities that increase parental choice;

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

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

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the



other state agencies and entities are necessary for the department 3753  
of job and family services to fulfill its duties and 3754  
responsibilities under this chapter. 3755

The department shall develop and maintain a registry of 3756  
persons providing child care. The director shall adopt rules 3757  
pursuant to Chapter 119. of the Revised Code establishing 3758  
procedures and requirements for the registry's administration. 3759

(E)(1) The director shall adopt rules in accordance with 3760  
Chapter 119. of the Revised Code establishing both of the 3761  
following: 3762

(a) Reimbursement ceilings for providers of publicly funded 3763  
child care; 3764

(b) A procedure for reimbursing and paying providers of 3765  
publicly funded child care. 3766

(2) In establishing reimbursement ceilings under division 3767  
(E)(1)(a) of this section, the director shall do all of the 3768  
following: 3769

(a) Use the information obtained under division (B)(3) of 3770  
section 5104.04 of the Revised Code; 3771

(b) Establish an enhanced reimbursement ceiling for providers 3772  
who provide child care for caretaker parents who work 3773  
nontraditional hours; 3774

(c) For a type B family day-care home provider that has 3775  
received limited certification pursuant to rules adopted under 3776  
division (G)(1) of section 5104.011 of the Revised Code, establish 3777  
a reimbursement ceiling that is the following: 3778

(i) If the provider is a person described in division 3779  
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 3780  
per cent of the reimbursement ceiling that applies to a type B 3781  
family day-care home certified by the same county department of 3782

job and family services pursuant to section 5104.11 of the Revised Code;	3783 3784
(ii) If the provider is a person described in division (G)(1) <del>(b)</del> (a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	3785 3786 3787 3788 3789
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	3790 3791 3792
(a) Geographic location of the provider;	3793
(b) Type of care provided;	3794
(c) Age of the child served;	3795
(d) Special needs of the child served;	3796
(e) Whether the expanded hours of service are provided;	3797
(f) Whether weekend service is provided;	3798
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	3799 3800
(h) Any other factors the director considers appropriate.	3801
<b>Section 2.</b> That existing sections 109.57, 109.572, 109.60, 109.99, 2151.413, 2151.414, 2151.419, 2151.421, 2151.86, 3107.14, 5101.132, 5101.134, 5103.03, 5103.16, 5103.18, 5104.011, 5104.013, and 5104.30 of the Revised Code are hereby repealed.	3802 3803 3804 3805
<b>Section 3.</b> (A) Not later than thirty days after the effective date of this act, the Director of Job and Family Services shall convene a work group to study and make recommendations to the Director regarding both of the following:	3806 3807 3808 3809
(1) Support for positive child and family outcomes offered to	3810

public children services agencies, private child placing agencies, 3811  
and private noncustodial agencies by the Department of Job and 3812  
Family Services; 3813

(2) The establishment of fines and sanctions for public 3814  
children services agencies, private child placing agencies, and 3815  
private noncustodial agencies that do not comply with foster care 3816  
related laws or rules. 3817

(B) The work group shall include representatives of public 3818  
children services agencies, private child placing agencies, 3819  
private noncustodial agencies, the Ohio Family Care Association, 3820  
the Ohio Association of Child Caring Agencies, the Public Children 3821  
Services Association of Ohio, the Ohio Job and Family Services 3822  
Directors' Association, the County Commissioners' Association of 3823  
Ohio, foster caregivers, and current and former foster children. 3824

(C) The work group shall prepare a report that contains 3825  
recommendations regarding Department support for local agencies 3826  
and the establishment of fines and sanctions either in law, rule, 3827  
or both. The work group shall submit the report not later than 3828  
June 30, 2008, to the Director. The Director shall review the 3829  
recommendations and create an executive summary of the 3830  
recommendations and submit the summary to the Governor, the 3831  
Speaker of the House of Representatives, and the President of the 3832  
Senate. The work group shall cease to exist upon submission of the 3833  
executive summary. 3834

**Section 4.** Section 109.572 of the Revised Code is presented 3835  
in this act as a composite of the section as amended by both Am. 3836  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 3837  
Section 2151.86 of the Revised Code is presented in this act as a 3838  
composite of the section as amended by both Am. Sub. H.B. 106 and 3839  
Am. Sub. H.B. 117 of the 125th General Assembly. The General 3840  
Assembly, applying the principle stated in division (B) of section 3841  
1.52 of the Revised Code that amendments are to be harmonized if 3842

reasonably capable of simultaneous operation, finds that the	3843
composites are the resulting versions of the sections in effect	3844
prior to the effective date of the sections as presented in this	3845
act.	3846