

**As Passed by the House**

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

**Sub. S. B. No. 163**

**Senator Niehaus**

**Cosponsors: Senators Cates, Kearney, Austria, Clancy, Schuring, Padgett,  
Sawyer, Schaffer, Carey, Coughlin, Faber, Fedor, Gardner, Grendell, Harris,  
Mason, Miller, D., Roberts, Schuler, Spada, Stivers, Mumper, Miller, R.,  
Jacobson**

**Representatives Uecker, Bolon, Boyd, Celeste, Chandler, Combs, Domenick,  
Dyer, Evans, Flowers, Heard, Jones, Letson, Mallory, Setzer, Wagner, White**

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**A B I L L**

To amend sections 109.57, 109.572, 109.5721, 109.60, 1  
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2  
2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 3  
5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 4  
5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 5  
5104.013, 5104.09, and 5104.30 and to enact 6  
sections 1901.43, 1907.181, 2301.10, 3107.066, 7  
5101.32, 5103.0328, and 5104.022 of the Revised 8  
Code and to amend Section 309.50.60 of Am. Sub. 9  
H.B. 119 of the 127th General Assembly to improve 10  
foster caregiver background checks, clarify when a 11  
court must order a person to be fingerprinted, 12  
modify the retained applicant fingerprint 13  
database, remove the requirement that the Ohio 14  
Department of Mental Health conduct a study of 15  
children placed using the child placement level of 16  
care tool, and make other changes in the law 17  
regarding approval of out-of-home care workers, 18

adoptive parents, foster caregivers, and child 19  
day-cares. 20

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

**Section 1.** That sections 109.57, 109.572, 109.5721, 109.60, 21  
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 22  
2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 23  
5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 24  
5104.012, 5104.013, 5104.09, and 5104.30 be amended and that 25  
sections 1901.43, 1907.181, 2301.10, 3107.066, 5101.32, 5103.0328, 26  
and 5104.022 of the Revised Code be enacted to read as follows: 27

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 29  
criminal identification and investigation shall procure from 30  
wherever procurable and file for record photographs, pictures, 31  
descriptions, fingerprints, measurements, and other information 32  
that may be pertinent of all persons who have been convicted of 33  
committing within this state a felony, any crime constituting a 34  
misdemeanor on the first offense and a felony on subsequent 35  
offenses, or any misdemeanor described in division (A)(1)(a), 36  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 37  
of all children under eighteen years of age who have been 38  
adjudicated delinquent children for committing within this state 39  
an act that would be a felony or an offense of violence if 40  
committed by an adult or who have been convicted of or pleaded 41  
guilty to committing within this state a felony or an offense of 42  
violence, and of all well-known and habitual criminals. The person 43  
in charge of any county, multicounty, municipal, municipal-county, 44  
or multicounty-municipal jail or workhouse, community-based 45  
correctional facility, halfway house, alternative residential 46  
facility, or state correctional institution and the person in 47

charge of any state institution having custody of a person 48  
suspected of having committed a felony, any crime constituting a 49  
misdemeanor on the first offense and a felony on subsequent 50  
offenses, or any misdemeanor described in division (A)(1)(a), 51  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 52  
having custody of a child under eighteen years of age with respect 53  
to whom there is probable cause to believe that the child may have 54  
committed an act that would be a felony or an offense of violence 55  
if committed by an adult shall furnish such material to the 56  
superintendent of the bureau. Fingerprints, photographs, or other 57  
descriptive information of a child who is under eighteen years of 58  
age, has not been arrested or otherwise taken into custody for 59  
committing an act that would be a felony or an offense of violence 60  
who is not in any other category of child specified in this 61  
division, if committed by an adult, has not been adjudicated a 62  
delinquent child for committing an act that would be a felony or 63  
an offense of violence if committed by an adult, has not been 64  
convicted of or pleaded guilty to committing a felony or an 65  
offense of violence, and is not a child with respect to whom there 66  
is probable cause to believe that the child may have committed an 67  
act that would be a felony or an offense of violence if committed 68  
by an adult shall not be procured by the superintendent or 69  
furnished by any person in charge of any county, multicounty, 70  
municipal, municipal-county, or multicounty-municipal jail or 71  
workhouse, community-based correctional facility, halfway house, 72  
alternative residential facility, or state correctional 73  
institution, except as authorized in section 2151.313 of the 74  
Revised Code. 75

(2) Every clerk of a court of record in this state, other 76  
than the supreme court or a court of appeals, shall send to the 77  
superintendent of the bureau a weekly report containing a summary 78  
of each case involving a felony, involving any crime constituting 79  
a misdemeanor on the first offense and a felony on subsequent 80

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

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

(b) The style and number of the case;

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

(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; 112

(f) If the person or child was convicted, pleaded guilty, or 113  
was adjudicated a delinquent child, the sentence or terms of 114  
probation imposed or any other disposition of the offender or the 115  
delinquent child. 116

If the offense involved the disarming of a law enforcement 117  
officer or an attempt to disarm a law enforcement officer, the 118  
clerk shall clearly state that fact in the summary, and the 119  
superintendent shall ensure that a clear statement of that fact is 120  
placed in the bureau's records. 121

(3) The superintendent shall cooperate with and assist 122  
sheriffs, chiefs of police, and other law enforcement officers in 123  
the establishment of a complete system of criminal identification 124  
and in obtaining fingerprints and other means of identification of 125  
all persons arrested on a charge of a felony, any crime 126  
constituting a misdemeanor on the first offense and a felony on 127  
subsequent offenses, or a misdemeanor described in division 128  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 129  
Revised Code and of all children under eighteen years of age 130  
arrested or otherwise taken into custody for committing an act 131  
that would be a felony or an offense of violence if committed by 132  
an adult. The superintendent also shall file for record the 133  
fingerprint impressions of all persons confined in a county, 134  
multicounty, municipal, municipal-county, or multicounty-municipal 135  
jail or workhouse, community-based correctional facility, halfway 136  
house, alternative residential facility, or state correctional 137  
institution for the violation of state laws and of all children 138  
under eighteen years of age who are confined in a county, 139  
multicounty, municipal, municipal-county, or multicounty-municipal 140  
jail or workhouse, community-based correctional facility, halfway 141  
house, alternative residential facility, or state correctional 142  
institution or in any facility for delinquent children for 143

committing an act that would be a felony or an offense of violence 144  
if committed by an adult, and any other information that the 145  
superintendent may receive from law enforcement officials of the 146  
state and its political subdivisions. 147

(4) The superintendent shall carry out Chapter 2950. of the 148  
Revised Code with respect to the registration of persons who are 149  
convicted of or plead guilty to a sexually oriented offense or a 150  
child-victim oriented offense and with respect to all other duties 151  
imposed on the bureau under that chapter. 152

(5) The bureau shall perform centralized recordkeeping 153  
functions for criminal history records and services in this state 154  
for purposes of the national crime prevention and privacy compact 155  
set forth in section 109.571 of the Revised Code and is the 156  
criminal history record repository as defined in that section for 157  
purposes of that compact. The superintendent or the 158  
superintendent's designee is the compact officer for purposes of 159  
that compact and shall carry out the responsibilities of the 160  
compact officer specified in that compact. 161

(B) The superintendent shall prepare and furnish to every 162  
county, multicounty, municipal, municipal-county, or 163  
multicounty-municipal jail or workhouse, community-based 164  
correctional facility, halfway house, alternative residential 165  
facility, or state correctional institution and to every clerk of 166  
a court in this state specified in division (A)(2) of this section 167  
standard forms for reporting the information required under 168  
division (A) of this section. The standard forms that the 169  
superintendent prepares pursuant to this division may be in a 170  
tangible format, in an electronic format, or in both tangible 171  
formats and electronic formats. 172

(C)(1) The superintendent may operate a center for 173  
electronic, automated, or other data processing for the storage 174  
and retrieval of information, data, and statistics pertaining to 175

criminals and to children under eighteen years of age who are 176  
adjudicated delinquent children for committing an act that would 177  
be a felony or an offense of violence if committed by an adult, 178  
criminal activity, crime prevention, law enforcement, and criminal 179  
justice, and may establish and operate a statewide communications 180  
network to gather and disseminate information, data, and 181  
statistics for the use of law enforcement agencies and for other 182  
uses specified in this division. The superintendent may gather, 183  
store, retrieve, and disseminate information, data, and statistics 184  
that pertain to children who are under eighteen years of age and 185  
that are gathered pursuant to sections 109.57 to 109.61 of the 186  
Revised Code together with information, data, and statistics that 187  
pertain to adults and that are gathered pursuant to those 188  
sections. 189

(2) The superintendent or the superintendent's designee shall 190  
gather information of the nature described in division (C)(1) of 191  
this section that pertains to the offense and delinquency history 192  
of a person who has been convicted of, pleaded guilty to, or been 193  
adjudicated a delinquent child for committing a sexually oriented 194  
offense or a child-victim oriented offense for inclusion in the 195  
state registry of sex offenders and child-victim offenders 196  
maintained pursuant to division (A)(1) of section 2950.13 of the 197  
Revised Code and in the internet database operated pursuant to 198  
division (A)(13) of that section and for possible inclusion in the 199  
internet database operated pursuant to division (A)(11) of that 200  
section. 201

(3) In addition to any other authorized use of information, 202  
data, and statistics of the nature described in division (C)(1) of 203  
this section, the superintendent or the superintendent's designee 204  
may provide and exchange the information, data, and statistics 205  
pursuant to the national crime prevention and privacy compact as 206  
described in division (A)(5) of this section. 207

(D) The information and materials furnished to the 208  
superintendent pursuant to division (A) of this section and 209  
information and materials furnished to any board or person under 210  
division (F) or (G) of this section are not public records under 211  
section 149.43 of the Revised Code. The superintendent or the 212  
superintendent's designee shall gather and retain information so 213  
furnished under division (A) of this section that pertains to the 214  
offense and delinquency history of a person who has been convicted 215  
of, pleaded guilty to, or been adjudicated a delinquent child for 216  
committing a sexually oriented offense or a child-victim oriented 217  
offense for the purposes described in division (C)(2) of this 218  
section. 219

(E) The attorney general shall adopt rules, in accordance 220  
with Chapter 119. of the Revised Code, setting forth the procedure 221  
by which a person may receive or release information gathered by 222  
the superintendent pursuant to division (A) of this section. A 223  
reasonable fee may be charged for this service. If a temporary 224  
employment service submits a request for a determination of 225  
whether a person the service plans to refer to an employment 226  
position has been convicted of or pleaded guilty to an offense 227  
listed in division (A)(1), (3), (4), (5), or (6) of section 228  
109.572 of the Revised Code, the request shall be treated as a 229  
single request and only one fee shall be charged. 230

(F)(1) As used in division (F)(2) of this section, "head 231  
start agency" means an entity in this state that has been approved 232  
to be an agency for purposes of subchapter II of the "Community 233  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 234  
as amended. 235

(2)(a) In addition to or in conjunction with any request that 236  
is required to be made under section 109.572, 2151.86, 3301.32, 237  
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 238  
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 239



Code, the board of education of any school district; the director 240  
of mental retardation and developmental disabilities; any county 241  
board of mental retardation and developmental disabilities; any 242  
entity under contract with a county board of mental retardation 243  
and developmental disabilities; the chief administrator of any 244  
chartered nonpublic school; the chief administrator of any home 245  
health agency; the chief administrator of or person operating any 246  
child day-care center, type A family day-care home, or type B 247  
family day-care home licensed or certified under Chapter 5104. of 248  
the Revised Code; the administrator of any type C family day-care 249  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 250  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 251  
general assembly; the chief administrator of any head start 252  
agency; the executive director of a public children services 253  
agency; or an employer described in division (A)(2) of section 254  
3319.391 or division (J)(2) of section 3327.10 of the Revised Code 255  
may request that the superintendent of the bureau investigate and 256  
determine, with respect to any individual who has applied for 257  
employment in any position after October 2, 1989, or any 258  
individual wishing to apply for employment with a board of 259  
education may request, with regard to the individual, whether the 260  
bureau has any information gathered under division (A) of this 261  
section that pertains to that individual. On receipt of the 262  
request, the superintendent shall determine whether that 263  
information exists and, upon request of the person, board, or 264  
entity requesting information, also shall request from the federal 265  
bureau of investigation any criminal records it has pertaining to 266  
that individual. The superintendent or the superintendent's 267  
designee also may request criminal history records from other 268  
states or the federal government pursuant to the national crime 269  
prevention and privacy compact set forth in section 109.571 of the 270  
Revised Code. Within thirty days of the date that the 271  
superintendent receives a request, the superintendent shall send 272

to the board, entity, or person a report of any information that 273  
the superintendent determines exists, including information 274  
contained in records that have been sealed under section 2953.32 275  
of the Revised Code, and, within thirty days of its receipt, shall 276  
send the board, entity, or person a report of any information 277  
received from the federal bureau of investigation, other than 278  
information the dissemination of which is prohibited by federal 279  
law. 280

(b) When a board of education is required to receive 281  
information under this section as a prerequisite to employment of 282  
an individual pursuant to section 3319.39 of the Revised Code, it 283  
may accept a certified copy of records that were issued by the 284  
bureau of criminal identification and investigation and that are 285  
presented by an individual applying for employment with the 286  
district in lieu of requesting that information itself. In such a 287  
case, the board shall accept the certified copy issued by the 288  
bureau in order to make a photocopy of it for that individual's 289  
employment application documents and shall return the certified 290  
copy to the individual. In a case of that nature, a district only 291  
shall accept a certified copy of records of that nature within one 292  
year after the date of their issuance by the bureau. 293

(3) The state board of education may request, with respect to 294  
any individual who has applied for employment after October 2, 295  
1989, in any position with the state board or the department of 296  
education, any information that a school district board of 297  
education is authorized to request under division (F)(2) of this 298  
section, and the superintendent of the bureau shall proceed as if 299  
the request has been received from a school district board of 300  
education under division (F)(2) of this section. 301

(4) When the superintendent of the bureau receives a request 302  
for information under section 3319.291 of the Revised Code, the 303  
superintendent shall proceed as if the request has been received 304

from a school district board of education under division (F)(2) of 305  
this section. 306

(5) When a recipient of a classroom reading improvement grant 307  
paid under section 3301.86 of the Revised Code requests, with 308  
respect to any individual who applies to participate in providing 309  
any program or service funded in whole or in part by the grant, 310  
the information that a school district board of education is 311  
authorized to request under division (F)(2)(a) of this section, 312  
the superintendent of the bureau shall proceed as if the request 313  
has been received from a school district board of education under 314  
division (F)(2)(a) of this section. 315

(G) In addition to or in conjunction with any request that is 316  
required to be made under section 3701.881, 3712.09, 3721.121, or 317  
3722.151 of the Revised Code with respect to an individual who has 318  
applied for employment in a position that involves providing 319  
direct care to an older adult, the chief administrator of a home 320  
health agency, hospice care program, home licensed under Chapter 321  
3721. of the Revised Code, adult day-care program operated 322  
pursuant to rules adopted under section 3721.04 of the Revised 323  
Code, or adult care facility may request that the superintendent 324  
of the bureau investigate and determine, with respect to any 325  
individual who has applied after January 27, 1997, for employment 326  
in a position that does not involve providing direct care to an 327  
older adult, whether the bureau has any information gathered under 328  
division (A) of this section that pertains to that individual. 329

In addition to or in conjunction with any request that is 330  
required to be made under section 173.27 of the Revised Code with 331  
respect to an individual who has applied for employment in a 332  
position that involves providing ombudsperson services to 333  
residents of long-term care facilities or recipients of 334  
community-based long-term care services, the state long-term care 335  
ombudsperson, ombudsperson's designee, or director of health may 336

request that the superintendent investigate and determine, with 337  
respect to any individual who has applied for employment in a 338  
position that does not involve providing such ombudsperson 339  
services, whether the bureau has any information gathered under 340  
division (A) of this section that pertains to that applicant. 341

In addition to or in conjunction with any request that is 342  
required to be made under section 173.394 of the Revised Code with 343  
respect to an individual who has applied for employment in a 344  
position that involves providing direct care to an individual, the 345  
chief administrator of a community-based long-term care agency may 346  
request that the superintendent investigate and determine, with 347  
respect to any individual who has applied for employment in a 348  
position that does not involve providing direct care, whether the 349  
bureau has any information gathered under division (A) of this 350  
section that pertains to that applicant. 351

On receipt of a request under this division, the 352  
superintendent shall determine whether that information exists 353  
and, on request of the individual requesting information, shall 354  
also request from the federal bureau of investigation any criminal 355  
records it has pertaining to the applicant. The superintendent or 356  
the superintendent's designee also may request criminal history 357  
records from other states or the federal government pursuant to 358  
the national crime prevention and privacy compact set forth in 359  
section 109.571 of the Revised Code. Within thirty days of the 360  
date a request is received, the superintendent shall send to the 361  
requester a report of any information determined to exist, 362  
including information contained in records that have been sealed 363  
under section 2953.32 of the Revised Code, and, within thirty days 364  
of its receipt, shall send the requester a report of any 365  
information received from the federal bureau of investigation, 366  
other than information the dissemination of which is prohibited by 367  
federal law. 368

(H) Information obtained by a government entity or person 369  
under this section is confidential and shall not be released or 370  
disseminated. 371

(I) The superintendent may charge a reasonable fee for 372  
providing information or criminal records under division (F)(2) or 373  
(G) of this section. 374

(J) As used in this section, "sexually oriented offense" and 375  
"child-victim oriented offense" have the same meanings as in 376  
section 2950.01 of the Revised Code. 377

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 378  
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 379  
~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 380  
to division (C)(1) of this section, and a set of fingerprint 381  
impressions obtained in the manner described in division (C)(2) of 382  
this section, the superintendent of the bureau of criminal 383  
identification and investigation shall conduct a criminal records 384  
check in the manner described in division (B) of this section to 385  
determine whether any information exists that indicates that the 386  
person who is the subject of the request previously has been 387  
convicted of or pleaded guilty to any of the following: 388

(a) A violation of section 2903.01, 2903.02, 2903.03, 390  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 391  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 392  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 393  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 394  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 395  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 396  
2925.06, or 3716.11 of the Revised Code, felonious sexual 397  
penetration in violation of former section 2907.12 of the Revised 398  
Code, a violation of section 2905.04 of the Revised Code as it 399

existed prior to July 1, 1996, a violation of section 2919.23 of 400  
the Revised Code that would have been a violation of section 401  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 402  
had the violation been committed prior to that date, or a 403  
violation of section 2925.11 of the Revised Code that is not a 404  
minor drug possession offense; 405

(b) A violation of an existing or former law of this state, 406  
any other state, or the United States that is substantially 407  
equivalent to any of the offenses listed in division (A)(1)(a) of 408  
this section. 409

(2) On receipt of a request pursuant to section 5123.081 of 410  
the Revised Code with respect to an applicant for employment in 411  
any position with the department of mental retardation and 412  
developmental disabilities, pursuant to section 5126.28 of the 413  
Revised Code with respect to an applicant for employment in any 414  
position with a county board of mental retardation and 415  
developmental disabilities, or pursuant to section 5126.281 of the 416  
Revised Code with respect to an applicant for employment in a 417  
direct services position with an entity contracting with a county 418  
board for employment, a completed form prescribed pursuant to 419  
division (C)(1) of this section, and a set of fingerprint 420  
impressions obtained in the manner described in division (C)(2) of 421  
this section, the superintendent of the bureau of criminal 422  
identification and investigation shall conduct a criminal records 423  
check. The superintendent shall conduct the criminal records check 424  
in the manner described in division (B) of this section to 425  
determine whether any information exists that indicates that the 426  
person who is the subject of the request has been convicted of or 427  
pleaded guilty to any of the following: 428

(a) A violation of section 2903.01, 2903.02, 2903.03, 429  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 430  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 431

2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 432  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 433  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 434  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 435  
2925.03, or 3716.11 of the Revised Code; 436

(b) An existing or former municipal ordinance or law of this 437  
state, any other state, or the United States that is substantially 438  
equivalent to any of the offenses listed in division (A)(2)(a) of 439  
this section. 440

(3) On receipt of a request pursuant to section 173.27, 441  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 442  
completed form prescribed pursuant to division (C)(1) of this 443  
section, and a set of fingerprint impressions obtained in the 444  
manner described in division (C)(2) of this section, the 445  
superintendent of the bureau of criminal identification and 446  
investigation shall conduct a criminal records check with respect 447  
to any person who has applied for employment in a position for 448  
which a criminal records check is required by those sections. The 449  
superintendent shall conduct the criminal records check in the 450  
manner described in division (B) of this section to determine 451  
whether any information exists that indicates that the person who 452  
is the subject of the request previously has been convicted of or 453  
pleaded guilty to any of the following: 454

(a) A violation of section 2903.01, 2903.02, 2903.03, 455  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 456  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 457  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 458  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 459  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 460  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 461  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 462  
2925.22, 2925.23, or 3716.11 of the Revised Code; 463

(b) An existing or former law of this state, any other state, 464  
or the United States that is substantially equivalent to any of 465  
the offenses listed in division (A)(3)(a) of this section. 466

(4) On receipt of a request pursuant to section 3701.881 of 467  
the Revised Code with respect to an applicant for employment with 468  
a home health agency as a person responsible for the care, 469  
custody, or control of a child, a completed form prescribed 470  
pursuant to division (C)(1) of this section, and a set of 471  
fingerprint impressions obtained in the manner described in 472  
division (C)(2) of this section, the superintendent of the bureau 473  
of criminal identification and investigation shall conduct a 474  
criminal records check. The superintendent shall conduct the 475  
criminal records check in the manner described in division (B) of 476  
this section to determine whether any information exists that 477  
indicates that the person who is the subject of the request 478  
previously has been convicted of or pleaded guilty to any of the 479  
following: 480

(a) A violation of section 2903.01, 2903.02, 2903.03, 481  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 482  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 483  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 484  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 485  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 486  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 487  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 488  
violation of section 2925.11 of the Revised Code that is not a 489  
minor drug possession offense; 490

(b) An existing or former law of this state, any other state, 491  
or the United States that is substantially equivalent to any of 492  
the offenses listed in division (A)(4)(a) of this section. 493

(5) On receipt of a request pursuant to section 5111.032, 494  
5111.033, or 5111.034 of the Revised Code, a completed form 495



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 previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

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

(6) On receipt of a request pursuant to section 3701.881 of 528  
the Revised Code with respect to an applicant for employment with 529  
a home health agency in a position that involves providing direct 530  
care to an older adult, a completed form prescribed pursuant to 531  
division (C)(1) of this section, and a set of fingerprint 532  
impressions obtained in the manner described in division (C)(2) of 533  
this section, the superintendent of the bureau of criminal 534  
identification and investigation shall conduct a criminal records 535  
check. The superintendent shall conduct the criminal records check 536  
in the manner described in division (B) of this section to 537  
determine whether any information exists that indicates that the 538  
person who is the subject of the request previously has been 539  
convicted of or pleaded guilty to any of the following: 540

(a) A violation of section 2903.01, 2903.02, 2903.03, 541  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 542  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 543  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 544  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 545  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 546  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 547  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 548  
2925.22, 2925.23, or 3716.11 of the Revised Code; 549

(b) An existing or former law of this state, any other state, 550  
or the United States that is substantially equivalent to any of 551  
the offenses listed in division (A)(6)(a) of this section. 552

(7) When conducting a criminal records check upon a request 553  
pursuant to section 3319.39 of the Revised Code for an applicant 554  
who is a teacher, in addition to the determination made under 555  
division (A)(1) of this section, the superintendent shall 556  
determine whether any information exists that indicates that the 557  
person who is the subject of the request previously has been 558  
convicted of or pleaded guilty to any offense specified in section 559

3319.31 of the Revised Code. 560

(8) On receipt of a request pursuant to section 2151.86 of 561  
the Revised Code, a completed form prescribed pursuant to division 562  
(C)(1) of this section, and a set of fingerprint impressions 563  
obtained in the manner described in division (C)(2) of this 564  
section, the superintendent of the bureau of criminal 565  
identification and investigation shall conduct a criminal records 566  
check in the manner described in division (B) of this section to 567  
determine whether any information exists that indicates that the 568  
person who is the subject of the request previously has been 569  
convicted of or pleaded guilty to any of the following: 570

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 571  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 572  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 573  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 574  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 575  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 576  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 577  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 578  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 579  
of the Revised Code, a violation of section 2905.04 of the Revised 580  
Code as it existed prior to July 1, 1996, a violation of section 581  
2919.23 of the Revised Code that would have been a violation of 582  
section 2905.04 of the Revised Code as it existed prior to July 1, 583  
1996, had the violation been committed prior to that date, a 584  
violation of section 2925.11 of the Revised Code that is not a 585  
minor drug possession offense, two or more OVI or OVUAC violations 586  
committed within the three years immediately preceding the 587  
submission of the application or petition that is the basis of the 588  
request, or felonious sexual penetration in violation of former 589  
section 2907.12 of the Revised Code; 590

(b) A violation of an existing or former law of this state, 591

any other state, or the United States that is substantially 592  
equivalent to any of the offenses listed in division (A)(8)(a) of 593  
this section. 594

(9) ~~When conducting a criminal records check on~~ Upon receipt 595  
of a request pursuant to section 5104.012 or 5104.013 of the 596  
~~Revised Code for a person who is an owner, licensee, or~~ 597  
~~administrator of a child day care center or type A family day care~~ 598  
~~home, an authorized provider of a certified type B family day care~~ 599  
~~home, or an adult residing in a type A or certified type B home,~~ 600  
~~or when conducting a criminal records check or a request pursuant~~ 601  
~~to section 5104.012 of the Revised Code for a person who is an~~ 602  
~~applicant for employment in a center, type A home, or certified~~ 603  
~~type B home, the superintendent, in addition to the determination~~ 604  
~~made under division (A)(1) of this section, shall, a completed~~ 605  
form prescribed pursuant to division (C)(1) of this section, and a 606  
set of fingerprint impressions obtained in the manner described in 607  
division (C)(2) of this section, the superintendent of the bureau 608  
of criminal identification and investigation shall conduct a 609  
criminal records check in the manner described in division (B) of 610  
this section to determine whether any information exists that 611  
indicates that the person who is the subject of the request has 612  
been convicted of or pleaded guilty to any of the following: 613

(a) A violation of section 2903.01, 2903.02, 2903.03, 615  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 616  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 617  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 618  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 619  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 620  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 621  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 622  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 623

2919.22, 2919.24, 2919.25, 2921.11, 2921.13, ~~or~~ 2923.01, 2923.12, 624  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 625  
3716.11 of the Revised Code, felonious sexual penetration in 626  
violation of former section 2907.12 of the Revised Code, a 627  
violation of section 2905.04 of the Revised Code as it existed 628  
prior to July 1, 1996, a violation of section 2919.23 of the 629  
Revised Code that would have been a violation of section 2905.04 630  
of the Revised Code as it existed prior to July 1, 1996, had the 631  
violation been committed prior to that date, a violation of 632  
section 2925.11 of the Revised Code that is not a minor drug 633  
possession offense, a violation of section 2923.02 or 2923.03 of 634  
the Revised Code that relates to a crime specified in this 635  
division ~~or division (A)(1)(a) of this section,~~ or a second 636  
violation of section 4511.19 of the Revised Code within five years 637  
of the date of application for licensure or certification. 638

(b) A violation of an existing or former law of this state, 639  
any other state, or the United States that is substantially 640  
equivalent to any of the offenses or violations described in 641  
division (A)(9)(a) of this section. 642

(10) Upon receipt of a request pursuant to section 5153.111 643  
of the Revised Code, a completed form prescribed pursuant to 644  
division (C)(1) of this section, and a set of fingerprint 645  
impressions obtained in the manner described in division (C)(2) of 646  
this section, the superintendent of the bureau of criminal 647  
identification and investigation shall conduct a criminal records 648  
check in the manner described in division (B) of this section to 649  
determine whether any information exists that indicates that the 650  
person who is the subject of the request previously has been 651  
convicted of or pleaded guilty to any of the following: 652

(a) A violation of section 2903.01, 2903.02, 2903.03, 653  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 654  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 655

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 656  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 657  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 658  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 659  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 660  
felonious sexual penetration in violation of former section 661  
2907.12 of the Revised Code, a violation of section 2905.04 of the 662  
Revised Code as it existed prior to July 1, 1996, a violation of 663  
section 2919.23 of the Revised Code that would have been a 664  
violation of section 2905.04 of the Revised Code as it existed 665  
prior to July 1, 1996, had the violation been committed prior to 666  
that date, or a violation of section 2925.11 of the Revised Code 667  
that is not a minor drug possession offense; 668

(b) A violation of an existing or former law of this state, 669  
any other state, or the United States that is substantially 670  
equivalent to any of the offenses listed in division (A)(10)(a) of 671  
this section. 672

(11) On receipt of a request for a criminal records check 673  
from an individual pursuant to section 4749.03 or 4749.06 of the 674  
Revised Code, accompanied by a completed copy of the form 675  
prescribed in division (C)(1) of this section and a set of 676  
fingerprint impressions obtained in a manner described in division 677  
(C)(2) of this section, the superintendent of the bureau of 678  
criminal identification and investigation shall conduct a criminal 679  
records check in the manner described in division (B) of this 680  
section to determine whether any information exists indicating 681  
that the person who is the subject of the request has been 682  
convicted of or pleaded guilty to a felony in this state or in any 683  
other state. If the individual indicates that a firearm will be 684  
carried in the course of business, the superintendent shall 685  
require information from the federal bureau of investigation as 686  
described in division (B)(2) of this section. The superintendent 687

shall report the findings of the criminal records check and any 688  
information the federal bureau of investigation provides to the 689  
director of public safety. 690

(12) On receipt of a request pursuant to section 1322.03, 691  
1322.031, or 4763.05 of the Revised Code, a completed form 692  
prescribed pursuant to division (C)(1) of this section, and a set 693  
of fingerprint impressions obtained in the manner described in 694  
division (C)(2) of this section, the superintendent of the bureau 695  
of criminal identification and investigation shall conduct a 696  
criminal records check with respect to any person who has applied 697  
for a license, permit, or certification from the department of 698  
commerce or a division in the department. The superintendent shall 699  
conduct the criminal records check in the manner described in 700  
division (B) of this section to determine whether any information 701  
exists that indicates that the person who is the subject of the 702  
request previously has been convicted of or pleaded guilty to any 703  
of the following: a violation of section 2913.02, 2913.11, 704  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 705  
criminal offense involving theft, receiving stolen property, 706  
embezzlement, forgery, fraud, passing bad checks, money 707  
laundering, or drug trafficking, or any criminal offense involving 708  
money or securities, as set forth in Chapters 2909., 2911., 2913., 709  
2915., 2921., 2923., and 2925. of the Revised Code; or any 710  
existing or former law of this state, any other state, or the 711  
United States that is substantially equivalent to those offenses. 712

(13) On receipt of a request for a criminal records check 713  
from the treasurer of state under section 113.041 of the Revised 714  
Code or from an individual under section 4701.08, 4715.101, 715  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 716  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 717  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 718  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 719

4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 720  
a completed form prescribed under division (C)(1) of this section 721  
and a set of fingerprint impressions obtained in the manner 722  
described in division (C)(2) of this section, the superintendent 723  
of the bureau of criminal identification and investigation shall 724  
conduct a criminal records check in the manner described in 725  
division (B) of this section to determine whether any information 726  
exists that indicates that the person who is the subject of the 727  
request has been convicted of or pleaded guilty to any criminal 728  
offense in this state or any other state. The superintendent shall 729  
send the results of a check requested under section 113.041 of the 730  
Revised Code to the treasurer of state and shall send the results 731  
of a check requested under any of the other listed sections to the 732  
licensing board specified by the individual in the request. 733

(14) Not later than thirty days after the date the 735  
superintendent receives a request of a type described in division 736  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 737  
(12) of this section, the completed form, and the fingerprint 738  
impressions, the superintendent shall send the person, board, or 739  
entity that made the request any information, other than 740  
information the dissemination of which is prohibited by federal 741  
law, the superintendent determines exists with respect to the 742  
person who is the subject of the request that indicates that the 743  
person previously has been convicted of or pleaded guilty to any 744  
offense listed or described in division (A)(1), (2), (3), (4), 745  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 746  
appropriate. The superintendent shall send the person, board, or 747  
entity that made the request a copy of the list of offenses 748  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 749  
(9), (10), (11), or (12) of this section, as appropriate. If the 750  
request was made under section 3701.881 of the Revised Code with 751  
regard to an applicant who may be both responsible for the care, 752



custody, or control of a child and involved in providing direct 753  
care to an older adult, the superintendent shall provide a list of 754  
the offenses specified in divisions (A)(4) and (6) of this 755  
section. 756

Not later than thirty days after the superintendent receives 757  
a request for a criminal records check pursuant to section 113.041 758  
of the Revised Code, the completed form, and the fingerprint 759  
impressions, the superintendent shall send the treasurer of state 760  
any information, other than information the dissemination of which 761  
is prohibited by federal law, the superintendent determines exist 762  
with respect to the person who is the subject of the request that 763  
indicates that the person previously has been convicted of or 764  
pleaded guilty to any criminal offense in this state or any other 765  
state. 766

(B) The superintendent shall conduct any criminal records 767  
check requested under section 113.041, 121.08, 173.27, 173.394, 768  
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 769  
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 770  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 771  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 772  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 773  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 774  
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 775  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 776  
5153.111 of the Revised Code as follows: 777

(1) The superintendent shall review or cause to be reviewed 778  
any relevant information gathered and compiled by the bureau under 779  
division (A) of section 109.57 of the Revised Code that relates to 780  
the person who is the subject of the request, including any 781  
relevant information contained in records that have been sealed 782  
under section 2953.32 of the Revised Code; 783

(2) If the request received by the superintendent asks for 784

information from the federal bureau of investigation, the 785  
superintendent shall request from the federal bureau of 786  
investigation any information it has with respect to the person 787  
who is the subject of the request, including fingerprint based 788  
checks of national crime information databases as described in 42 789  
U.S.C. 671 if the request is made pursuant to section 2151.86, 790  
5104.012, or 5104.013 of the Revised Code or if any other Revised 791  
Code section requires fingerprint based checks of that nature, and 792  
shall review or cause to be reviewed any information the 793  
superintendent receives from that bureau. 794

(3) The superintendent or the superintendent's designee may 795  
request criminal history records from other states or the federal 796  
government pursuant to the national crime prevention and privacy 797  
compact set forth in section 109.571 of the Revised Code. 798

(C)(1) The superintendent shall prescribe a form to obtain 799  
the information necessary to conduct a criminal records check from 800  
any person for whom a criminal records check is requested under 801  
section 113.041 of the Revised Code or required by section 121.08, 802  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 803  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 804  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 805  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 806  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 807  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 808  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 809  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 810  
5126.281, or 5153.111 of the Revised Code. The form that the 811  
superintendent prescribes pursuant to this division may be in a 812  
tangible format, in an electronic format, or in both tangible and 813  
electronic formats. 814

(2) The superintendent shall prescribe standard impression 815  
sheets to obtain the fingerprint impressions of any person for 816

whom a criminal records check is requested under section 113.041 817  
of the Revised Code or required by section 121.08, 173.27, 818  
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 819  
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 820  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 821  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 822  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 823  
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 824  
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 825  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 826  
5126.281, or 5153.111 of the Revised Code. Any person for whom a 827  
records check is requested under or required by any of those 828  
sections shall obtain the fingerprint impressions at a county 829  
sheriff's office, municipal police department, or any other entity 830  
with the ability to make fingerprint impressions on the standard 831  
impression sheets prescribed by the superintendent. The office, 832  
department, or entity may charge the person a reasonable fee for 833  
making the impressions. The standard impression sheets the 834  
superintendent prescribes pursuant to this division may be in a 835  
tangible format, in an electronic format, or in both tangible and 836  
electronic formats. 837

(3) Subject to division (D) of this section, the 838  
superintendent shall prescribe and charge a reasonable fee for 839  
providing a criminal records check requested under section 840  
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 841  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 842  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 843  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 844  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 845  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 846  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 847  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 848  
5126.281, or 5153.111 of the Revised Code. The person making a 849

criminal records request under ~~section 113.041, 121.08, 173.27,~~ 850  
~~173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39,~~ 851  
~~3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101,~~ 852  
~~4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,~~ 853  
~~4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 854  
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 855  
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 856  
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 857  
~~5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or~~ 858  
~~5153.111 of the Revised Code~~ any of those sections shall pay the 859  
fee prescribed pursuant to this division. A person making a 860  
request under section 3701.881 of the Revised Code for a criminal 861  
records check for an applicant who may be both responsible for the 862  
care, custody, or control of a child and involved in providing 863  
direct care to an older adult shall pay one fee for the request. 864  
In the case of a request under section 5111.032 of the Revised 865  
Code, the fee shall be paid in the manner specified in that 866  
section. 867

(4) The superintendent of the bureau of criminal 869  
identification and investigation may prescribe methods of 870  
forwarding fingerprint impressions and information necessary to 871  
conduct a criminal records check, which methods shall include, but 872  
not be limited to, an electronic method. 873

(D) A determination whether any information exists that 874  
indicates that a person previously has been convicted of or 875  
pleaded guilty to any offense listed or described in division 876  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 877  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 878  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 879  
or that indicates that a person previously has been convicted of 880  
or pleaded guilty to any criminal offense in this state or any 881

other state regarding a criminal records check of a type described 882  
in division (A)(13) of this section, and that is made by the 883  
superintendent with respect to information considered in a 884  
criminal records check in accordance with this section is valid 885  
for the person who is the subject of the criminal records check 886  
for a period of one year from the date upon which the 887  
superintendent makes the determination. During the period in which 888  
the determination in regard to a person is valid, if another 889  
request under this section is made for a criminal records check 890  
for that person, the superintendent shall provide the information 891  
that is the basis for the superintendent's initial determination 892  
at a lower fee than the fee prescribed for the initial criminal 893  
records check. 894

(E) As used in this section: 895

(1) "Criminal records check" means any criminal records check 896  
conducted by the superintendent of the bureau of criminal 897  
identification and investigation in accordance with division (B) 898  
of this section. 899

(2) "Minor drug possession offense" has the same meaning as 900  
in section 2925.01 of the Revised Code. 901

(3) "Older adult" means a person age sixty or older. 902

(4) "OVI or OVUAC violation" means a violation of section 903  
4511.19 of the Revised Code or a violation of an existing or 904  
former law of this state, any other state, or the United States 905  
that is substantially equivalent to section 4511.19 of the Revised 906  
Code. 907

**Sec. 109.5721.** (A) As used in this section: 908

(1) "Employment" includes volunteer service. 909

(2) "Licensure" means the authorization, evidenced by a 910  
license, certificate, registration, permit, or other authority 911

that is issued or conferred by a public office, to engage in a 912  
profession, occupation, or occupational activity, to be a foster 913  
caregiver, or to have control of and operate certain specific 914  
equipment, machinery, or premises over which a public office has 915  
jurisdiction. 916

(3) "Participating public office" means a public office that 917  
requires a fingerprint background check as a condition of 918  
employment with ~~or~~, licensure by, or approval for adoption by the 919  
public office and that elects to receive notice under division (C) 920  
of this section in accordance with rules adopted by the attorney 921  
general. 922

(4) "Public office" has the same meaning as in section 117.01 923  
of the Revised Code. 924

(B) Within six months after ~~the effective date of this~~ 925  
~~section~~ August 15, 2007, the superintendent of the bureau of 926  
criminal identification and investigation shall establish and 927  
maintain a database of fingerprints of individuals on whom the 928  
bureau has conducted criminal records checks for the purpose of 929  
determining eligibility for employment with ~~or~~, licensure by, or 930  
approval for adoption by a public office. The superintendent shall 931  
maintain the database separate and apart from other records 932  
maintained by the bureau. The database shall be known as the 933  
retained applicant fingerprint database. 934

(C) When the superintendent receives information that an 935  
individual whose name is in the retained applicant fingerprint 936  
database has been arrested for ~~or~~, convicted of, or pleaded guilty 937  
to any offense, the superintendent shall promptly notify any 938  
participating public office that employs ~~or that~~, licensed, or 939  
approved the individual of the arrest ~~or~~, conviction, or guilty 940  
plea. The public office that receives the notification and its 941  
employees and officers shall use the information contained in the 942  
notification solely to determine the individual's eligibility for 943

continued employment with the public office ~~or~~, to retain a 944  
license licensure issued by the public office, or to be approved 945  
for adoption by the public office. The public office and its 946  
employees and officers shall not disclose that information to any 947  
person for any other purpose. 948

(D) If an individual has submitted fingerprint impressions 949  
for employment with, licensure by, or approval for adoption by a 950  
participating public office and seeks employment with, licensure 951  
by, or approval for adoption by another participating public 952  
office, the other public office shall reprint the individual. If 953  
an individual has been reprinted, the superintendent shall update 954  
that individual's information accordingly. 955

(E) The bureau of criminal identification and investigation 956  
and the participating public office shall use information 957  
contained in the retained applicant fingerprint database and in 958  
the notice described in division (C) of this section for the 959  
purpose of employment with, licensure by, or approval for adoption 960  
by the participating public office. This information is otherwise 961  
confidential and not a public record under section 149.43 of the 962  
Revised Code. 963

(F) The attorney general shall adopt rules in accordance with 964  
Chapter 119. of the Revised Code governing the operation and 965  
maintenance of the database. The rules shall provide for, but not 966  
be limited to, both of the following: 967

(1) The expungement or sealing of records of individuals who 968  
are deceased or who are no longer employed ~~or licensed~~, granted 969  
licensure, or approved for adoption by the public office that 970  
required submission of the individual's fingerprints; 971

(2) The terms under which a public office may elect to 972  
receive notification under division (C) of this section, including 973  
payment of any reasonable fee that may be charged for the purpose. 974

~~(E)~~(G) No public office or employee of a public office shall 975  
be considered negligent in a civil action solely because the 976  
public office did not elect to be a participating public office. 977

~~(F)~~(H)(1) No person shall knowingly use information contained 978  
in or received from the retained applicant fingerprint database 979  
for purposes not authorized by this section. 980

(2) No person shall knowingly use information contained in or 981  
received from the retained applicant fingerprint database with the 982  
intent to harass or intimidate another person. 983

(3) Whoever violates division ~~(F)~~(H)(1) or ~~(F)~~(H)(2) of this 984  
section is guilty of unlawful use of retained applicant 985  
fingerprint database records. A violation of division ~~(F)~~(H)(1) of 986  
this section is a misdemeanor of the fourth degree. A violation of 987  
division ~~(F)~~(H)(2) of this section is a misdemeanor of the first 988  
degree. 989

**Sec. 109.60.** (A)(1) The sheriffs of the several counties and 990  
the chiefs of police of cities, immediately upon the arrest of any 991  
person for any felony, on suspicion of any felony, for a crime 992  
constituting a misdemeanor on the first offense and a felony on 993  
subsequent offenses, or for any misdemeanor described in division 994  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 995  
Revised Code, and immediately upon the arrest or taking into 996  
custody of any child under eighteen years of age for committing an 997  
act that would be a felony or an offense of violence if committed 998  
by an adult or upon probable cause to believe that a child of that 999  
age may have committed an act that would be a felony or an offense 1000  
of violence if committed by an adult, shall take the person's or 1001  
child's fingerprints, or cause the same to be taken, according to 1002  
the fingerprint system of identification on the forms furnished by 1003  
the superintendent of the bureau of criminal identification and 1004  
investigation, and immediately shall forward copies of the 1005



completed forms, any other description that may be required, and 1006  
the history of the offense committed to the bureau to be 1007  
classified and filed and to the clerk of the court having 1008  
jurisdiction over the prosecution of the offense or over the 1009  
adjudication relative to the act. 1010

(2) ~~If~~ Except as provided in division (B) of this section, if 1011  
a person or child has not been arrested and first appears before a 1012  
court or magistrate in response to a summons, or if a sheriff or 1013  
chief of police has not taken, or caused to be taken, a person's 1014  
or child's fingerprints in accordance with division (A)(1) of this 1015  
section by the time of the arraignment or first appearance of the 1016  
person or child, the court shall order the person or child to 1017  
appear before the sheriff or chief of police within twenty-four 1018  
hours to have the person's or child's fingerprints taken. The 1019  
sheriff or chief of police shall take the person's or child's 1020  
fingerprints, or cause the fingerprints to be taken, according to 1021  
the fingerprint system of identification on the forms furnished by 1022  
the superintendent of the bureau of criminal identification and 1023  
investigation and, immediately after the person's or child's 1024  
arraignment or first appearance, forward copies of the completed 1025  
forms, any other description that may be required, and the history 1026  
of the offense committed to the bureau to be classified and filed 1027  
and to the clerk of the court. 1028

(3) Every court with jurisdiction over a case involving a 1029  
person or child with respect to whom division (A)(1) or (2) of 1030  
this section requires a sheriff or chief of police to take the 1031  
person's or child's fingerprints shall inquire at the time of the 1032  
person's or child's sentencing or adjudication whether or not the 1033  
person or child has been fingerprinted pursuant to division (A)(1) 1034  
or (2) of this section for the original arrest or court appearance 1035  
upon which the sentence or adjudication is based. If the person or 1036  
child was not fingerprinted for the original arrest or court 1037

appearance upon which the sentence or adjudication is based, the 1038  
court shall order the person or child to appear before the sheriff 1039  
or chief of police within twenty-four hours to have the person's 1040  
or child's fingerprints taken. The sheriff or chief of police 1041  
shall take the person's or child's fingerprints, or cause the 1042  
fingerprints to be taken, according to the fingerprint system of 1043  
identification on the forms furnished by the superintendent of the 1044  
bureau of criminal identification and investigation and 1045  
immediately forward copies of the completed forms, any other 1046  
description that may be required, and the history of the offense 1047  
committed to the bureau to be classified and filed and to the 1048  
clerk of the court. 1049

(4) If a person or child is in the custody of a law 1050  
enforcement agency or a detention facility, as defined in section 1051  
2921.01 of the Revised Code, and the chief law enforcement officer 1052  
or chief administrative officer of the detention facility 1053  
discovers that a warrant has been issued or a bill of information 1054  
has been filed alleging the person or child to have committed an 1055  
offense or act other than the offense or act for which the person 1056  
or child is in custody, and the other alleged offense or act is 1057  
one for which fingerprints are to be taken pursuant to division 1058  
(A)(1) of this section, the law enforcement agency or detention 1059  
facility shall take the fingerprints of the person or child, or 1060  
cause the fingerprints to be taken, according to the fingerprint 1061  
system of identification on the forms furnished by the 1062  
superintendent of the bureau of criminal identification and 1063  
investigation and immediately forward copies of the completed 1064  
forms, any other description that may be required, and the history 1065  
of the offense committed to the bureau to be classified and filed 1066  
and to the clerk of the court that issued the warrant or with 1067  
which the bill of information was filed. 1068

(5) If an accused is found not guilty of the offense charged 1069

or a nolle prosequi is entered in any case, or if any accused 1070  
child under eighteen years of age is found not to be a delinquent 1071  
child for committing an act that would be a felony or an offense 1072  
of violence if committed by an adult or not guilty of the felony 1073  
or offense of violence charged or a nolle prosequi is entered in 1074  
that case, the fingerprints and description shall be given to the 1075  
accused upon the accused's request. 1076

(6) The superintendent shall compare the description received 1077  
with those already on file in the bureau, and, if the 1078  
superintendent finds that the person arrested or taken into 1079  
custody has a criminal record or a record as a delinquent child 1080  
for having committed an act that would be a felony or an offense 1081  
of violence if committed by an adult or is a fugitive from justice 1082  
or wanted by any jurisdiction in this or another state, the United 1083  
States, or a foreign country for any offense, the superintendent 1084  
at once shall inform the arresting officer, the officer taking the 1085  
person into custody, or the chief administrative officer of the 1086  
county, multicounty, municipal, municipal-county, or 1087  
multicounty-municipal jail or workhouse, community-based 1088  
correctional facility, halfway house, alternative residential 1089  
facility, or state correctional institution in which the person or 1090  
child is in custody of that fact and give appropriate notice to 1091  
the proper authorities in the jurisdiction in which the person is 1092  
wanted, or, if that jurisdiction is a foreign country, give 1093  
appropriate notice to federal authorities for transmission to the 1094  
foreign country. The names, under which each person whose 1095  
identification is filed is known, shall be alphabetically indexed 1096  
by the superintendent. 1097

(B) Division (A) of this section does not apply to a violator 1098  
of a city ordinance unless the officers have reason to believe 1099  
that the violator is a past offender or the crime is one 1100  
constituting a misdemeanor on the first offense and a felony on 1101

subsequent offenses, or unless it is advisable for the purpose of 1102  
subsequent identification. This section does not apply to any 1103  
child under eighteen years of age who was not arrested or 1104  
otherwise taken into custody for committing an act that would be a 1105  
felony or an offense of violence if committed by an adult or upon 1106  
probable cause to believe that a child of that age may have 1107  
committed an act that would be a felony or an offense of violence 1108  
if committed by an adult, except as provided in section 2151.313 1109  
of the Revised Code. 1110

(C)(1) For purposes of division (C) of this section, a law 1111  
enforcement agency shall be considered to have arrested a person 1112  
if any law enforcement officer who is employed by, appointed by, 1113  
or serves that agency arrests the person. As used in division (C) 1114  
of this section: 1115

(a) "Illegal methamphetamine manufacturing laboratory" has 1116  
the same meaning as in section 3745.13 of the Revised Code. 1117

(b) "Methamphetamine or a methamphetamine product" means 1118  
methamphetamine, any salt, isomer, or salt of an isomer of 1119  
methamphetamine, or any compound, mixture, preparation, or 1120  
substance containing methamphetamine or any salt, isomer, or salt 1121  
of an isomer of methamphetamine. 1122

(2) Each law enforcement agency that, in any calendar year, 1123  
arrests any person for a violation of section 2925.04 of the 1124  
Revised Code that is based on the manufacture of methamphetamine 1125  
or a methamphetamine product, a violation of section 2925.041 of 1126  
the Revised Code that is based on the possession of chemicals 1127  
sufficient to produce methamphetamine or a methamphetamine 1128  
product, or a violation of any other provision of Chapter 2925. or 1129  
3719. of the Revised Code that is based on the possession of 1130  
chemicals sufficient to produce methamphetamine or a 1131  
methamphetamine product shall prepare an annual report covering 1132  
the calendar year that contains the information specified in 1133

division (C)(3) of this section relative to all arrests for 1134  
violations of those sections committed under those circumstances 1135  
during that calendar year and relative to illegal methamphetamine 1136  
manufacturing laboratories, dump sites, and chemical caches as 1137  
specified in that division and shall send the annual report, not 1138  
later than the first day of March in the calendar year following 1139  
the calendar year covered by the report, to the bureau of criminal 1140  
identification and investigation. 1141

The law enforcement agency shall write any annual report 1142  
prepared and filed under this division on the standard forms 1143  
furnished by the superintendent of the bureau of criminal 1144  
identification and investigation pursuant to division (C)(4) of 1145  
this section. The annual report shall be a statistical report, and 1146  
nothing in the report or in the information it contains shall 1147  
identify, or enable the identification of, any person who was 1148  
arrested and whose arrest is included in the information contained 1149  
in the report. The annual report in the possession of the bureau 1150  
and the information it contains are public records for the purpose 1151  
of section 149.43 of the Revised Code. 1152

(3) The annual report prepared and filed by a law enforcement 1153  
agency under division (C)(2) of this section shall contain all of 1154  
the following information for the calendar year covered by the 1155  
report: 1156

(a) The total number of arrests made by the agency in that 1157  
calendar year for a violation of section 2925.04 of the Revised 1158  
Code that is based on the manufacture of methamphetamine or a 1159  
methamphetamine product, a violation of section 2925.041 of the 1160  
Revised Code that is based on the possession of chemicals 1161  
sufficient to produce methamphetamine or a methamphetamine 1162  
product, or a violation of any other provision of Chapter 2925. or 1163  
3719. of the Revised Code that is based on the possession of 1164  
chemicals sufficient to produce methamphetamine or a 1165

methamphetamine product; 1166

(b) The total number of illegal methamphetamine manufacturing 1167  
laboratories at which one or more of the arrests reported under 1168  
division (C)(3)(a) of this section occurred, or that were 1169  
discovered in that calendar year within the territory served by 1170  
the agency but at which none of the arrests reported under 1171  
division (C)(3)(a) of this section occurred; 1172

(c) The total number of dump sites and chemical caches that 1173  
are, or that are reasonably believed to be, related to illegal 1174  
methamphetamine manufacturing and that were discovered in that 1175  
calendar year within the territory served by the agency. 1176

(4) The superintendent of the bureau of criminal 1177  
identification and investigation shall prepare and furnish to each 1178  
law enforcement agency in this state standard forms for making the 1179  
annual reports required by division (C)(2) of this section. The 1180  
standard forms that the superintendent prepares pursuant to this 1181  
division may be in a tangible format, in an electronic format, or 1182  
in both a tangible format and an electronic format. 1183

(5) The annual report required by division (C)(2) of this 1184  
section is separate from, and in addition to, any report, 1185  
materials, or information required under division (A) of this 1186  
section or under any other provision of sections 109.57 to 109.62 1187  
of the Revised Code. 1188

Sec. 1901.43. (A) If a sheriff or chief of police has not 1189  
taken, or caused to be taken, a person's or child's fingerprints 1190  
in accordance with division (A)(1) of section 109.60 of the 1191  
Revised Code with respect to a crime or act set forth in that 1192  
division by the time of the arraignment or first appearance of the 1193  
person or child with respect to that crime or act, the municipal 1194  
court shall order the person or child to appear before the sheriff 1195  
or chief of police within twenty-four hours of the arraignment or 1196

first appearance to have the person's or child's fingerprints 1197  
taken as provided in division (A)(2) of section 109.60 of the 1198  
Revised Code. 1199

(B) If the municipal court has jurisdiction over a case 1200  
involving a person or child with respect to whom division (A)(1) 1201  
or (2) of section 109.60 of the Revised Code requires a sheriff or 1202  
chief of police to take the person's or child's fingerprints, the 1203  
municipal court shall inquire at the time of the person's or 1204  
child's sentencing or adjudication for the crime or act for which 1205  
the fingerprints were required to be taken whether or not the 1206  
person or child has been fingerprinted pursuant to division (A)(1) 1207  
or (2) of section 109.60 of the Revised Code for the original 1208  
arrest or court appearance upon which the sentence or adjudication 1209  
is based. If a person or child was not fingerprinted for the 1210  
original arrest or court appearance, the municipal court shall 1211  
order the person or child to appear before the sheriff or chief of 1212  
police within twenty-four hours to have the person's or child's 1213  
fingerprints taken as provided in division (A)(3) of section 1214  
109.60 of the Revised Code. 1215

**Sec. 1907.181.** (A) If a sheriff or chief of police has not 1216  
taken, or caused to be taken, a person's or child's fingerprints 1217  
in accordance with division (A)(1) of section 109.60 of the 1218  
Revised Code with respect to a crime or act set forth in that 1219  
division by the time of the arraignment or first appearance of the 1220  
person or child with respect to that crime or act, the county 1221  
court shall order the person or child to appear before the sheriff 1222  
or chief of police within twenty-four hours of the arraignment or 1223  
first appearance to have the person's or child's fingerprints 1224  
taken as provided in division (A)(2) of section 109.60 of the 1225  
Revised Code. 1226

(B) If the county court has jurisdiction over a case 1227

involving a person or child with respect to whom division (A)(1) 1228  
or (2) of section 109.60 of the Revised Code requires a sheriff or 1229  
chief of police to take the person's or child's fingerprints, the 1230  
county court shall inquire at the time of the person's or child's 1231  
sentencing or adjudication for the crime or act for which the 1232  
fingerprints were required to be taken whether or not the person 1233  
or child has been fingerprinted pursuant to division (A)(1) or (2) 1234  
of section 109.60 of the Revised Code for the original arrest or 1235  
court appearance upon which the sentence or adjudication is based. 1236  
If a person or child was not fingerprinted for the original arrest 1237  
or court appearance, the county court shall order the person or 1238  
child to appear before the sheriff or chief of police within 1239  
twenty-four hours to have the person's or child's fingerprints 1240  
taken as provided in division (A)(3) of section 109.60 of the 1241  
Revised Code. 1242

**Sec. 2151.413.** (A) A public children services agency or 1243  
private child placing agency that, pursuant to an order of 1244  
disposition under division (A)(2) of section 2151.353 of the 1245  
Revised Code or under any version of section 2151.353 of the 1246  
Revised Code that existed prior to January 1, 1989, is granted 1247  
temporary custody of a child who is not abandoned or orphaned may 1248  
file a motion in the court that made the disposition of the child 1249  
requesting permanent custody of the child. 1250

(B) A public children services agency or private child 1251  
placing agency that, pursuant to an order of disposition under 1252  
division (A)(2) of section 2151.353 of the Revised Code or under 1253  
any version of section 2151.353 of the Revised Code that existed 1254  
prior to January 1, 1989, is granted temporary custody of a child 1255  
who is orphaned may file a motion in the court that made the 1256  
disposition of the child requesting permanent custody of the child 1257  
whenever it can show that no relative of the child is able to take 1258  
legal custody of the child. 1259



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

(D)(1) Except as provided in division (D)(3) of this section, if a child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period ~~ending on or after March 18, 1999~~, the agency with custody shall file a motion requesting permanent custody of the child. If the child has been in the temporary custody of one or more public children services agencies or private child placing agencies and the child was previously in the temporary custody of an equivalent agency in another state, the agency with custody of the child shall apply the time in temporary custody in the other state to the time in temporary custody in this state and, except as provided in division (D)(3) of this section, if the time spent in temporary custody equals twelve or more months of a consecutive twenty-two-month period, the agency with custody may file a motion requesting permanent custody of the child. The motion shall be filed in the court that issued the current order of temporary custody. For the purposes of this division, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) Except as provided in division (D)(3) of this section, if a court makes a determination pursuant to division (A)(2) of section 2151.419 of the Revised Code, the public children services agency or private child placing agency required to develop the

permanency plan for the child under division (K) of section 1292  
2151.417 of the Revised Code shall file a motion in the court that 1293  
made the determination requesting permanent custody of the child. 1294

(3) An agency shall not file a motion for permanent custody 1295  
under division (D)(1) or (2) of this section if any of the 1296  
following apply: 1297

(a) The agency documents in the case plan or permanency plan 1298  
a compelling reason that permanent custody is not in the best 1299  
interest of the child. 1300

(b) If reasonable efforts to return the child to the child's 1301  
home are required under section 2151.419 of the Revised Code, the 1302  
agency has not provided the services required by the case plan to 1303  
the parents of the child or the child to ensure the safe return of 1304  
the child to the child's home. 1305

(c) The agency has been granted permanent custody of the 1306  
child. 1307

(d) The child has been returned home pursuant to court order 1308  
in accordance with division (A)(3) of section 2151.419 of the 1309  
Revised Code. 1310

(E) Any agency that files a motion for permanent custody 1311  
under this section shall include in the case plan of the child who 1312  
is the subject of the motion, a specific plan of the agency's 1313  
actions to seek an adoptive family for the child and to prepare 1314  
the child for adoption. 1315

(F) The department of job and family services may adopt rules 1316  
pursuant to Chapter 119. of the Revised Code that set forth the 1317  
time frames for case reviews and for filing a motion requesting 1318  
permanent custody under division (D)(1) of this section. 1319

**Sec. 2151.414.** (A)(1) Upon the filing of a motion pursuant to 1320  
section 2151.413 of the Revised Code for permanent custody of a 1321

child, the court shall schedule a hearing and give notice of the 1322  
filing of the motion and of the hearing, in accordance with 1323  
section 2151.29 of the Revised Code, to all parties to the action 1324  
and to the child's guardian ad litem. The notice also shall 1325  
contain a full explanation that the granting of permanent custody 1326  
permanently divests the parents of their parental rights, a full 1327  
explanation of their right to be represented by counsel and to 1328  
have counsel appointed pursuant to Chapter 120. of the Revised 1329  
Code if they are indigent, and the name and telephone number of 1330  
the court employee designated by the court pursuant to section 1331  
2151.314 of the Revised Code to arrange for the prompt appointment 1332  
of counsel for indigent persons. 1333

The court shall conduct a hearing in accordance with section 1334  
2151.35 of the Revised Code to determine if it is in the best 1335  
interest of the child to permanently terminate parental rights and 1336  
grant permanent custody to the agency that filed the motion. The 1337  
adjudication that the child is an abused, neglected, or dependent 1338  
child and any dispositional order that has been issued in the case 1339  
under section 2151.353 of the Revised Code pursuant to the 1340  
adjudication shall not be readjudicated at the hearing and shall 1341  
not be affected by a denial of the motion for permanent custody. 1342

(2) The court shall hold the hearing scheduled pursuant to 1343  
division (A)(1) of this section not later than one hundred twenty 1344  
days after the agency files the motion for permanent custody, 1345  
except that, for good cause shown, the court may continue the 1346  
hearing for a reasonable period of time beyond the 1347  
one-hundred-twenty-day deadline. The court shall issue an order 1348  
that grants, denies, or otherwise disposes of the motion for 1349  
permanent custody, and journalize the order, not later than two 1350  
hundred days after the agency files the motion. 1351

If a motion is made under division (D)(2) of section 2151.413 1352  
of the Revised Code and no dispositional hearing has been held in 1353

the case, the court may hear the motion in the dispositional 1354  
hearing required by division (B) of section 2151.35 of the Revised 1355  
Code. If the court issues an order pursuant to section 2151.353 of 1356  
the Revised Code granting permanent custody of the child to the 1357  
agency, the court shall immediately dismiss the motion made under 1358  
division (D)(2) of section 2151.413 of the Revised Code. 1359

The failure of the court to comply with the time periods set 1360  
forth in division (A)(2) of this section does not affect the 1361  
authority of the court to issue any order under this chapter and 1362  
does not provide any basis for attacking the jurisdiction of the 1363  
court or the validity of any order of the court. 1364

(B)(1) Except as provided in division (B)(2) of this section, 1365  
the court may grant permanent custody of a child to a movant if 1366  
the court determines at the hearing held pursuant to division (A) 1367  
of this section, by clear and convincing evidence, that it is in 1368  
the best interest of the child to grant permanent custody of the 1369  
child to the agency that filed the motion for permanent custody 1370  
and that any of the following apply: 1371

(a) The child is not abandoned or orphaned ~~or~~ has not been 1372  
in the temporary custody of one or more public children services 1373  
agencies or private child placing agencies for twelve or more 1374  
months of a consecutive twenty-two-month period ~~ending on or after~~ 1375  
March 18, 1999, or has not been in the temporary custody of one or 1376  
more public children services agencies or private child placing 1377  
agencies for twelve or more months of a consecutive 1378  
twenty-two-month period if, as described in division (D)(1) of 1379  
section 2151.413 of the Revised Code, the child was previously in 1380  
the temporary custody of an equivalent agency in another state, 1381  
and the child cannot be placed with either of the child's parents 1382  
within a reasonable time or should not be placed with the child's 1383  
parents. 1384

(b) The child is abandoned. 1385

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

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period ~~ending on or after March 18, 1999, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period~~ and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.

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

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

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

Code but shall not be submitted under oath. 1418

If the court grants permanent custody of a child to a movant 1419  
under this division, the court, upon the request of any party, 1420  
shall file a written opinion setting forth its findings of fact 1421  
and conclusions of law in relation to the proceeding. The court 1422  
shall not deny an agency's motion for permanent custody solely 1423  
because the agency failed to implement any particular aspect of 1424  
the child's case plan. 1425

(D) In determining the best interest of a child at a hearing 1426  
held pursuant to division (A) of this section or for the purposes 1427  
of division (A)(4) or (5) of section 2151.353 or division (C) of 1428  
section 2151.415 of the Revised Code, the court shall consider all 1429  
relevant factors, including, but not limited to, the following: 1430

(1) The interaction and interrelationship of the child with 1431  
the child's parents, siblings, relatives, foster caregivers and 1432  
out-of-home providers, and any other person who may significantly 1433  
affect the child; 1434

(2) The wishes of the child, as expressed directly by the 1435  
child or through the child's guardian ad litem, with due regard 1436  
for the maturity of the child; 1437

(3) The custodial history of the child, including whether the 1438  
child has been in the temporary custody of one or more public 1439  
children services agencies or private child placing agencies for 1440  
twelve or more months of a consecutive twenty-two-month period 1441  
~~ending on or after March 18, 1999, or the child has been in the~~ 1442  
temporary custody of one or more public children services agencies 1443  
or private child placing agencies for twelve or more months of a 1444  
consecutive twenty-two-month period and, as described in division 1445  
(D)(1) of section 2151.413 of the Revised Code, the child was 1446  
previously in the temporary custody of an equivalent agency in 1447  
another state; 1448

(4) The child's need for a legally secure permanent placement 1449  
and whether that type of placement can be achieved without a grant 1450  
of permanent custody to the agency; 1451

(5) Whether any of the factors in divisions (E)(7) to (11) of 1452  
this section apply in relation to the parents and child. 1453

For the purposes of this division, a child shall be 1454  
considered to have entered the temporary custody of an agency on 1455  
the earlier of the date the child is adjudicated pursuant to 1456  
section 2151.28 of the Revised Code or the date that is sixty days 1457  
after the removal of the child from home. 1458

(E) In determining at a hearing held pursuant to division (A) 1459  
of this section or for the purposes of division (A)(4) of section 1460  
2151.353 of the Revised Code whether a child cannot be placed with 1461  
either parent within a reasonable period of time or should not be 1462  
placed with the parents, the court shall consider all relevant 1463  
evidence. If the court determines, by clear and convincing 1464  
evidence, at a hearing held pursuant to division (A) of this 1465  
section or for the purposes of division (A)(4) of section 2151.353 1466  
of the Revised Code that one or more of the following exist as to 1467  
each of the child's parents, the court shall enter a finding that 1468  
the child cannot be placed with either parent within a reasonable 1469  
time or should not be placed with either parent: 1470

(1) Following the placement of the child outside the child's 1471  
home and notwithstanding reasonable case planning and diligent 1472  
efforts by the agency to assist the parents to remedy the problems 1473  
that initially caused the child to be placed outside the home, the 1474  
parent has failed continuously and repeatedly to substantially 1475  
remedy the conditions causing the child to be placed outside the 1476  
child's home. In determining whether the parents have 1477  
substantially remedied those conditions, the court shall consider 1478  
parental utilization of medical, psychiatric, psychological, and 1479  
other social and rehabilitative services and material resources 1480

that were made available to the parents for the purpose of 1481  
changing parental conduct to allow them to resume and maintain 1482  
parental duties. 1483

(2) Chronic mental illness, chronic emotional illness, mental 1484  
retardation, physical disability, or chemical dependency of the 1485  
parent that is so severe that it makes the parent unable to 1486  
provide an adequate permanent home for the child at the present 1487  
time and, as anticipated, within one year after the court holds 1488  
the hearing pursuant to division (A) of this section or for the 1489  
purposes of division (A)(4) of section 2151.353 of the Revised 1490  
Code; 1491

(3) The parent committed any abuse as described in section 1492  
2151.031 of the Revised Code against the child, caused the child 1493  
to suffer any neglect as described in section 2151.03 of the 1494  
Revised Code, or allowed the child to suffer any neglect as 1495  
described in section 2151.03 of the Revised Code between the date 1496  
that the original complaint alleging abuse or neglect was filed 1497  
and the date of the filing of the motion for permanent custody; 1498

(4) The parent has demonstrated a lack of commitment toward 1499  
the child by failing to regularly support, visit, or communicate 1500  
with the child when able to do so, or by other actions showing an 1501  
unwillingness to provide an adequate permanent home for the child; 1502

(5) The parent is incarcerated for an offense committed 1503  
against the child or a sibling of the child; 1504

(6) The parent has been convicted of or pleaded guilty to an 1505  
offense under division (A) or (C) of section 2919.22 or under 1506  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1507  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1508  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1509  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 1510  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 1511



Revised Code and the child or a sibling of the child was a victim 1512  
of the offense or the parent has been convicted of or pleaded 1513  
guilty to an offense under section 2903.04 of the Revised Code, a 1514  
sibling of the child was the victim of the offense, and the parent 1515  
who committed the offense poses an ongoing danger to the child or 1516  
a sibling of the child. 1517

(7) The parent has been convicted of or pleaded guilty to one 1518  
of the following: 1519

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 1520  
the Revised Code or under an existing or former law of this state, 1521  
any other state, or the United States that is substantially 1522  
equivalent to an offense described in those sections and the 1523  
victim of the offense was a sibling of the child or the victim was 1524  
another child who lived in the parent's household at the time of 1525  
the offense; 1526

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 1527  
the Revised Code or under an existing or former law of this state, 1528  
any other state, or the United States that is substantially 1529  
equivalent to an offense described in those sections and the 1530  
victim of the offense is the child, a sibling of the child, or 1531  
another child who lived in the parent's household at the time of 1532  
the offense; 1533

(c) An offense under division (B)(2) of section 2919.22 of 1534  
the Revised Code or under an existing or former law of this state, 1535  
any other state, or the United States that is substantially 1536  
equivalent to the offense described in that section and the child, 1537  
a sibling of the child, or another child who lived in the parent's 1538  
household at the time of the offense is the victim of the offense; 1539

(d) An offense under section 2907.02, 2907.03, 2907.04, 1540  
2907.05, or 2907.06 of the Revised Code or under an existing or 1541  
former law of this state, any other state, or the United States 1542

that is substantially equivalent to an offense described in those 1543  
sections and the victim of the offense is the child, a sibling of 1544  
the child, or another child who lived in the parent's household at 1545  
the time of the offense; 1546

(e) A conspiracy or attempt to commit, or complicity in 1547  
committing, an offense described in division (E)(7)(a) or (d) of 1548  
this section. 1549

(8) The parent has repeatedly withheld medical treatment or 1550  
food from the child when the parent has the means to provide the 1551  
treatment or food, and, in the case of withheld medical treatment, 1552  
the parent withheld it for a purpose other than to treat the 1553  
physical or mental illness or defect of the child by spiritual 1554  
means through prayer alone in accordance with the tenets of a 1555  
recognized religious body. 1556

(9) The parent has placed the child at substantial risk of 1557  
harm two or more times due to alcohol or drug abuse and has 1558  
rejected treatment two or more times or refused to participate in 1559  
further treatment two or more times after a case plan issued 1560  
pursuant to section 2151.412 of the Revised Code requiring 1561  
treatment of the parent was journalized as part of a dispositional 1562  
order issued with respect to the child or an order was issued by 1563  
any other court requiring treatment of the parent. 1564

(10) The parent has abandoned the child. 1565

(11) The parent has had parental rights involuntarily 1566  
terminated ~~pursuant to this section or section 2151.353 or~~ 1567  
~~2151.415 of the Revised Code~~ with respect to a sibling of the 1568  
child pursuant to this section or section 2151.353 or 2151.415 of 1569  
the Revised Code or under an existing or former law of this state, 1570  
any other state, or the United States that is substantially 1571  
equivalent to those sections. 1572

(12) The parent is incarcerated at the time of the filing of 1573

the motion for permanent custody or the dispositional hearing of 1574  
the child and will not be available to care for the child for at 1575  
least eighteen months after the filing of the motion for permanent 1576  
custody or the dispositional hearing. 1577

(13) The parent is repeatedly incarcerated, and the repeated 1578  
incarceration prevents the parent from providing care for the 1579  
child. 1580

(14) The parent for any reason is unwilling to provide food, 1581  
clothing, shelter, and other basic necessities for the child or to 1582  
prevent the child from suffering physical, emotional, or sexual 1583  
abuse or physical, emotional, or mental neglect. 1584

(15) The parent has committed abuse as described in section 1585  
2151.031 of the Revised Code against the child or caused or 1586  
allowed the child to suffer neglect as described in section 1587  
2151.03 of the Revised Code, and the court determines that the 1588  
seriousness, nature, or likelihood of recurrence of the abuse or 1589  
neglect makes the child's placement with the child's parent a 1590  
threat to the child's safety. 1591

(16) Any other factor the court considers relevant. 1592

(F) The parents of a child for whom the court has issued an 1593  
order granting permanent custody pursuant to this section, upon 1594  
the issuance of the order, cease to be parties to the action. This 1595  
division is not intended to eliminate or restrict any right of the 1596  
parents to appeal the granting of permanent custody of their child 1597  
to a movant pursuant to this section. 1598

**Sec. 2151.417.** (A) Any court that issues a dispositional 1599  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1600  
Revised Code may review at any time the child's placement or 1601  
custody arrangement, the case plan prepared for the child pursuant 1602  
to section 2151.412 of the Revised Code, the actions of the public 1603

children services agency or private child placing agency in 1604  
implementing that case plan, the child's permanency plan, if the 1605  
child's permanency plan has been approved, and any other aspects 1606  
of the child's placement or custody arrangement. In conducting the 1607  
review, the court shall determine the appropriateness of any 1608  
agency actions, the safety and appropriateness of continuing the 1609  
child's placement or custody arrangement, and whether any changes 1610  
should be made with respect to the child's permanency plan or 1611  
placement or custody arrangement or with respect to the actions of 1612  
the agency under the child's placement or custody arrangement. 1613  
Based upon the evidence presented at a hearing held after notice 1614  
to all parties and the guardian ad litem of the child, the court 1615  
may require the agency, the parents, guardian, or custodian of the 1616  
child, and the physical custodians of the child to take any 1617  
reasonable action that the court determines is necessary and in 1618  
the best interest of the child or to discontinue any action that 1619  
it determines is not in the best interest of the child. 1620

(B) If a court issues a dispositional order pursuant to 1621  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1622  
court has continuing jurisdiction over the child as set forth in 1623  
division (E)(1) of section 2151.353 of the Revised Code. The court 1624  
may amend a dispositional order in accordance with division (E)(2) 1625  
of section 2151.353 of the Revised Code at any time upon its own 1626  
motion or upon the motion of any interested party. The court shall 1627  
comply with section 2151.42 of the Revised Code in amending any 1628  
dispositional order pursuant to this division. 1629

(C) Any court that issues a dispositional order pursuant to 1630  
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 1631  
hold a review hearing one year after the earlier of the date on 1632  
which the complaint in the case was filed or the child was first 1633  
placed into shelter care to review the case plan prepared pursuant 1634  
to section 2151.412 of the Revised Code and the child's placement 1635

or custody arrangement, to approve or review the permanency plan 1636  
for the child, and to make changes to the case plan and placement 1637  
or custody arrangement consistent with the permanency plan. The 1638  
court shall schedule the review hearing at the time that it holds 1639  
the dispositional hearing pursuant to section 2151.35 of the 1640  
Revised Code. 1641

The court shall hold a similar review hearing no later than 1642  
every twelve months after the initial review hearing until the 1643  
child is adopted, returned to the parents, or the court otherwise 1644  
terminates the child's placement or custody arrangement, except 1645  
that the dispositional hearing held pursuant to section 2151.415 1646  
of the Revised Code shall take the place of the first review 1647  
hearing to be held under this section. The court shall schedule 1648  
each subsequent review hearing at the conclusion of the review 1649  
hearing immediately preceding the review hearing to be scheduled. 1650

(D) If, within fourteen days after a written summary of an 1651  
administrative review is filed with the court pursuant to section 1652  
2151.416 of the Revised Code, the court does not approve the 1653  
proposed change to the case plan filed pursuant to division (E) of 1654  
section 2151.416 of the Revised Code or a party or the guardian ad 1655  
litem requests a review hearing pursuant to division (E) of that 1656  
section, the court shall hold a review hearing in the same manner 1657  
that it holds review hearings pursuant to division (C) of this 1658  
section, except that if a review hearing is required by this 1659  
division and if a hearing is to be held pursuant to division (C) 1660  
of this section or section 2151.415 of the Revised Code, the 1661  
hearing held pursuant to division (C) of this section or section 1662  
2151.415 of the Revised Code shall take the place of the review 1663  
hearing required by this division. 1664

(E) If a court determines pursuant to section 2151.419 of the 1665  
Revised Code that a public children services agency or private 1666  
child placing agency is not required to make reasonable efforts to 1667

prevent the removal of a child from the child's home, eliminate 1668  
the continued removal of a child from the child's home, and return 1669  
the child to the child's home, and the court does not return the 1670  
child to the child's home pursuant to division (A)(3) of section 1671  
2151.419 of the Revised Code, the court shall hold a review 1672  
hearing to approve the permanency plan for the child and, if 1673  
appropriate, to make changes to the child's case plan and the 1674  
child's placement or custody arrangement consistent with the 1675  
permanency plan. The court may hold the hearing immediately 1676  
following the determination under section 2151.419 of the Revised 1677  
Code and shall hold it no later than thirty days after making that 1678  
determination. 1679

(F) The court shall give notice of the review hearings held 1680  
pursuant to this section to every interested party, including, but 1681  
not limited to, the appropriate agency employees who are 1682  
responsible for the child's care and planning, the child's 1683  
parents, any person who had guardianship or legal custody of the 1684  
child prior to the custody order, the child's guardian ad litem, 1685  
and the child. The court shall summon every interested party to 1686  
appear at the review hearing and give them an opportunity to 1687  
testify and to present other evidence with respect to the child's 1688  
custody arrangement, including, but not limited to, the following: 1689  
the case plan for the child, the permanency plan, if one exists; 1690  
the actions taken by the child's custodian; the need for a change 1691  
in the child's custodian or caseworker; and the need for any 1692  
specific action to be taken with respect to the child. The court 1693  
shall require any interested party to testify or present other 1694  
evidence when necessary to a proper determination of the issues 1695  
presented at the review hearing. In any review hearing that 1696  
pertains to a permanency plan for a child who will not be returned 1697  
to the parent, the court shall consider in-state and out-of-state 1698  
placement options and the court shall determine whether the 1699  
in-state or the out-of-state placement continues to be appropriate 1700

and in the best interests of the child. In any review hearing that 1701  
pertains to a permanency plan for a child, the court or a citizens 1702  
board appointed by the court pursuant to division (H) of this 1703  
section shall consult with the child, in an age-appropriate 1704  
manner, regarding the proposed permanency plan for the child. 1705

(G) After the review hearing, the court shall take the 1706  
following actions based upon the evidence presented: 1707

(1) If an administrative review has been conducted, determine 1708  
whether the conclusions of the review are supported by a 1709  
preponderance of the evidence and approve or modify the case plan 1710  
based upon that evidence; 1711

(2) If the hearing was held under division (C) or (E) of this 1712  
section, approve a permanency plan for the child that specifies 1713  
whether and, if applicable, when the child will be safely returned 1714  
home or placed for adoption, for legal custody, or in a planned 1715  
permanent living arrangement. A permanency plan approved after a 1716  
hearing under division (E) of this section shall not include any 1717  
provision requiring the child to be returned to the child's home. 1718

(3) If the child is in temporary custody, do all of the 1719  
following: 1720

(a) Determine whether the child can and should be returned 1721  
home with or without an order for protective supervision; 1722

(b) If the child can and should be returned home with or 1723  
without an order for protective supervision, terminate the order 1724  
for temporary custody; 1725

(c) If the child cannot or should not be returned home with 1726  
an order for protective supervision, determine whether the agency 1727  
currently with custody of the child should retain custody or 1728  
whether another public children services agency, private child 1729  
placing agency, or an individual should be given custody of the 1730  
child. 1731

The court shall comply with section 2151.42 of the Revised Code in taking any action under this division. 1732  
1733

(4) If the child is in permanent custody, determine what actions are required by the custodial agency and of any other organizations or persons in order to facilitate an adoption of the child and make any appropriate orders with respect to the custody arrangement or conditions of the child, including, but not limited to, a transfer of permanent custody to another public children services agency or private child placing agency; 1734  
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(5) Journalize the terms of the updated case plan for the child. 1741  
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(H) The court may appoint a referee or a citizens review board to conduct the review hearings that the court is required by this section to conduct, subject to the review and approval by the court of any determinations made by the referee or citizens review board. If the court appoints a citizens review board to conduct the review hearings, the board shall consist of one member representing the general public and four members who are trained or experienced in the care or placement of children and have training or experience in the fields of medicine, psychology, social work, education, or any related field. Of the initial appointments to the board, two shall be for a term of one year, two shall be for a term of two years, and one shall be for a term of three years, with all the terms ending one year after the date on which the appointment was made. Thereafter, all terms of the board members shall be for three years and shall end on the same day of the same month of the year as did the term that they succeed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. 1743  
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(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the 1762  
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custodial agency, the guardian ad litem of the child who is the 1764  
subject of the review hearing, and, if that child is not the 1765  
subject of a permanent commitment hearing, the parents of the 1766  
child. 1767

(J) If the hearing held under this section takes the place of 1768  
an administrative review that otherwise would have been held under 1769  
section 2151.416 of the Revised Code, the court at the hearing 1770  
held under this section shall do all of the following in addition 1771  
to any other requirements of this section: 1772

(1) Determine the continued necessity for and the safety and 1773  
appropriateness of the child's placement; 1774

(2) Determine the extent of compliance with the child's case 1775  
plan; 1776

(3) Determine the extent of progress that has been made 1777  
toward alleviating or mitigating the causes necessitating the 1778  
child's placement in foster care; 1779

(4) Project a likely date by which the child may be safely 1780  
returned home or placed for adoption or legal custody. 1781

(K)(1) Whenever the court is required to approve a permanency 1782  
plan under this section or section 2151.415 of the Revised Code, 1783  
the public children services agency or private child placing 1784  
agency that filed the complaint in the case, has custody of the 1785  
child, or will be given custody of the child shall develop a 1786  
permanency plan for the child. The agency must file the plan with 1787  
the court prior to the hearing under this section or section 1788  
2151.415 of the Revised Code. 1789

(2) The permanency plan developed by the agency must specify 1790  
whether and, if applicable, when the child will be safely returned 1791  
home or placed for adoption or legal custody. If the agency 1792  
determines that there is a compelling reason why returning the 1793  
child home or placing the child for adoption or legal custody is 1794

not in the best interest of the child, the plan shall provide that 1795  
the child will be placed in a planned permanent living 1796  
arrangement. A permanency plan developed as a result of a 1797  
determination made under division (A)(2) of section 2151.419 of 1798  
the Revised Code may not include any provision requiring the child 1799  
to be returned home. 1800

**Sec. 2151.419.** (A)(1) Except as provided in division (A)(2) 1801  
of this section, at any hearing held pursuant to section 2151.28, 1802  
division (E) of section 2151.31, or section 2151.314, 2151.33, or 1803  
2151.353 of the Revised Code at which the court removes a child 1804  
from the child's home or continues the removal of a child from the 1805  
child's home, the court shall determine whether the public 1806  
children services agency or private child placing agency that 1807  
filed the complaint in the case, removed the child from home, has 1808  
custody of the child, or will be given custody of the child has 1809  
made reasonable efforts to prevent the removal of the child from 1810  
the child's home, to eliminate the continued removal of the child 1811  
from the child's home, or to make it possible for the child to 1812  
return safely home. The agency shall have the burden of proving 1813  
that it has made those reasonable efforts. If the agency removed 1814  
the child from home during an emergency in which the child could 1815  
not safely remain at home and the agency did not have prior 1816  
contact with the child, the court is not prohibited, solely 1817  
because the agency did not make reasonable efforts during the 1818  
emergency to prevent the removal of the child, from determining 1819  
that the agency made those reasonable efforts. In determining 1820  
whether reasonable efforts were made, the child's health and 1821  
safety shall be paramount. 1822

(2) If any of the following apply, the court shall make a 1823  
determination that the agency is not required to make reasonable 1824  
efforts to prevent the removal of the child from the child's home, 1825  
eliminate the continued removal of the child from the child's 1826

home, and return the child to the child's home: 1827

(a) The parent from whom the child was removed has been 1828  
convicted of or pleaded guilty to one of the following: 1829

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 1830  
the Revised Code or under an existing or former law of this state, 1831  
any other state, or the United States that is substantially 1832  
equivalent to an offense described in those sections and the 1833  
victim of the offense was a sibling of the child or the victim was 1834  
another child who lived in the parent's household at the time of 1835  
the offense; 1836

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 1837  
the Revised Code or under an existing or former law of this state, 1838  
any other state, or the United States that is substantially 1839  
equivalent to an offense described in those sections and the 1840  
victim of the offense is the child, a sibling of the child, or 1841  
another child who lived in the parent's household at the time of 1842  
the offense; 1843

(iii) An offense under division (B)(2) of section 2919.22 of 1844  
the Revised Code or under an existing or former law of this state, 1845  
any other state, or the United States that is substantially 1846  
equivalent to the offense described in that section and the child, 1847  
a sibling of the child, or another child who lived in the parent's 1848  
household at the time of the offense is the victim of the offense; 1849

(iv) An offense under section 2907.02, 2907.03, 2907.04, 1850  
2907.05, or 2907.06 of the Revised Code or under an existing or 1851  
former law of this state, any other state, or the United States 1852  
that is substantially equivalent to an offense described in those 1853  
sections and the victim of the offense is the child, a sibling of 1854  
the child, or another child who lived in the parent's household at 1855  
the time of the offense; 1856

(v) A conspiracy or attempt to commit, or complicity in 1857

committing, an offense described in division (A)(2)(a)(i) or (iv) 1858  
of this section. 1859

(b) The parent from whom the child was removed has repeatedly 1860  
withheld medical treatment or food from the child when the parent 1861  
has the means to provide the treatment or food. If the parent has 1862  
withheld medical treatment in order to treat the physical or 1863  
mental illness or defect of the child by spiritual means through 1864  
prayer alone, in accordance with the tenets of a recognized 1865  
religious body, the court or agency shall comply with the 1866  
requirements of division (A)(1) of this section. 1867

(c) The parent from whom the child was removed has placed the 1868  
child at substantial risk of harm two or more times due to alcohol 1869  
or drug abuse and has rejected treatment two or more times or 1870  
refused to participate in further treatment two or more times 1871  
after a case plan issued pursuant to section 2151.412 of the 1872  
Revised Code requiring treatment of the parent was journalized as 1873  
part of a dispositional order issued with respect to the child or 1874  
an order was issued by any other court requiring such treatment of 1875  
the parent. 1876

(d) The parent from whom the child was removed has abandoned 1877  
the child. 1878

(e) The parent from whom the child was removed has had 1879  
parental rights involuntarily terminated ~~pursuant to section~~ 1880  
~~2151.353, 2151.414, or 2151.415 of the Revised Code~~ with respect 1881  
to a sibling of the child pursuant to section 2151.353, 2151.414, 1882  
or 2151.415 of the Revised Code or under an existing or former law 1883  
of this state, any other state, or the United States that is 1884  
substantially equivalent to those sections. 1885

(3) At any hearing in which the court determines whether to 1886  
return a child to the child's home, the court may issue an order 1887  
that returns the child in situations in which the conditions 1888

described in divisions (A)(2)(a) to (e) of this section are 1889  
present. 1890

(B)(1) A court that is required to make a determination as 1891  
described in division (A)(1) or (2) of this section shall issue 1892  
written findings of fact setting forth the reasons supporting its 1893  
determination. If the court makes a written determination under 1894  
division (A)(1) of this section, it shall briefly describe in the 1895  
findings of fact the relevant services provided by the agency to 1896  
the family of the child and why those services did not prevent the 1897  
removal of the child from the child's home or enable the child to 1898  
return safely home. 1899

(2) If a court issues an order that returns the child to the 1900  
child's home in situations in which division (A)(2)(a), (b), (c), 1901  
(d), or (e) of this section applies, the court shall issue written 1902  
findings of fact setting forth the reasons supporting its 1903  
determination. 1904

(C) If the court makes a determination pursuant to division 1905  
(A)(2) of this section, the court shall conduct a review hearing 1906  
pursuant to section 2151.417 of the Revised Code to approve a 1907  
permanency plan with respect to the child, unless the court issues 1908  
an order returning the child home pursuant to division (A)(3) of 1909  
this section. The hearing to approve the permanency plan may be 1910  
held immediately following the court's determination pursuant to 1911  
division (A)(2) of this section and shall be held no later than 1912  
thirty days following that determination. 1913

**Sec. 2151.421.** (A)(1)(a) No person described in division 1914  
(A)(1)(b) of this section who is acting in an official or 1915  
professional capacity and knows, or has reasonable cause to 1916  
suspect based on facts that would cause a reasonable person in a 1917  
similar position to suspect, that a child under eighteen years of 1918  
age or a mentally retarded, developmentally disabled, or 1919

physically impaired child under twenty-one years of age has 1920  
suffered or faces a threat of suffering any physical or mental 1921  
wound, injury, disability, or condition of a nature that 1922  
reasonably indicates abuse or neglect of the child shall fail to 1923  
immediately report that knowledge or reasonable cause to suspect 1924  
to the entity or persons specified in this division. Except as 1925  
provided in section 5120.173 of the Revised Code, the person 1926  
making the report shall make it to the public children services 1927  
agency or a municipal or county peace officer in the county in 1928  
which the child resides or in which the abuse or neglect is 1929  
occurring or has occurred. In the circumstances described in 1930  
section 5120.173 of the Revised Code, the person making the report 1931  
shall make it to the entity specified in that section. 1932

(b) Division (A)(1)(a) of this section applies to any person 1933  
who is an attorney; physician, including a hospital intern or 1934  
resident; dentist; podiatrist; practitioner of a limited branch of 1935  
medicine as specified in section 4731.15 of the Revised Code; 1936  
registered nurse; licensed practical nurse; visiting nurse; other 1937  
health care professional; licensed psychologist; licensed school 1938  
psychologist; independent marriage and family therapist or 1939  
marriage and family therapist; speech pathologist or audiologist; 1940  
coroner; administrator or employee of a child day-care center; 1941  
administrator or employee of a residential camp or child day camp; 1942  
administrator or employee of a certified child care agency or 1943  
other public or private children services agency; school teacher; 1944  
school employee; school authority; person engaged in social work 1945  
or the practice of professional counseling; agent of a county 1946  
humane society; person, other than a cleric, rendering spiritual 1947  
treatment through prayer in accordance with the tenets of a 1948  
well-recognized religion; employee of a county department of job 1949  
and family services who is a professional and who works with 1950  
children and families; superintendent, board member, or employee 1951  
of a county board of mental retardation; investigative agent 1952

contracted with by a county board of mental retardation; employee 1953  
of the department of mental retardation and developmental 1954  
disabilities; employee of a facility or home that provides respite 1955  
care in accordance with section 5123.171 of the Revised Code; 1956  
employee of a home health agency; employee of an entity that 1957  
provides homemaker services; a person performing the duties of an 1958  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1959  
or third party employed by a public children services agency to 1960  
assist in providing child or family related services. 1961

(2) Except as provided in division (A)(3) of this section, an 1962  
attorney or a physician is not required to make a report pursuant 1963  
to division (A)(1) of this section concerning any communication 1964  
the attorney or physician receives from a client or patient in an 1965  
attorney-client or physician-patient relationship, if, in 1966  
accordance with division (A) or (B) of section 2317.02 of the 1967  
Revised Code, the attorney or physician could not testify with 1968  
respect to that communication in a civil or criminal proceeding. 1969

(3) The client or patient in an attorney-client or 1970  
physician-patient relationship described in division (A)(2) of 1971  
this section is deemed to have waived any testimonial privilege 1972  
under division (A) or (B) of section 2317.02 of the Revised Code 1973  
with respect to any communication the attorney or physician 1974  
receives from the client or patient in that attorney-client or 1975  
physician-patient relationship, and the attorney or physician 1976  
shall make a report pursuant to division (A)(1) of this section 1977  
with respect to that communication, if all of the following apply: 1978

(a) The client or patient, at the time of the communication, 1979  
is either a child under eighteen years of age or a mentally 1980  
retarded, developmentally disabled, or physically impaired person 1981  
under twenty-one years of age. 1982

(b) The attorney or physician knows, or has reasonable cause 1983  
to suspect based on facts that would cause a reasonable person in 1984

similar position to suspect, as a result of the communication or 1985  
any observations made during that communication, that the client 1986  
or patient has suffered or faces a threat of suffering any 1987  
physical or mental wound, injury, disability, or condition of a 1988  
nature that reasonably indicates abuse or neglect of the client or 1989  
patient. 1990

(c) The abuse or neglect does not arise out of the client's 1991  
or patient's attempt to have an abortion without the notification 1992  
of her parents, guardian, or custodian in accordance with section 1993  
2151.85 of the Revised Code. 1994

(4)(a) No cleric and no person, other than a volunteer, 1995  
designated by any church, religious society, or faith acting as a 1996  
leader, official, or delegate on behalf of the church, religious 1997  
society, or faith who is acting in an official or professional 1998  
capacity, who knows, or has reasonable cause to believe based on 1999  
facts that would cause a reasonable person in a similar position 2000  
to believe, that a child under eighteen years of age or a mentally 2001  
retarded, developmentally disabled, or physically impaired child 2002  
under twenty-one years of age has suffered or faces a threat of 2003  
suffering any physical or mental wound, injury, disability, or 2004  
condition of a nature that reasonably indicates abuse or neglect 2005  
of the child, and who knows, or has reasonable cause to believe 2006  
based on facts that would cause a reasonable person in a similar 2007  
position to believe, that another cleric or another person, other 2008  
than a volunteer, designated by a church, religious society, or 2009  
faith acting as a leader, official, or delegate on behalf of the 2010  
church, religious society, or faith caused, or poses the threat of 2011  
causing, the wound, injury, disability, or condition that 2012  
reasonably indicates abuse or neglect shall fail to immediately 2013  
report that knowledge or reasonable cause to believe to the entity 2014  
or persons specified in this division. Except as provided in 2015  
section 5120.173 of the Revised Code, the person making the report 2016



shall make it to the public children services agency or a 2017  
municipal or county peace officer in the county in which the child 2018  
resides or in which the abuse or neglect is occurring or has 2019  
occurred. In the circumstances described in section 5120.173 of 2020  
the Revised Code, the person making the report shall make it to 2021  
the entity specified in that section. 2022

(b) Except as provided in division (A)(4)(c) of this section, 2023  
a cleric is not required to make a report pursuant to division 2024  
(A)(4)(a) of this section concerning any communication the cleric 2025  
receives from a penitent in a cleric-penitent relationship, if, in 2026  
accordance with division (C) of section 2317.02 of the Revised 2027  
Code, the cleric could not testify with respect to that 2028  
communication in a civil or criminal proceeding. 2029

(c) The penitent in a cleric-penitent relationship described 2030  
in division (A)(4)(b) of this section is deemed to have waived any 2031  
testimonial privilege under division (C) of section 2317.02 of the 2032  
Revised Code with respect to any communication the cleric receives 2033  
from the penitent in that cleric-penitent relationship, and the 2034  
cleric shall make a report pursuant to division (A)(4)(a) of this 2035  
section with respect to that communication, if all of the 2036  
following apply: 2037

(i) The penitent, at the time of the communication, is either 2038  
a child under eighteen years of age or a mentally retarded, 2039  
developmentally disabled, or physically impaired person under 2040  
twenty-one years of age. 2041

(ii) The cleric knows, or has reasonable cause to believe 2042  
based on facts that would cause a reasonable person in a similar 2043  
position to believe, as a result of the communication or any 2044  
observations made during that communication, the penitent has 2045  
suffered or faces a threat of suffering any physical or mental 2046  
wound, injury, disability, or condition of a nature that 2047  
reasonably indicates abuse or neglect of the penitent. 2048

(iii) The abuse or neglect does not arise out of the 2049  
penitent's attempt to have an abortion performed upon a child 2050  
under eighteen years of age or upon a mentally retarded, 2051  
developmentally disabled, or physically impaired person under 2052  
twenty-one years of age without the notification of her parents, 2053  
guardian, or custodian in accordance with section 2151.85 of the 2054  
Revised Code. 2055

(d) Divisions (A)(4)(a) and (c) of this section do not apply 2056  
in a cleric-penitent relationship when the disclosure of any 2057  
communication the cleric receives from the penitent is in 2058  
violation of the sacred trust. 2059

(e) As used in divisions (A)(1) and (4) of this section, 2060  
"cleric" and "sacred trust" have the same meanings as in section 2061  
2317.02 of the Revised Code. 2062

(B) Anyone who knows, or has reasonable cause to suspect 2063  
based on facts that would cause a reasonable person in similar 2064  
circumstances to suspect, that a child under eighteen years of age 2065  
or a mentally retarded, developmentally disabled, or physically 2066  
impaired person under twenty-one years of age has suffered or 2067  
faces a threat of suffering any physical or mental wound, injury, 2068  
disability, or other condition of a nature that reasonably 2069  
indicates abuse or neglect of the child may report or cause 2070  
reports to be made of that knowledge or reasonable cause to 2071  
suspect to the entity or persons specified in this division. 2072  
Except as provided in section 5120.173 of the Revised Code, a 2073  
person making a report or causing a report to be made under this 2074  
division shall make it or cause it to be made to the public 2075  
children services agency or to a municipal or county peace 2076  
officer. In the circumstances described in section 5120.173 of the 2077  
Revised Code, a person making a report or causing a report to be 2078  
made under this division shall make it or cause it to be made to 2079  
the entity specified in that section. 2080

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

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

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

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

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

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

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of

the report, the municipal or county peace officer who receives the 2112  
report shall refer the report to the appropriate public children 2113  
services agency. 2114

(2) When a public children services agency receives a report 2115  
pursuant to this division or division (A) or (B) of this section, 2116  
upon receipt of the report, the public children services agency 2117  
shall do both of the following: 2118

(a) Comply with section 2151.422 of the Revised Code; 2119

(b) If the county served by the agency is also served by a 2120  
children's advocacy center and the report alleges sexual abuse of 2121  
a child or another type of abuse of a child that is specified in 2122  
the memorandum of understanding that creates the center as being 2123  
within the center's jurisdiction, comply regarding the report with 2124  
the protocol and procedures for referrals and investigations, with 2125  
the coordinating activities, and with the authority or 2126  
responsibility for performing or providing functions, activities, 2127  
and services stipulated in the interagency agreement entered into 2128  
under section 2151.428 of the Revised Code relative to that 2129  
center. 2130

(E) No township, municipal, or county peace officer shall 2131  
remove a child about whom a report is made pursuant to this 2132  
section from the child's parents, stepparents, or guardian or any 2133  
other persons having custody of the child without consultation 2134  
with the public children services agency, unless, in the judgment 2135  
of the officer, and, if the report was made by physician, the 2136  
physician, immediate removal is considered essential to protect 2137  
the child from further abuse or neglect. The agency that must be 2138  
consulted shall be the agency conducting the investigation of the 2139  
report as determined pursuant to section 2151.422 of the Revised 2140  
Code. 2141

(F)(1) Except as provided in section 2151.422 of the Revised 2142

Code or in an interagency agreement entered into under section 2143  
2151.428 of the Revised Code that applies to the particular 2144  
report, the public children services agency shall investigate, 2145  
within twenty-four hours, each report of child abuse or child 2146  
neglect that is known or reasonably suspected or believed to have 2147  
occurred and of a threat of child abuse or child neglect that is 2148  
known or reasonably suspected or believed to exist that is 2149  
referred to it under this section to determine the circumstances 2150  
surrounding the injuries, abuse, or neglect or the threat of 2151  
injury, abuse, or neglect, the cause of the injuries, abuse, 2152  
neglect, or threat, and the person or persons responsible. The 2153  
investigation shall be made in cooperation with the law 2154  
enforcement agency and in accordance with the memorandum of 2155  
understanding prepared under division (J) of this section. A 2156  
representative of the public children services agency shall, at 2157  
the time of initial contact with the person subject to the 2158  
investigation, inform the person of the specific complaints or 2159  
allegations made against the person. The information shall be 2160  
given in a manner that is consistent with division (H)(1) of this 2161  
section and protects the rights of the person making the report 2162  
under this section. 2163

A failure to make the investigation in accordance with the 2164  
memorandum is not grounds for, and shall not result in, the 2165  
dismissal of any charges or complaint arising from the report or 2166  
the suppression of any evidence obtained as a result of the report 2167  
and does not give, and shall not be construed as giving, any 2168  
rights or any grounds for appeal or post-conviction relief to any 2169  
person. The public children services agency shall report each case 2170  
to the uniform statewide automated child welfare information 2171  
system that the department of job and family services shall 2172  
maintain in accordance with section 5101.13 of the Revised Code. 2173  
The public children services agency shall submit a report of its 2174  
investigation, in writing, to the law enforcement agency. 2175

(2) The public children services agency shall make any 2176  
recommendations to the county prosecuting attorney or city 2177  
director of law that it considers necessary to protect any 2178  
children that are brought to its attention. 2179

(G)(1)(a) Except as provided in division (H)(3) of this 2180  
section, anyone or any hospital, institution, school, health 2181  
department, or agency participating in the making of reports under 2182  
division (A) of this section, anyone or any hospital, institution, 2183  
school, health department, or agency participating in good faith 2184  
in the making of reports under division (B) of this section, and 2185  
anyone participating in good faith in a judicial proceeding 2186  
resulting from the reports, shall be immune from any civil or 2187  
criminal liability for injury, death, or loss to person or 2188  
property that otherwise might be incurred or imposed as a result 2189  
of the making of the reports or the participation in the judicial 2190  
proceeding. 2191

(b) Notwithstanding section 4731.22 of the Revised Code, the 2192  
physician-patient privilege shall not be a ground for excluding 2193  
evidence regarding a child's injuries, abuse, or neglect, or the 2194  
cause of the injuries, abuse, or neglect in any judicial 2195  
proceeding resulting from a report submitted pursuant to this 2196  
section. 2197

(2) In any civil or criminal action or proceeding in which it 2198  
is alleged and proved that participation in the making of a report 2199  
under this section was not in good faith or participation in a 2200  
judicial proceeding resulting from a report made under this 2201  
section was not in good faith, the court shall award the 2202  
prevailing party reasonable attorney's fees and costs and, if a 2203  
civil action or proceeding is voluntarily dismissed, may award 2204  
reasonable attorney's fees and costs to the party against whom the 2205  
civil action or proceeding is brought. 2206

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2207

section, a report made under this section is confidential. The 2208  
information provided in a report made pursuant to this section and 2209  
the name of the person who made the report shall not be released 2210  
for use, and shall not be used, as evidence in any civil action or 2211  
proceeding brought against the person who made the report. In a 2212  
criminal proceeding, the report is admissible in evidence in 2213  
accordance with the Rules of Evidence and is subject to discovery 2214  
in accordance with the Rules of Criminal Procedure. 2215

(2) No person shall permit or encourage the unauthorized 2216  
dissemination of the contents of any report made under this 2217  
section. 2218

(3) A person who knowingly makes or causes another person to 2219  
make a false report under division (B) of this section that 2220  
alleges that any person has committed an act or omission that 2221  
resulted in a child being an abused child or a neglected child is 2222  
guilty of a violation of section 2921.14 of the Revised Code. 2223

(4) If a report is made pursuant to division (A) or (B) of 2224  
this section and the child who is the subject of the report dies 2225  
for any reason at any time after the report is made, but before 2226  
the child attains eighteen years of age, the public children 2227  
services agency or municipal or county peace officer to which the 2228  
report was made or referred, on the request of the child fatality 2229  
review board, shall submit a summary sheet of information 2230  
providing a summary of the report to the review board of the 2231  
county in which the deceased child resided at the time of death. 2232  
On the request of the review board, the agency or peace officer 2233  
may, at its discretion, make the report available to the review 2234  
board. If the county served by the public children services agency 2235  
is also served by a children's advocacy center and the report of 2236  
alleged sexual abuse of a child or another type of abuse of a 2237  
child is specified in the memorandum of understanding that creates 2238  
the center as being within the center's jurisdiction, the agency 2239

or center shall perform the duties and functions specified in this 2240  
division in accordance with the interagency agreement entered into 2241  
under section 2151.428 of the Revised Code relative to that 2242  
advocacy center. 2243

(5) A public children services agency shall advise a person 2244  
alleged to have inflicted abuse or neglect on a child who is the 2245  
subject of a report made pursuant to this section, including a 2246  
report alleging sexual abuse of a child or another type of abuse 2247  
of a child referred to a children's advocacy center pursuant to an 2248  
interagency agreement entered into under section 2151.428 of the 2249  
Revised Code, in writing of the disposition of the investigation. 2250  
The agency shall not provide to the person any information that 2251  
identifies the person who made the report, statements of 2252  
witnesses, or police or other investigative reports. 2253

(I) Any report that is required by this section, other than a 2254  
report that is made to the state highway patrol as described in 2255  
section 5120.173 of the Revised Code, shall result in protective 2256  
services and emergency supportive services being made available by 2257  
the public children services agency on behalf of the children 2258  
about whom the report is made, in an effort to prevent further 2259  
neglect or abuse, to enhance their welfare, and, whenever 2260  
possible, to preserve the family unit intact. The agency required 2261  
to provide the services shall be the agency conducting the 2262  
investigation of the report pursuant to section 2151.422 of the 2263  
Revised Code. 2264

(J)(1) Each public children services agency shall prepare a 2265  
memorandum of understanding that is signed by all of the 2266  
following: 2267

(a) If there is only one juvenile judge in the county, the 2268  
juvenile judge of the county or the juvenile judge's 2269  
representative; 2270



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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 2301  
officials is not grounds for, and shall not result in, the 2302  
dismissal of any charges or complaint arising from any reported 2303  
case of abuse or neglect or the suppression of any evidence 2304  
obtained as a result of any reported child abuse or child neglect 2305  
and does not give, and shall not be construed as giving, any 2306  
rights or any grounds for appeal or post-conviction relief to any 2307  
person. 2308

(3) A memorandum of understanding shall include all of the 2309  
following: 2310

(a) The roles and responsibilities for handling emergency and 2311  
nonemergency cases of abuse and neglect; 2312

(b) Standards and procedures to be used in handling and 2313  
coordinating investigations of reported cases of child abuse and 2314  
reported cases of child neglect, methods to be used in 2315  
interviewing the child who is the subject of the report and who 2316  
allegedly was abused or neglected, and standards and procedures 2317  
addressing the categories of persons who may interview the child 2318  
who is the subject of the report and who allegedly was abused or 2319  
neglected. 2320

(4) If a public children services agency participated in the 2321  
execution of a memorandum of understanding under section 2151.426 2322  
of the Revised Code establishing a children's advocacy center, the 2323  
agency shall incorporate the contents of that memorandum in the 2324  
memorandum prepared pursuant to this section. 2325

(5) The clerk of the court of common pleas in the county may 2326  
sign the memorandum of understanding prepared under division 2327  
(J)(1) of this section. If the clerk signs the memorandum of 2328  
understanding, the clerk shall execute all relevant 2329  
responsibilities as required of officials specified in the 2330  
memorandum. 2331

(K)(1) Except as provided in division (K)(4) of this section, 2332  
a person who is required to make a report pursuant to division (A) 2333  
of this section may make a reasonable number of requests of the 2334  
public children services agency that receives or is referred the 2335  
report, or of the children's advocacy center that is referred the 2336  
report if the report is referred to a children's advocacy center 2337  
pursuant to an interagency agreement entered into under section 2338  
2151.428 of the Revised Code, to be provided with the following 2339  
information: 2340

(a) Whether the agency or center has initiated an 2341  
investigation of the report; 2342

(b) Whether the agency or center is continuing to investigate 2343  
the report; 2344

(c) Whether the agency or center is otherwise involved with 2345  
the child who is the subject of the report; 2346

(d) The general status of the health and safety of the child 2347  
who is the subject of the report; 2348

(e) Whether the report has resulted in the filing of a 2349  
complaint in juvenile court or of criminal charges in another 2350  
court. 2351

(2) A person may request the information specified in 2352  
division (K)(1) of this section only if, at the time the report is 2353  
made, the person's name, address, and telephone number are 2354  
provided to the person who receives the report. 2355

When a municipal or county peace officer or employee of a 2356  
public children services agency receives a report pursuant to 2357  
division (A) or (B) of this section the recipient of the report 2358  
shall inform the person of the right to request the information 2359  
described in division (K)(1) of this section. The recipient of the 2360  
report shall include in the initial child abuse or child neglect 2361  
report that the person making the report was so informed and, if 2362

provided at the time of the making of the report, shall include 2363  
the person's name, address, and telephone number in the report. 2364

Each request is subject to verification of the identity of 2365  
the person making the report. If that person's identity is 2366  
verified, the agency shall provide the person with the information 2367  
described in division (K)(1) of this section a reasonable number 2368  
of times, except that the agency shall not disclose any 2369  
confidential information regarding the child who is the subject of 2370  
the report other than the information described in those 2371  
divisions. 2372

(3) A request made pursuant to division (K)(1) of this 2373  
section is not a substitute for any report required to be made 2374  
pursuant to division (A) of this section. 2375

(4) If an agency other than the agency that received or was 2376  
referred the report is conducting the investigation of the report 2377  
pursuant to section 2151.422 of the Revised Code, the agency 2378  
conducting the investigation shall comply with the requirements of 2379  
division (K) of this section. 2380

(L) The director of job and family services shall adopt rules 2381  
in accordance with Chapter 119. of the Revised Code to implement 2382  
this section. The department of job and family services may enter 2383  
into a plan of cooperation with any other governmental entity to 2384  
aid in ensuring that children are protected from abuse and 2385  
neglect. The department shall make recommendations to the attorney 2386  
general that the department determines are necessary to protect 2387  
children from child abuse and child neglect. 2388

(M)(1) As used in this division: 2389

(a) "Out-of-home care" includes a nonchartered nonpublic 2390  
school if the alleged child abuse or child neglect, or alleged 2391  
threat of child abuse or child neglect, described in a report 2392  
received by a public children services agency allegedly occurred 2393

in or involved the nonchartered nonpublic school and the alleged 2394  
perpetrator named in the report holds a certificate, permit, or 2395  
license issued by the state board of education under section 2396  
3301.071 or Chapter 3319. of the Revised Code. 2397

(b) "Administrator, director, or other chief administrative 2398  
officer" means the superintendent of the school district if the 2399  
out-of-home care entity subject to a report made pursuant to this 2400  
section is a school operated by the district. 2401

(2) No later than the end of the day following the day on 2402  
which a public children services agency receives a report of 2403  
alleged child abuse or child neglect, or a report of an alleged 2404  
threat of child abuse or child neglect, that allegedly occurred in 2405  
or involved an out-of-home care entity, the agency shall provide 2406  
written notice of the allegations contained in and the person 2407  
named as the alleged perpetrator in the report to the 2408  
administrator, director, or other chief administrative officer of 2409  
the out-of-home care entity that is the subject of the report 2410  
unless the administrator, director, or other chief administrative 2411  
officer is named as an alleged perpetrator in the report. If the 2412  
administrator, director, or other chief administrative officer of 2413  
an out-of-home care entity is named as an alleged perpetrator in a 2414  
report of alleged child abuse or child neglect, or a report of an 2415  
alleged threat of child abuse or child neglect, that allegedly 2416  
occurred in or involved the out-of-home care entity, the agency 2417  
shall provide the written notice to the owner or governing board 2418  
of the out-of-home care entity that is the subject of the report. 2419  
The agency shall not provide witness statements or police or other 2420  
investigative reports. 2421

(3) No later than three days after the day on which a public 2422  
children services agency that conducted the investigation as 2423  
determined pursuant to section 2151.422 of the Revised Code makes 2424  
a disposition of an investigation involving a report of alleged 2425

child abuse or child neglect, or a report of an alleged threat of 2426  
child abuse or child neglect, that allegedly occurred in or 2427  
involved an out-of-home care entity, the agency shall send written 2428  
notice of the disposition of the investigation to the 2429  
administrator, director, or other chief administrative officer and 2430  
the owner or governing board of the out-of-home care entity. The 2431  
agency shall not provide witness statements or police or other 2432  
investigative reports. 2433

**Sec. 2151.424.** (A) If a child has been placed in a certified 2434  
foster home or is in the custody of a relative of the child, other 2435  
than a parent of the child, a court, prior to conducting any 2436  
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 2437  
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2438  
or 2151.417 of the Revised Code with respect to the child, shall 2439  
notify the foster caregiver or relative of the date, time, and 2440  
place of the hearing. At the hearing, the foster caregiver or 2441  
relative ~~may~~ shall have the right to present evidence. 2442

(B) If a public children services agency or private child 2443  
placing agency has permanent custody of a child and a petition to 2444  
adopt the child has been filed under Chapter 3107. of the Revised 2445  
Code, the agency, prior to conducting a review under section 2446  
2151.416 of the Revised Code, or a court, prior to conducting a 2447  
hearing under division (E)(2) or (3) of section 2151.412 or 2448  
section 2151.416 or 2151.417 of the Revised Code, shall notify the 2449  
prospective adoptive parent of the date, time, and place of the 2450  
review or hearing. At the review or hearing, the prospective 2451  
adoptive parent ~~may~~ shall have the right to present evidence. 2452

(C) The notice and the opportunity to present evidence do not 2453  
make the foster caregiver, relative, or prospective adoptive 2454  
parent a party in the action or proceeding pursuant to which the 2455  
review or hearing is conducted. 2456

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 2457  
entity that appoints or employs any person responsible for a 2458  
child's care in out-of-home care shall request the superintendent 2459  
of BCII to conduct a criminal records check with respect to any 2460  
person who is under final consideration for appointment or 2461  
employment as a person responsible for a child's care in 2462  
out-of-home care, except that section 3319.39 of the Revised Code 2463  
shall apply instead of this section if the out-of-home care entity 2464  
is a public school, educational service center, or chartered 2465  
nonpublic school. 2466

(2) The At the times specified in this division, the 2467  
administrative director of an agency, or attorney, who arranges an 2468  
adoption for a prospective adoptive parent shall request the 2469  
superintendent of BCII to conduct a criminal records check with 2470  
respect to that prospective adoptive parent and a criminal records 2471  
check with respect to all persons eighteen years of age or older 2472  
who reside with the prospective adoptive parent. The 2473  
administrative director or attorney shall request a criminal 2474  
records check pursuant to this division at the time of the initial 2475  
home study, every four years after the initial home study at the 2476  
time of an update, and at the time that an adoptive home study is 2477  
completed as a new home study. 2478

(3) Before a recommending agency submits a recommendation to 2479  
the department of job and family services on whether the 2480  
department should issue a certificate to a foster home under 2481  
section 5103.03 of the Revised Code, and every four years 2482  
thereafter prior to a recertification under that section, the 2483  
administrative director of the agency shall request that the 2484  
superintendent of BCII conduct a criminal records check with 2485  
respect to the prospective foster caregiver and a criminal records 2486  
check with respect to all other persons eighteen years of age or 2487  
older who reside with the foster caregiver. 2488

(B)(1) If a person subject to a criminal records check under 2489  
division (A)(1) of this section does not present proof that the 2490  
person has been a resident of this state for the five-year period 2491  
immediately prior to the date upon which the criminal records 2492  
check is requested or does not provide evidence that within that 2493  
five-year period the superintendent of BCII has requested 2494  
information about the person from the federal bureau of 2495  
investigation in a criminal records check, the appointing or 2496  
hiring officer, ~~administrative director, or attorney~~ shall request 2497  
that the superintendent of BCII obtain information from the 2498  
federal bureau of investigation as a part of the criminal records 2499  
check, including fingerprint based checks of national crime 2500  
information databases as described in 42 U.S.C. 671. If ~~the a~~ 2501  
person subject to ~~the a~~ criminal records check under division 2502  
(A)(1) of this section presents proof that the person has been a 2503  
resident of this state for that five-year period, the appointing 2504  
or hiring officer, ~~director,~~ or attorney may request that the 2505  
superintendent of BCII include information from the federal bureau 2506  
of investigation in the criminal records check, including 2507  
fingerprint based checks of national crime information databases 2508  
as described in 42 U.S.C. 671. 2509

When the administrative director of an agency, or attorney, 2510  
who arranges an adoption for a prospective parent requests, at the 2511  
time of the initial home study, a criminal records check for a 2512  
person pursuant to division (A)(2) of this section, the 2513  
administrative director or attorney shall request that the 2514  
superintendent of BCII obtain information from the federal bureau 2515  
of investigation as part of the criminal records check, including 2516  
fingerprint based checks of national crime information databases 2517  
as described in 42 U.S.C. 671, for the person subject to the 2518  
criminal records check. In all other cases in which the 2519  
administrative director of an agency, or attorney, who arranges an 2520  
adoption for a prospective parent requests a criminal records 2521



check for a person pursuant to division (A)(2) of this section, 2522  
the administrative director or attorney may request that the 2523  
superintendent of BCII include information from the federal bureau 2524  
of investigation in the criminal records check, including 2525  
fingerprint based checks of national crime information databases 2526  
as described in 42 U.S.C. 671. 2527

When the administrative director of a recommending agency 2528  
requests, before submitting a recommendation to the department of 2529  
job and family services on whether the department should issue a 2530  
certificate to a foster home under section 5103.03 of the Revised 2531  
Code, a criminal records check for a person pursuant to division 2532  
(A)(3) of this section, the administrative director shall request 2533  
that the superintendent of BCII obtain information from the 2534  
federal bureau of investigation as part of a criminal records 2535  
check, including fingerprint based checks of national crime 2536  
information databases as described in 42 U.S.C. 671, for the 2537  
person subject to the criminal records check. In all other cases 2538  
in which the administrative director of a recommending agency 2539  
requests a criminal records check for a person pursuant to 2540  
division (A)(3) of this section, the administrative director may 2541  
request that the superintendent of BCII include information from 2542  
the federal bureau of investigation in the criminal records check, 2543  
including fingerprint based checks of national crime information 2544  
databases as described in 42 U.S.C. 671. 2545

Prior to a hearing on a final decree of adoption or 2546  
interlocutory order of adoption by a probate court, the 2547  
administrative director of an agency, or an attorney, who arranges 2548  
an adoption for a prospective parent shall provide to the clerk of 2549  
the probate court either of the following: 2550

(a) Any information received pursuant to a request made under 2551  
this division from the superintendent of BCII or the federal 2552  
bureau of investigation as part of the criminal records check, 2553

including fingerprint-based checks of national crime information 2554  
databases as described in 42 U.S.C. 671, for the person subject to 2555  
the criminal records check; 2556

(b) Written notification that the person subject to a 2557  
criminal records check pursuant to this division failed upon 2558  
request to provide the information necessary to complete the form 2559  
or failed to provide impressions of the person's fingerprints as 2560  
required under division (B)(2) of this section. 2561

(2) An appointing or hiring officer, administrative director, 2562  
or attorney required by division (A) of this section to request a 2563  
criminal records check shall provide to each person subject to a 2564  
criminal records check a copy of the form prescribed pursuant to 2565  
division (C)(1) of section 109.572 of the Revised Code and a 2566  
standard impression sheet to obtain fingerprint impressions 2567  
prescribed pursuant to division (C)(2) of section 109.572 of the 2568  
Revised Code, obtain the completed form and impression sheet from 2569  
the person, and forward the completed form and impression sheet to 2570  
the superintendent of BCII at the time the criminal records check 2571  
is requested. 2572

Any person subject to a criminal records check who receives 2573  
pursuant to this division a copy of the form prescribed pursuant 2574  
to division (C)(1) of section 109.572 of the Revised Code and a 2575  
copy of an impression sheet prescribed pursuant to division (C)(2) 2576  
of that section and who is requested to complete the form and 2577  
provide a set of fingerprint impressions shall complete the form 2578  
or provide all the information necessary to complete the form and 2579  
shall provide the impression sheet with the impressions of the 2580  
person's fingerprints. If a person subject to a criminal records 2581  
check, upon request, fails to provide the information necessary to 2582  
complete the form or fails to provide impressions of the person's 2583  
fingerprints, the appointing or hiring officer shall not appoint 2584  
or employ the person as a person responsible for a child's care in 2585

out-of-home care, a probate court may not issue a final decree of 2586  
adoption or an interlocutory order of adoption making the person 2587  
an adoptive parent, and the department of job and family services 2588  
shall not issue a certificate authorizing the prospective foster 2589  
caregiver to operate a foster home. 2590

(C)(1) No appointing or hiring officer shall appoint or 2591  
employ a person as a person responsible for a child's care in 2592  
out-of-home care, the department of job and family services shall 2593  
not issue a certificate under section 5103.03 of the Revised Code 2594  
authorizing a prospective foster caregiver to operate a foster 2595  
home, and no probate court shall issue a final decree of adoption 2596  
or an interlocutory order of adoption making a person an adoptive 2597  
parent if the person or, in the case of a prospective foster 2598  
caregiver or prospective adoptive parent, any person eighteen 2599  
years of age or older who resides with the prospective foster 2600  
caregiver or prospective adoptive parent previously has been 2601  
convicted of or pleaded guilty to any of the ~~following~~ violations 2602  
described in division (A)(8) of section 109.572 of the Revised 2603  
Code, unless the person meets rehabilitation standards established 2604  
in rules adopted under division (F) of this section+. 2605

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 2606  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 2607  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 2608  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 2609  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 2610  
~~2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,~~ 2611  
~~2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,~~ 2612  
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 2613  
~~violation of section 2905.04 of the Revised Code as it existed~~ 2614  
~~prior to July 1, 1996, a violation of section 2919.23 of the~~ 2615  
~~Revised Code that would have been a violation of section 2905.04~~ 2616  
~~of the Revised Code as it existed prior to July 1, 1996, had the~~ 2617

~~violation been committed prior to that date, a violation of 2618  
section 2925.11 of the Revised Code that is not a minor drug 2619  
possession offense, or felonious sexual penetration in violation 2620  
of former section 2907.12 of the Revised Code; 2621~~

~~(b) A violation of an existing or former law of this state, 2622  
any other state, or the United States that is substantially 2623  
equivalent to any of the offenses described in division (C)(1)(a) 2624  
of this section. 2625~~

(2) The appointing or hiring officer may appoint or employ a 2626  
person as a person responsible for a child's care in out-of-home 2627  
care conditionally until the criminal records check required by 2628  
this section is completed and the officer receives the results of 2629  
the criminal records check. If the results of the criminal records 2630  
check indicate that, pursuant to division (C)(1) of this section, 2631  
the person subject to the criminal records check does not qualify 2632  
for appointment or employment, the officer shall release the 2633  
person from appointment or employment. 2634

(3) Prior to certification or recertification under section 2635  
5103.03 of the Revised Code, the prospective foster caregiver 2636  
subject to a criminal records check under division (A)(3) of this 2637  
section shall notify the recommending agency of the revocation of 2638  
any foster home license, certificate, or other similar 2639  
authorization in another state occurring within the five years 2640  
prior to the date of application to become a foster caregiver in 2641  
this state. The failure of a prospective foster caregiver to 2642  
notify the recommending agency of any revocation of that type in 2643  
another state that occurred within that five-year period shall be 2644  
grounds for denial of the person's foster home application or the 2645  
revocation of the person's foster home certification, whichever is 2646  
applicable. If a person has had a revocation in another state 2647  
within the five years prior to the date of the application, the 2648  
department of job and family services shall not issue a foster 2649

home certificate to the prospective foster caregiver. 2650

(D) The appointing or hiring officer, administrative 2651  
director, or attorney shall pay to the bureau of criminal 2652  
identification and investigation the fee prescribed pursuant to 2653  
division (C)(3) of section 109.572 of the Revised Code for each 2654  
criminal records check conducted in accordance with that section 2655  
upon a request pursuant to division (A) of this section. The 2656  
officer, director, or attorney may charge the person subject to 2657  
the criminal records check a fee for the costs the officer, 2658  
director, or attorney incurs in obtaining the criminal records 2659  
check. A fee charged under this division shall not exceed the 2660  
amount of fees the officer, director, or attorney pays for the 2661  
criminal records check. If a fee is charged under this division, 2662  
the officer, director, or attorney shall notify the person who is 2663  
the applicant at the time of the person's initial application for 2664  
appointment or employment, an adoption to be arranged, or a 2665  
certificate to operate a foster home of the amount of the fee and 2666  
that, unless the fee is paid, the person who is the applicant will 2667  
not be considered for appointment or employment or as an adoptive 2668  
parent or foster caregiver. 2669

(E) The report of any criminal records check conducted by the 2670  
bureau of criminal identification and investigation in accordance 2671  
with section 109.572 of the Revised Code and pursuant to a request 2672  
made under division (A) of this section is not a public record for 2673  
the purposes of section 149.43 of the Revised Code and shall not 2674  
be made available to any person other than the following: 2675

(1) The person who is the subject of the criminal records 2676  
check or the person's representative; ~~the~~ 2677

(2) The appointing or hiring officer, administrative 2678  
director, or attorney requesting the criminal records check or the 2679  
officer's, director's, or attorney's representative; ~~the~~ 2680

(3) ~~The~~ department of job and family services ~~or~~, a county 2681  
department of job and family services, or a public children 2682  
services agency; and any 2683

(4) Any court, hearing officer, or other necessary individual 2684  
involved in a case dealing with the denial of employment, a final 2685  
decree of adoption or interlocutory order of adoption, or a foster 2686  
home certificate. 2687

(F) The director of job and family services shall adopt rules 2688  
in accordance with Chapter 119. of the Revised Code to implement 2689  
this section. The rules shall include rehabilitation standards a 2690  
person who has been convicted of or pleaded guilty to an offense 2691  
listed in division ~~(C)(1) of this section~~ (A)(8) of section 2692  
109.572 of the Revised Code must meet for an appointing or hiring 2693  
officer to appoint or employ the person as a person responsible 2694  
for a child's care in out-of-home care, a probate court to issue a 2695  
final decree of adoption or interlocutory order of adoption making 2696  
the person an adoptive parent, or the department to issue a 2697  
certificate authorizing the prospective foster caregiver to 2698  
operate a foster home or not revoke a foster home certificate for 2699  
a violation specified in section 5103.0328 of the Revised Code. 2700

(G) An appointing or hiring officer, administrative director, 2701  
or attorney required by division (A) of this section to request a 2702  
criminal records check shall inform each person who is the 2703  
applicant, at the time of the person's initial application for 2704  
appointment or employment, an adoption to be arranged, or a foster 2705  
home certificate, that the person subject to the criminal records 2706  
check is required to provide a set of impressions of the person's 2707  
fingerprints and that a criminal records check is required to be 2708  
conducted and satisfactorily completed in accordance with section 2709  
109.572 of the Revised Code. 2710

(H) The department of job and family services may waive the 2711  
requirement that a criminal records check based on fingerprints be 2712

conducted for an adult resident of a prospective adoptive or 2713  
foster home or the home of a foster caregiver if the recommending 2714  
agency documents to the department's satisfaction that the adult 2715  
resident is physically unable to comply with the fingerprinting 2716  
requirement and poses no danger to foster children or adoptive 2717  
children who may be placed in the home. In such cases, the 2718  
recommending or approving agency shall request that the bureau of 2719  
criminal identification and investigation conduct a criminal 2720  
records check using the person's name and social security number. 2721

(I) As used in this section: 2722

(1) "Children's hospital" means any of the following: 2723

(a) A hospital registered under section 3701.07 of the 2724  
Revised Code that provides general pediatric medical and surgical 2725  
care, and in which at least seventy-five per cent of annual 2726  
inpatient discharges for the preceding two calendar years were 2727  
individuals less than eighteen years of age; 2728

(b) A distinct portion of a hospital registered under section 2729  
3701.07 of the Revised Code that provides general pediatric 2730  
medical and surgical care, has a total of at least one hundred 2731  
fifty registered pediatric special care and pediatric acute care 2732  
beds, and in which at least seventy-five per cent of annual 2733  
inpatient discharges for the preceding two calendar years were 2734  
individuals less than eighteen years of age; 2735

(c) A distinct portion of a hospital, if the hospital is 2736  
registered under section 3701.07 of the Revised Code as a 2737  
children's hospital and the children's hospital meets all the 2738  
requirements of division (I)~~(3)~~(1)(a) of this section. 2739

(2) "Criminal records check" has the same meaning as in 2740  
section 109.572 of the Revised Code. 2741

~~(3) "Minor drug possession offense" has the same meaning as 2742  
in section 2925.01 of the Revised Code. 2743~~

~~(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;

(c) A prospective foster caregiver;

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

~~(6)~~(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.

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

**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 2774  
109.60 of the Revised Code. 2775

(B) If the court of common pleas has jurisdiction over a case 2776  
involving a person or child with respect to whom division (A)(1) 2777  
or (2) of section 109.60 of the Revised Code requires a sheriff or 2778  
chief of police to take the person's or child's fingerprints, the 2779  
court of common pleas shall inquire at the time of the person's or 2780  
child's sentencing or adjudication for the crime or act for which 2781  
the fingerprints were required to be taken whether or not the 2782  
person or child has been fingerprinted pursuant to division (A)(1) 2783  
or (2) of section 109.60 of the Revised Code for the original 2784  
arrest or court appearance upon which the sentence or adjudication 2785  
is based. If a person or child was not fingerprinted for the 2786  
original arrest or court appearance, the court of common pleas 2787  
shall order the person or child to appear before the sheriff or 2788  
chief of police within twenty-four hours to have the person's or 2789  
child's fingerprints taken as provided in division (A)(3) of 2790  
section 109.60 of the Revised Code. 2791

(C) Pursuant to an order issued under division (A) or (B) of 2792  
this section, the sheriff or chief of police shall take the 2793  
person's or child's fingerprints, or cause the fingerprints to be 2794  
taken, as provided in division (A)(3) of section 109.60 of the 2795  
Revised Code or shall provide written notification to the court if 2796  
the person or child failed to appear or provide impressions of the 2797  
person's or child's fingerprints. 2798

**Sec. 3107.033.** Not later than January 1, 2008, the director 2799  
of job and family services shall adopt rules in accordance with 2800  
Chapter 119. of the Revised Code specifying both of the following: 2801

(A) The manner in which a home study is to be conducted and 2803  
the information and documents to be included in a home study 2804

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

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

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the administrative director of an agency, or attorney, who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who resides with the prospective adoptive parent to enable the agency or attorney to check any child abuse and neglect registry maintained by that other state. The administrative director or attorney shall make the request and shall review the results of the check before a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent may be made. Information received pursuant to the request shall be considered for purposes of this chapter as if it were a summary

report required under section 3107.033 of the Revised Code. The 2837  
department of job and family services shall comply with any 2838  
request to check the central registry that is similar to the 2839  
request described in this division and that is received from any 2840  
other state. 2841

(B) The summary report of a search of the uniform statewide 2842  
automated child welfare information system established in section 2843  
5101.13 of the Revised Code that is required under section 2844  
3107.033 of the Revised Code shall contain, if applicable, a 2845  
chronological list of abuse and neglect determinations or 2846  
allegations of which the person seeking to adopt is subject and in 2847  
regards to which a public children services agency has done one of 2848  
the following: 2849

(1) Determined that abuse or neglect occurred; 2850

(2) Initiated an investigation, and the investigation is 2851  
ongoing; 2852

(3) Initiated an investigation and the agency was unable to 2853  
determine whether abuse or neglect occurred. 2854

~~(B)~~(C) The summary report required under section 3107.033 of 2855  
the Revised Code shall not contain any of the following: 2856

(1) An abuse and neglect determination of which the person 2857  
seeking to adopt is subject and in regards to which a public 2858  
children services agency determined that abuse or neglect did not 2859  
occur; 2860

(2) Information or reports the dissemination of which is 2861  
prohibited by, or interferes with eligibility under, the "Child 2862  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 2863  
5101 et seq., as amended; 2864

(3) The name of the person who or entity that made, or 2865  
participated in the making of, the report of abuse or neglect. 2866

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

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

**Sec. 3107.066.** (A) Notwithstanding the provisions of the  
versions of former sections 3107.06 and 3107.07 of the Revised  
Code that, pursuant to Section 5 of Am. Sub. H.B. 419 of the 121st  
general assembly, apply regarding a putative father's consent to  
the adoption of any child born prior to January 1, 1997, on and  
after the effective date of this section, both of the following  
apply:

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

(2) The references in division (B) of former section 3107.07  
of the Revised Code to the department of human services are  
repealed, and division (B) of that former section shall be  
considered as reading, and shall be applicable, as follows: "The  
putative father of a minor if the putative father fails to file an  
objection with the court or the agency having custody of the minor

as provided in division (F)(4) of section 3107.06 of the Revised Code, or files an objection with the court or agency and the court finds, after proper service of notice and hearing, that he is not the father of the minor, or that he has willfully abandoned or failed to care for and support the minor, or abandoned the mother of the minor during her pregnancy and up to the time of her surrender of the minor, or its placement in the home of the petitioner, whichever occurs first."

(B) As used in this section:

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

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

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

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

(C) If, at the conclusion of the hearing, the court finds that the required consents have been obtained or excused and that the adoption is in the best interest of the person sought to be adopted as supported by the evidence, it may issue, subject to division (C)(1)(a) of section 2151.86, section 3107.064, and division (E) of section 3107.09 of the Revised Code, and any other

limitations specified in this chapter, a final decree of adoption 2928  
or an interlocutory order of adoption, which by its own terms 2929  
automatically becomes a final decree of adoption on a date 2930  
specified in the order, which, except as provided in division (B) 2931  
of section 3107.13 of the Revised Code, shall not be less than six 2932  
months or more than one year from the date of issuance of the 2933  
order, unless sooner vacated by the court for good cause shown. In 2934  
determining whether the adoption is in the best interest of the 2935  
person sought to be adopted, the court shall not consider the age 2936  
of the petitioner if the petitioner is old enough to adopt as 2937  
provided by section 3107.03 of the Revised Code. 2938

In an interlocutory order of adoption, the court shall 2939  
provide for observation, investigation, and a further report on 2940  
the adoptive home during the interlocutory period. 2941

(D) If the requirements for a decree under division (C) of 2942  
this section have not been satisfied or the court vacates an 2943  
interlocutory order of adoption, or if the court finds that a 2944  
person sought to be adopted was placed in the home of the 2945  
petitioner in violation of law, the court shall dismiss the 2946  
petition and may determine the agency or person to have temporary 2947  
or permanent custody of the person, which may include the agency 2948  
or person that had custody prior to the filing of the petition or 2949  
the petitioner, if the court finds it is in the best interest of 2950  
the person as supported by the evidence, or if the person is a 2951  
minor, the court may certify the case to the juvenile court of the 2952  
county where the minor is then residing for appropriate action and 2953  
disposition. 2954

(E) The issuance of a final decree or interlocutory order of 2955  
adoption for an adult adoption under division (A)(4) of section 2956  
3107.02 of the Revised Code shall not disqualify that adult for 2957  
services under section 2151.82 or 2151.83 of the Revised Code. 2958

**Sec. 5101.13.** (A) The department of job and family services 2959  
shall establish and maintain a uniform statewide automated child 2960  
welfare information system in accordance with the requirements of 2961  
42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 2962  
guidelines. The information system shall contain records regarding 2963  
any of the following: 2964

(1) Investigations of children and families, and children's 2965  
care in out-of-home care, in accordance with sections 2151.421 and 2966  
5153.16 of the Revised Code; 2967

(2) Care and treatment provided to children and families; 2968

(3) Any other information related to children and families 2969  
that state or federal law, regulation, or rule requires the 2970  
department or a public children services agency to maintain. 2971

(B) The department shall plan implementation of the 2972  
information system on a county\_by\_county basis and shall finalize 2973  
statewide implementation by all public children services agencies 2974  
as described in section 5153.02 of the Revised Code not later than 2975  
January 1, 2008. 2976

(C) The department shall promptly notify all public children 2977  
services agencies of the initiation and completion of statewide 2978  
implementation of the statewide information system established 2979  
under division (A) of this section. 2980

(D) "Out-of-home care" has the same meaning as in section 2981  
2151.011 of the Revised Code. 2982

**Sec. 5101.132.** (A) Information contained in the information 2983  
system established and maintained under section 5101.13 of the 2984  
Revised Code may be accessed or entered only as follows: 2985

~~(A)(1)~~ The department of job and family services ~~and~~, a 2986  
public children services agency, a title IV-E agency, a 2987

prosecuting attorney, a private child placing agency, and a 2988  
private noncustodial agency may access or enter the information 2989  
when either of the following is the case: 2990

~~(1)~~(a) The access or entry is directly connected with 2991  
assessment, investigation, or services regarding a child or 2992  
family; 2993

~~(2)~~(b) The access or entry is permitted by state or federal 2994  
law, rule, or regulation. 2995

~~(B)~~(2) A person may access or enter the information in a 2996  
manner, to the extent, and for the purposes authorized by rules 2997  
adopted by the department. 2998

(B) As used in this section, "title IV-E agency" means a 2999  
public children services agency or a public entity with which the 3000  
department of job and family services has a title IV-E subgrant 3001  
agreement in effect. 3002

**Sec. 5101.134.** (A) Notwithstanding any provision of the 3003  
Revised Code that requires confidentiality of information that is 3004  
contained in the uniform statewide automated child welfare 3005  
information system established in section 5101.13 of the Revised 3006  
Code, the department of job and family services shall adopt rules 3007  
in accordance with Chapter 119. of the Revised Code regarding a 3008  
private child placing agency's or private noncustodial agency's 3009  
access, data entry, and use of information in the uniform 3010  
statewide automated child welfare information system. 3011

(B)(1) The department of job and family services may adopt 3012  
rules in accordance with section 111.15 of the Revised Code, as if 3013  
they were internal management rules, as necessary to carry out the 3014  
purposes of sections 5101.13 to 5101.133 of the Revised Code. 3015

(2) The department may adopt rules in accordance with Chapter 3016  
119. of the Revised Code as necessary to carry out the purposes of 3017



division ~~(B)~~(A)(2) of section 5101.132 of the Revised Code. 3018

(C) Public children services agencies shall implement and use 3019  
the information system established pursuant to section 5101.13 of 3020  
the Revised Code in accordance with rules adopted by the 3021  
department. 3022

Sec. 5101.32. (A) The department of job and family services 3023  
shall work with the superintendent of the bureau of criminal 3024  
identification and investigation to develop procedures and formats 3025  
necessary to produce the notices described in division (C) of 3026  
section 109.5721 of the Revised Code in a format that is 3027  
acceptable for use by the department. The department may adopt 3028  
rules in accordance with section 111.15 of the Revised Code, as if 3029  
they were internal management rules, necessary for such 3030  
collaboration. 3031

(B) The department of job and family services may adopt rules 3032  
in accordance with Chapter 119. of the Revised Code necessary for 3033  
utilizing the information received pursuant to section 109.5721 of 3034  
the Revised Code, with a final effective date that is not later 3035  
than December 31, 2008. 3036

Sec. 5103.03. (A) The director of job and family services 3037  
shall adopt rules as necessary for the adequate and competent 3038  
management of institutions or associations. 3039

(B)(1) Except for facilities under the control of the 3040  
department of youth services, places of detention for children 3041  
established and maintained pursuant to sections 2152.41 to 2152.44 3042  
of the Revised Code, and child day-care centers subject to Chapter 3043  
5104. of the Revised Code, the department of job and family 3044  
services every two years shall pass upon the fitness of every 3045  
institution and association that receives, or desires to receive 3046  
and care for children, or places children in private homes. 3047

(2) When the department of job and family services is 3048  
satisfied as to the care given such children, and that the 3049  
requirements of the statutes and rules covering the management of 3050  
such institutions and associations are being complied with, it 3051  
shall issue to the institution or association a certificate to 3052  
that effect. A certificate is valid for two years, unless sooner 3053  
revoked by the department. When determining whether an institution 3054  
or association meets a particular requirement for certification, 3055  
the department may consider the institution or association to have 3056  
met the requirement if the institution or association shows to the 3057  
department's satisfaction that it has met a comparable requirement 3058  
to be accredited by a nationally recognized accreditation 3059  
organization. 3060

(3) The department may issue a temporary certificate valid 3061  
for less than one year authorizing an institution or association 3062  
to operate until minimum requirements have been met. 3063

(4) An institution or association that knowingly makes a 3064  
false statement that is included as a part of certification under 3065  
this section is guilty of the offense of falsification under 3066  
section 2921.13 of the Revised Code and the department shall not 3067  
certify that institution or association. 3068

(5) The department shall not issue a certificate to a 3069  
prospective foster home or prospective specialized foster home 3070  
pursuant to this section if the prospective foster home or 3071  
prospective specialized foster home operates as a type A family 3072  
day-care home pursuant to Chapter 5104. of the Revised Code. The 3073  
department shall not issue a certificate to a prospective 3074  
specialized foster home if the prospective specialized foster home 3075  
operates a type B family day-care home pursuant to Chapter 5104. 3076  
of the Revised Code. 3077

(C) The department may revoke a certificate if it finds that 3078  
the institution or association is in violation of law or rule. No 3079

juvenile court shall commit a child to an association or 3080  
institution that is required to be certified under this section if 3081  
its certificate has been revoked or, if after revocation, the date 3082  
of reissue is less than fifteen months prior to the proposed 3083  
commitment. 3084

(D) Every two years, on a date specified by the department, 3085  
each institution or association desiring certification or 3086  
recertification shall submit to the department a report showing 3087  
its condition, management, competency to care adequately for the 3088  
children who have been or may be committed to it or to whom it 3089  
provides care or services, the system of visitation it employs for 3090  
children placed in private homes, and other information the 3091  
department requires. 3092

(E) The department shall, not less than once each year, send 3093  
a list of certified institutions and associations to each juvenile 3094  
court and certified association or institution. 3095

(F) No person shall receive children or receive or solicit 3096  
money on behalf of such an institution or association not so 3097  
certified or whose certificate has been revoked. 3098

(G)(1) The director may delegate by rule any duties imposed 3099  
on it by this section to inspect and approve family foster homes 3100  
and specialized foster homes to public children services agencies, 3101  
private child placing agencies, or private noncustodial agencies. 3102

(2) The director shall adopt rules that require a foster 3103  
caregiver or other individual certified to operate a foster home 3104  
under this section to notify the recommending agency that the 3105  
foster caregiver or other individual is certified to operate a 3106  
type B family day-care home under Chapter 5104. of the Revised 3107  
Code. 3108

(H) If the director of job and family services determines 3109  
that an institution or association that cares for children is 3110

operating without a certificate, the director may petition the 3111  
court of common pleas in the county in which the institution or 3112  
association is located for an order enjoining its operation. The 3113  
court shall grant injunctive relief upon a showing that the 3114  
institution or association is operating without a certificate. 3115

(I) If both of the following are the case, the director of 3116  
job and family services may petition the court of common pleas of 3117  
any county in which an institution or association that holds a 3118  
certificate under this section operates for an order, and the 3119  
court may issue an order, preventing the institution or 3120  
association from receiving additional children into its care or an 3121  
order removing children from its care: 3122

(1) The department has evidence that the life, health, or 3123  
safety of one or more children in the care of the institution or 3124  
association is at imminent risk. 3125

(2) The department has issued a proposed adjudication order 3126  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 3127  
revoke the certificate of the institution or association. 3128

**Sec. 5103.0319.** (A) No foster caregiver or prospective foster 3129  
caregiver shall fail to notify the recommending agency that 3130  
recommended or is recommending the foster caregiver or prospective 3131  
foster caregiver for certification in writing if a person at least 3132  
twelve years of age but less than eighteen years of age residing 3133  
with the foster caregiver or prospective foster caregiver has been 3134  
convicted of or pleaded guilty to any of the following or has been 3135  
adjudicated to be a delinquent child for committing an act that if 3136  
committed by an adult would have constituted such a violation: 3137

(1) A violation of section 2903.01, 2903.02, 2903.03, 3138  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3139  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3140  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3141

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3142  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3143  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3144  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 3145  
violation of section 2905.04 of the Revised Code as it existed 3146  
prior to July 1, 1996, a violation of section 2919.23 of the 3147  
Revised Code that would have been a violation of section 2905.04 3148  
of the Revised Code as it existed prior to July 1, 1996, had the 3149  
violation been committed prior to that date, a violation of 3150  
section 2925.11 of the Revised Code that is not a minor drug 3151  
possession offense, a violation of section 2923.01 of the Revised 3152  
Code that involved an attempt to commit aggravated murder or 3153  
murder, an OVI or OVUAC violation if the person previously was 3154  
convicted of or pleaded guilty to one or more OVI or OVUAC 3155  
violations within the three years immediately preceding the 3156  
current violation, or felonious sexual penetration in violation of 3157  
former section 2907.12 of the Revised Code; 3158

(2) An offense that would be a felony if committed by an 3159  
adult and the court determined that the child, if an adult, would 3160  
be guilty of a specification found in section 2941.141, 2941.144, 3161  
or 2941.145 of the Revised Code or in another section of the 3162  
Revised Code that relates to the possession or use of a firearm, 3163  
as defined in section 2923.11 of the Revised Code, during the 3164  
commission of the act for which the child was adjudicated a 3165  
delinquent child; 3166

(3) A violation of an existing or former law of this state, 3167  
any other state, or the United States that is substantially 3168  
equivalent to any of the offenses described in division (A)(1) or 3169  
(2) of this section. 3170

(B) If a recommending agency learns that a foster caregiver 3171  
has failed to comply with division (A) of this section, it shall 3172  
notify the department of job and family services and the 3173

department shall revoke the foster caregiver's foster home certificate. 3174  
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(C) As used in this section, "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code. 3176  
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**Sec. 5103.0326.** (A) A recommending agency may recommend that the department of job and family services not renew a foster home certificate under section 5103.03 of the Revised Code if the foster caregiver refused to accept the placement of any children into the foster home during the current certification period. Based on the agency's recommendation, the department may refuse to renew a foster home certificate. 3181  
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(B) The department of job and family services may revoke the certification of any foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding twelve months. Prior to the revocation of any certification pursuant to this division, the recommending agency shall have the opportunity to provide good cause for the department to continue the certification and not revoke the certification. If the department decides to revoke the certification, the department shall notify the recommending agency that the certification will be revoked. 3188  
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**Sec. 5103.0328.** (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six 3198  
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hours after learning in any other manner that a foster caregiver 3204  
has been arrested for, convicted of, or pleaded guilty to any 3205  
foster caregiver-disqualifying offense, the department of job and 3206  
family services shall provide notice of that arrest, conviction, 3207  
or guilty plea to both the recommending agency relative to the 3208  
foster caregiver and the custodial agency of any child currently 3209  
placed with that caregiver. 3210

(B) If a recommending agency receives notice from the 3211  
department of job and family services pursuant to division (A) of 3212  
this section that a foster caregiver has been convicted of or 3213  
pleaded guilty to any foster caregiver-disqualifying offense, or 3214  
if a recommending agency learns in any other manner that a foster 3215  
caregiver has been convicted of or pleaded guilty to any foster 3216  
caregiver-disqualifying offense, the recommending agency shall 3217  
assess the foster caregiver's overall situation for safety 3218  
concerns and forward any recommendations, if applicable, for 3219  
revoking the foster caregiver's certificate to the department for 3220  
the department's review for possible revocation. 3221

(C) As used in this section, "foster caregiver-disqualifying 3222  
offense" means any offense or violation listed or described in 3223  
division (C)(1)(a) or (b) of section 2151.86 of the Revised Code. 3224

**Sec. 5103.16.** ~~(A) Pursuant to section 5103.18 of the Revised~~ 3225  
~~Code and except~~ Except as otherwise provided in this section, no 3226  
child shall be placed or accepted for placement under any written 3227  
or oral agreement or understanding that transfers or surrenders 3228  
the legal rights, powers, or duties of the legal parent, parents, 3229  
or guardian of the child into the temporary or permanent custody 3230  
of any association or institution that is not certified by the 3231  
department of job and family services under section 5103.03 of the 3232  
Revised Code, without the written consent of the office in the 3233  
department that oversees the interstate compact for placement of 3234

children established under section 5103.20 of the Revised Code or 3235  
the interstate compact on the placement of children established 3236  
under section 5103.23 of the Revised Code, as applicable, or by a 3237  
commitment of a juvenile court, or by a commitment of a probate 3238  
court as provided in this section. A child may be placed 3239  
temporarily without written consent or court commitment with 3240  
persons related by blood or marriage or in a legally licensed 3241  
boarding home. 3242

(B)(1) Associations and institutions certified under section 3243  
5103.03 of the Revised Code for the purpose of placing children in 3244  
free foster homes or for legal adoption shall keep a record of the 3245  
temporary and permanent surrenders of children. This record shall 3246  
be available for separate statistics, which shall include a copy 3247  
of an official birth record and all information concerning the 3248  
social, mental, and medical history of the children that will aid 3249  
in an intelligent disposition of the children in case that becomes 3250  
necessary because the parents or guardians fail or are unable to 3251  
reassume custody. 3252

(2) No child placed on a temporary surrender with an 3253  
association or institution shall be placed permanently in a foster 3254  
home or for legal adoption. All surrendered children who are 3255  
placed permanently in foster homes or for adoption shall have been 3256  
permanently surrendered, and a copy of the permanent surrender 3257  
shall be a part of the separate record kept by the association or 3258  
institution. 3259

(C) Any agreement or understanding to transfer or surrender 3260  
the legal rights, powers, or duties of the legal parent or parents 3261  
and place a child with a person seeking to adopt the child under 3262  
this section shall be construed to contain a promise by the person 3263  
seeking to adopt the child to pay the expenses listed in divisions 3264  
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 3265  
if the person seeking to adopt the child refuses to accept 3266



placement of the child, to pay the temporary costs of routine 3267  
maintenance and medical care for the child in a hospital, foster 3268  
home, or other appropriate place for up to thirty days or until 3269  
other custody is established for the child, as provided by law, 3270  
whichever is less. 3271

(D) No child shall be placed or received for adoption or with 3272  
intent to adopt unless placement is made by a public children 3273  
services agency, an institution or association that is certified 3274  
by the department of job and family services under section 5103.03 3275  
of the Revised Code to place children for adoption, or custodians 3276  
in another state or foreign country, or unless all of the 3277  
following criteria are met: 3278

(1) Prior to the placement and receiving of the child, the 3279  
parent or parents of the child personally have applied to, and 3280  
appeared before, the probate court of the county in which the 3281  
parent or parents reside, or in which the person seeking to adopt 3282  
the child resides, for approval of the proposed placement 3283  
specified in the application and have signed and filed with the 3284  
court a written statement showing that the parent or parents are 3285  
aware of their right to contest the decree of adoption subject to 3286  
the limitations of section 3107.16 of the Revised Code; 3287

(2) The court ordered an independent home study of the 3288  
proposed placement to be conducted as provided in section 3107.031 3289  
of the Revised Code, and after completion of the home study, the 3290  
court determined that the proposed placement is in the best 3291  
interest of the child; 3292

(3) The court has approved of record the proposed placement. 3293

In determining whether a custodian has authority to place 3294  
children for adoption under the laws of a foreign country, the 3295  
probate court shall determine whether the child has been released 3296  
for adoption pursuant to the laws of the country in which the 3297

child resides, and if the release is in a form that satisfies the 3298  
requirements of the immigration and naturalization service of the 3299  
United States department of justice for purposes of immigration to 3300  
this country pursuant to section 101(b)(1)(F) of the "Immigration 3301  
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 3302  
(b)(1)(F), as amended or reenacted. 3303

If the parent or parents of the child are deceased or have 3304  
abandoned the child, as determined under division (A) of section 3305  
3107.07 of the Revised Code, the application for approval of the 3306  
proposed adoptive placement may be brought by the relative seeking 3307  
to adopt the child, or by the department, board, or organization 3308  
not otherwise having legal authority to place the orphaned or 3309  
abandoned child for adoption, but having legal custody of the 3310  
orphaned or abandoned child, in the probate court of the county in 3311  
which the child is a resident, or in which the department, board, 3312  
or organization is located, or where the person or persons with 3313  
whom the child is to be placed reside. Unless the parent, parents, 3314  
or guardian of the person of the child personally have appeared 3315  
before the court and applied for approval of the placement, notice 3316  
of the hearing on the application shall be served on the parent, 3317  
parents, or guardian. 3318

The consent to placement, surrender, or adoption executed by 3319  
a minor parent before a judge of the probate court or an 3320  
authorized deputy or referee of the court, whether executed within 3321  
or outside the confines of the court, is as valid as though 3322  
executed by an adult. A consent given as above before an employee 3323  
of a children services agency that is licensed as provided by law, 3324  
is equally effective, if the consent also is accompanied by an 3325  
affidavit executed by the witnessing employee or employees to the 3326  
effect that the legal rights of the parents have been fully 3327  
explained to the parents, prior to the execution of any consent, 3328  
and that the action was done after the birth of the child. 3329

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

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

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

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

of job and family services shall comply with any request to check 3361  
the central registry that is similar to the request described in 3362  
this division and that is received from any other state. 3363

(B)(1) The summary report required under division (A) of this 3364  
section shall contain, if applicable, a chronological list of 3365  
abuse and neglect determinations or allegations of which a person 3366  
seeking to become a foster caregiver of a child is subject and in 3367  
regards to which a public children services agency has done one of 3368  
the following: 3369

(a) Determined that abuse or neglect occurred; 3370

(b) Initiated an investigation, and the investigation is 3371  
ongoing; 3372

(c) Initiated an investigation, and the agency was unable to 3373  
determine whether abuse or neglect occurred. 3374

(2) The summary report required under division (A) of this 3375  
section shall not contain any of the following: 3376

(a) An abuse and neglect determination of which a person 3377  
seeking to become a foster caregiver of a child is subject and in 3378  
regards to which a public children services agency determined that 3379  
abuse or neglect did not occur; 3380

(b) Information or reports the dissemination of which is 3381  
prohibited by, or interferes with eligibility under, the "Child 3382  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 3383  
5101 et seq., as amended; 3384

(c) The name of the person who or entity that made, or 3385  
participated in the making of, the report of abuse or neglect. 3386

(C)(1) A foster ~~placement~~ home certification or 3387  
recertification may be denied based on a summary report containing 3388  
the information described under division (B)(1)(a) of this 3389  
section, when considered within the totality of the circumstances. 3390

(2) A foster ~~placement~~ home certification or recertification 3391  
shall not be denied solely based on a summary report containing 3392  
the information described under division (B)(1)(b) or (c) of this 3393  
section. 3394

(D) Not later than January 1, 2008, the director of job and 3395  
family services shall adopt rules in accordance with Chapter 119. 3396  
of the Revised Code necessary for the implementation and execution 3397  
of this section. 3398

**Sec. 5104.011.** (A) The director of job and family services 3399  
shall adopt rules pursuant to Chapter 119. of the Revised Code 3400  
governing the operation of child day-care centers, including, but 3401  
not limited to, parent cooperative centers, part-time centers, 3402  
drop-in centers, and school child centers, which rules shall 3403  
reflect the various forms of child care and the needs of children 3404  
receiving child care or publicly funded child care and shall 3405  
include specific rules for school child care centers that are 3406  
developed in consultation with the department of education. The 3407  
rules shall not require an existing school facility that is in 3408  
compliance with applicable building codes to undergo an additional 3409  
building code inspection or to have structural modifications. The 3410  
rules shall include the following: 3411

(1) Submission of a site plan and descriptive plan of 3412  
operation to demonstrate how the center proposes to meet the 3413  
requirements of this chapter and rules adopted pursuant to this 3414  
chapter for the initial license application; 3415

(2) Standards for ensuring that the physical surroundings of 3416  
the center are safe and sanitary including, but not limited to, 3417  
the physical environment, the physical plant, and the equipment of 3418  
the center; 3419

(3) Standards for the supervision, care, and discipline of 3420  
children receiving child care or publicly funded child care in the 3421

center;	3422
(4) Standards for a program of activities, and for play	3423
equipment, materials, and supplies, to enhance the development of	3424
each child; however, any educational curricula, philosophies, and	3425
methodologies that are developmentally appropriate and that	3426
enhance the social, emotional, intellectual, and physical	3427
development of each child shall be permissible. As used in this	3428
division, "program" does not include instruction in religious or	3429
moral doctrines, beliefs, or values that is conducted at child	3430
day-care centers owned and operated by churches and does include	3431
methods of disciplining children at child day-care centers.	3432
(5) Admissions policies and procedures, health care policies	3433
and procedures, including, but not limited to, procedures for the	3434
isolation of children with communicable diseases, first aid and	3435
emergency procedures, procedures for discipline and supervision of	3436
children, standards for the provision of nutritious meals and	3437
snacks, and procedures for screening children and employees,	3438
including, but not limited to, any necessary physical examinations	3439
and immunizations;	3440
(6) Methods for encouraging parental participation in the	3441
center and methods for ensuring that the rights of children,	3442
parents, and employees are protected and that responsibilities of	3443
parents and employees are met;	3444
(7) Procedures for ensuring the safety and adequate	3445
supervision of children traveling off the premises of the center	3446
while under the care of a center employee;	3447
(8) Procedures for record keeping, organization, and	3448
administration;	3449
(9) Procedures for issuing, renewing, denying, and revoking a	3450
license that are not otherwise provided for in Chapter 119. of the	3451
Revised Code;	3452

(10) Inspection procedures;	3453
(11) Procedures and standards for setting initial and renewal license application fees;	3454 3455
(12) Procedures for receiving, recording, and responding to complaints about centers;	3456 3457
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3458 3459
(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;	3460 3461 3462 3463 3464
(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.	3465 3466 3467 3468 3469 3470
(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;	3471 3472 3473 3474
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	3475 3476 3477 3478
(18) A procedure for reporting of injuries of children that occur at the center;	3479 3480
(19) Any other procedures and standards necessary to carry out this chapter.	3481 3482

(B)(1) The child day-care center shall have, for each child 3483  
for whom the center is licensed, at least thirty-five square feet 3484  
of usable indoor floor space wall-to-wall regularly available for 3485  
the child care operation exclusive of any parts of the structure 3486  
in which the care of children is prohibited by law or by rules 3487  
adopted by the board of building standards. The minimum of 3488  
thirty-five square feet of usable indoor floor space shall not 3489  
include hallways, kitchens, storage areas, or any other areas that 3490  
are not available for the care of children, as determined by the 3491  
director, in meeting the space requirement of this division, and 3492  
bathrooms shall be counted in determining square footage only if 3493  
they are used exclusively by children enrolled in the center, 3494  
except that the exclusion of hallways, kitchens, storage areas, 3495  
bathrooms not used exclusively by children enrolled in the center, 3496  
and any other areas not available for the care of children from 3497  
the minimum of thirty-five square feet of usable indoor floor 3498  
space shall not apply to: 3499

(a) Centers licensed prior to or on September 1, 1986, that 3500  
continue under licensure after that date; 3501

(b) Centers licensed prior to or on September 1, 1986, that 3502  
are issued a new license after that date solely due to a change of 3503  
ownership of the center. 3504

(2) The child day-care center shall have on the site a safe 3505  
outdoor play space which is enclosed by a fence or otherwise 3506  
protected from traffic or other hazards. The play space shall 3507  
contain not less than sixty square feet per child using such space 3508  
at any one time, and shall provide an opportunity for supervised 3509  
outdoor play each day in suitable weather. The director may exempt 3510  
a center from the requirement of this division, if an outdoor play 3511  
space is not available and if all of the following are met: 3512

(a) The center provides an indoor recreation area that has 3513  
not less than sixty square feet per child using the space at any 3514



one time, that has a minimum of one thousand four hundred forty 3515  
square feet of space, and that is separate from the indoor space 3516  
required under division (B)(1) of this section. 3517

(b) The director has determined that there is regularly 3518  
available and scheduled for use a conveniently accessible and safe 3519  
park, playground, or similar outdoor play area for play or 3520  
recreation. 3521

(c) The children are closely supervised during play and while 3522  
traveling to and from the area. 3523

The director also shall exempt from the requirement of this 3524  
division a child day-care center that was licensed prior to 3525  
September 1, 1986, if the center received approval from the 3526  
director prior to September 1, 1986, to use a park, playground, or 3527  
similar area, not connected with the center, for play or 3528  
recreation in lieu of the outdoor space requirements of this 3529  
section and if the children are closely supervised both during 3530  
play and while traveling to and from the area and except if the 3531  
director determines upon investigation and inspection pursuant to 3532  
section 5104.04 of the Revised Code and rules adopted pursuant to 3533  
that section that the park, playground, or similar area, as well 3534  
as access to and from the area, is unsafe for the children. 3535

(3) The child day-care center shall have at least two 3536  
responsible adults available on the premises at all times when 3537  
seven or more children are in the center. The center shall 3538  
organize the children in the center in small groups, shall provide 3539  
child-care staff to give continuity of care and supervision to the 3540  
children on a day-by-day basis, and shall ensure that no child is 3541  
left alone or unsupervised. Except as otherwise provided in 3542  
division (E) of this section, the maximum number of children per 3543  
child-care staff member and maximum group size, by age category of 3544  
children, are as follows: 3545

	Maximum Number of		3546
	Children Per	Maximum	3547
Age Category	Child-Care	Group	3548
of Children	Staff Member	Size	3549
(a) Infants:			3550
(i) Less than twelve			3551
months old	5:1, or		3552
	12:2 if two		3553
	child-care		3554
	staff members		3555
	are in the room	12	3556
(ii) At least twelve			3557
months old, but			3558
less than eighteen			3559
months old	6:1	12	3560
(b) Toddlers:			3561
(i) At least eighteen			3562
months old, but			3563
less than thirty			3564
months old	7:1	14	3565
(ii) At least thirty months			3566
old, but less than			3567
three years old	8:1	16	3568
(c) Preschool			3569
children:			3570
(i) Three years old	12:1	24	3571
(ii) Four years old and			3572
five years old who			3573
are not school			3574
children	14:1	28	3575
(d) School children:			3576
(i) A child who is			3577
enrolled in or is			3578

eligible to be			3579
enrolled in a grade			3580
of kindergarten			3581
or above, but			3582
is less than			3583
eleven years old	18:1	36	3584
(ii) Eleven through fourteen			3585
years old	20:1	40	3586

Except as otherwise provided in division (E) of this section, 3587  
the maximum number of children per child-care staff member and 3588  
maximum group size requirements of the younger age group shall 3589  
apply when age groups are combined. 3590

(4)(a) The child day-care center administrator shall show the 3591  
director both of the following: 3592

(i) Evidence of at least high school graduation or 3593  
certification of high school equivalency by the state board of 3594  
education or the appropriate agency of another state; 3595

(ii) Evidence of having completed at least two years of 3596  
training in an accredited college, university, or technical 3597  
college, including courses in child development or early childhood 3598  
education, or at least two years of experience in supervising and 3599  
giving daily care to children attending an organized group 3600  
program. 3601

(b) In addition to the requirements of division (B)(4)(a) of 3602  
this section, any administrator employed or designated on or after 3603  
September 1, 1986, shall show evidence of, and any administrator 3604  
employed or designated prior to September 1, 1986, shall show 3605  
evidence within six years after such date of, at least one of the 3606  
following: 3607

(i) Two years of experience working as a child-care staff 3608  
member in a center and at least four courses in child development 3609

or early childhood education from an accredited college, 3610  
university, or technical college, except that a person who has two 3611  
years of experience working as a child-care staff member in a 3612  
particular center and who has been promoted to or designated as 3613  
administrator of that center shall have one year from the time the 3614  
person was promoted to or designated as administrator to complete 3615  
the required four courses; 3616

(ii) Two years of training, including at least four courses 3617  
in child development or early childhood education from an 3618  
accredited college, university, or technical college; 3619

(iii) A child development associate credential issued by the 3620  
national child development associate credentialing commission; 3621

(iv) An associate or higher degree in child development or 3622  
early childhood education from an accredited college, technical 3623  
college, or university, or a license designated for teaching in an 3624  
associate teaching position in a preschool setting issued by the 3625  
state board of education. 3626

(5) All child-care staff members of a child day-care center 3627  
shall be at least eighteen years of age, and shall furnish the 3628  
director evidence of at least high school graduation or 3629  
certification of high school equivalency by the state board of 3630  
education or the appropriate agency of another state or evidence 3631  
of completion of a training program approved by the department of 3632  
job and family services or state board of education, except as 3633  
follows: 3634

(a) A child-care staff member may be less than eighteen years 3635  
of age if the staff member is either of the following: 3636

(i) A graduate of a two-year vocational child-care training 3637  
program approved by the state board of education; 3638

(ii) A student enrolled in the second year of a vocational 3639  
child-care training program approved by the state board of 3640

education which leads to high school graduation, provided that the 3641  
student performs the student's duties in the child day-care center 3642  
under the continuous supervision of an experienced child-care 3643  
staff member, receives periodic supervision from the vocational 3644  
child-care training program teacher-coordinator in the student's 3645  
high school, and meets all other requirements of this chapter and 3646  
rules adopted pursuant to this chapter. 3647

(b) A child-care staff member shall be exempt from the 3648  
educational requirements of this division if the staff member: 3649

(i) Prior to January 1, 1972, was employed or designated by a 3650  
child day-care center and has been continuously employed since 3651  
either by the same child day-care center employer or at the same 3652  
child day-care center; or 3653

(ii) Is a student enrolled in the second year of a vocational 3654  
child-care training program approved by the state board of 3655  
education which leads to high school graduation, provided that the 3656  
student performs the student's duties in the child day-care center 3657  
under the continuous supervision of an experienced child-care 3658  
staff member, receives periodic supervision from the vocational 3659  
child-care training program teacher-coordinator in the student's 3660  
high school, and meets all other requirements of this chapter and 3661  
rules adopted pursuant to this chapter. 3662

(6) Every child care staff member of a child day-care center 3663  
annually shall complete fifteen hours of inservice training in 3664  
child development or early childhood education, child abuse 3665  
recognition and prevention, first aid, and in prevention, 3666  
recognition, and management of communicable diseases, until a 3667  
total of forty-five hours of training has been completed, unless 3668  
the staff member furnishes one of the following to the director: 3669

(a) Evidence of an associate or higher degree in child 3670  
development or early childhood education from an accredited 3671

college, university, or technical college; 3672

(b) A license designated for teaching in an associate 3673  
teaching position in a preschool setting issued by the state board 3674  
of education; 3675

(c) Evidence of a child development associate credential; 3676

(d) Evidence of a preprimary credential from the American 3677  
Montessori society or the association Montessori ~~international~~ 3678  
internationale. For the purposes of division (B)(6) of this 3679  
section, "hour" means sixty minutes. 3680

(7) The administrator of each child day-care center shall 3681  
prepare at least once annually and for each group of children at 3682  
the center a roster of names and telephone numbers of parents, 3683  
custodians, or guardians of each group of children attending the 3684  
center and upon request shall furnish the roster for each group to 3685  
the parents, custodians, or guardians of the children in that 3686  
group. The administrator may prepare a roster of names and 3687  
telephone numbers of all parents, custodians, or guardians of 3688  
children attending the center and upon request shall furnish the 3689  
roster to the parents, custodians, or guardians of the children 3690  
who attend the center. The administrator shall not include in any 3691  
roster the name or telephone number of any parent, custodian, or 3692  
guardian who requests the administrator not to include the 3693  
parent's, custodian's, or guardian's name or number and shall not 3694  
furnish any roster to any person other than a parent, custodian, 3695  
or guardian of a child who attends the center. 3696

(C)(1) Each child day-care center shall have on the center 3697  
premises and readily available at all times at least one 3698  
child-care staff member who has completed a course in first aid 3699  
and in prevention, recognition, and management of communicable 3700  
diseases which is approved by the state department of health and a 3701  
staff member who has completed a course in child abuse recognition 3702

and prevention training which is approved by the department of job 3703  
and family services. 3704

(2) The administrator of each child day-care center shall 3705  
maintain enrollment, health, and attendance records for all 3706  
children attending the center and health and employment records 3707  
for all center employees. The records shall be confidential, 3708  
except as otherwise provided in division (B)(7) of this section 3709  
and except that they shall be disclosed by the administrator to 3710  
the director upon request for the purpose of administering and 3711  
enforcing this chapter and rules adopted pursuant to this chapter. 3712  
Neither the center nor the licensee, administrator, or employees 3713  
of the center shall be civilly or criminally liable in damages or 3714  
otherwise for records disclosed to the director by the 3715  
administrator pursuant to this division. It shall be a defense to 3716  
any civil or criminal charge based upon records disclosed by the 3717  
administrator to the director that the records were disclosed 3718  
pursuant to this division. 3719

(3)(a) Any parent who is the residential parent and legal 3720  
custodian of a child enrolled in a child day-care center and any 3721  
custodian or guardian of such a child shall be permitted unlimited 3722  
access to the center during its hours of operation for the 3723  
purposes of contacting their children, evaluating the care 3724  
provided by the center, evaluating the premises of the center, or 3725  
for other purposes approved by the director. A parent of a child 3726  
enrolled in a child day-care center who is not the child's 3727  
residential parent shall be permitted unlimited access to the 3728  
center during its hours of operation for those purposes under the 3729  
same terms and conditions under which the residential parent of 3730  
that child is permitted access to the center for those purposes. 3731  
However, the access of the parent who is not the residential 3732  
parent is subject to any agreement between the parents and, to the 3733  
extent described in division (C)(3)(b) of this section, is subject 3734

to any terms and conditions limiting the right of access of the 3735  
parent who is not the residential parent, as described in division 3736  
(I) of section 3109.051 of the Revised Code, that are contained in 3737  
a parenting time order or decree issued under that section, 3738  
section 3109.12 of the Revised Code, or any other provision of the 3739  
Revised Code. 3740

(b) If a parent who is the residential parent of a child has 3741  
presented the administrator or the administrator's designee with a 3742  
copy of a parenting time order that limits the terms and 3743  
conditions under which the parent who is not the residential 3744  
parent is to have access to the center, as described in division 3745  
(I) of section 3109.051 of the Revised Code, the parent who is not 3746  
the residential parent shall be provided access to the center only 3747  
to the extent authorized in the order. If the residential parent 3748  
has presented such an order, the parent who is not the residential 3749  
parent shall be permitted access to the center only in accordance 3750  
with the most recent order that has been presented to the 3751  
administrator or the administrator's designee by the residential 3752  
parent or the parent who is not the residential parent. 3753

(c) Upon entering the premises pursuant to division (C)(3)(a) 3754  
or (b) of this section, the parent who is the residential parent 3755  
and legal custodian, the parent who is not the residential parent, 3756  
or the custodian or guardian shall notify the administrator or the 3757  
administrator's designee of the parent's, custodian's, or 3758  
guardian's presence. 3759

(D) The director of job and family services, in addition to 3760  
the rules adopted under division (A) of this section, shall adopt 3761  
rules establishing minimum requirements for child day-care 3762  
centers. The rules shall include, but not be limited to, the 3763  
requirements set forth in divisions (B) and (C) of this section. 3764  
Except as provided in section 5104.07 of the Revised Code, the 3765  
rules shall not change the square footage requirements of division 3766



(B)(1) or (2) of this section; the maximum number of children per 3767  
child-care staff member and maximum group size requirements of 3768  
division (B)(3) of this section; the educational and experience 3769  
requirements of division (B)(4) of this section; the age, 3770  
educational, and experience requirements of division (B)(5) of 3771  
this section; the number of inservice training hours required 3772  
under division (B)(6) of this section; or the requirement for at 3773  
least annual preparation of a roster for each group of children of 3774  
names and telephone numbers of parents, custodians, or guardians 3775  
of each group of children attending the center that must be 3776  
furnished upon request to any parent, custodian, or guardian of 3777  
any child in that group required under division (B)(7) of this 3778  
section; however, the rules shall provide procedures for 3779  
determining compliance with those requirements. 3780

(E)(1) When age groups are combined, the maximum number of 3781  
children per child-care staff member shall be determined by the 3782  
age of the youngest child in the group, except that when no more 3783  
than one child thirty months of age or older receives services in 3784  
a group in which all the other children are in the next older age 3785  
group, the maximum number of children per child-care staff member 3786  
and maximum group size requirements of the older age group 3787  
established under division (B)(3) of this section shall apply. 3788

(2) The maximum number of toddlers or preschool children per 3789  
child-care staff member in a room where children are napping shall 3790  
be twice the maximum number of children per child-care staff 3791  
member established under division (B)(3) of this section if all 3792  
the following criteria are met: 3793

(a) At least one child-care staff member is present in the 3794  
room. 3795

(b) Sufficient child-care staff members are on the child 3796  
day-care center premises to meet the maximum number of children 3797  
per child-care staff member requirements established under 3798

division (B)(3) of this section.	3799
(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.	3800 3801
(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.	3802 3803 3804
(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:	3805 3806 3807 3808 3809 3810 3811 3812
(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;	3813 3814 3815 3816
(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;	3817 3818 3819 3820
(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	3821 3822 3823
(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;	3824 3825 3826 3827 3828 3829

(5) Admissions policies and procedures, health care policies	3830
and procedures, including, but not limited to, procedures for the	3831
isolation of children with communicable diseases, first aid and	3832
emergency procedures, procedures for discipline and supervision of	3833
children, standards for the provision of nutritious meals and	3834
snacks, and procedures for screening children and employees,	3835
including, but not limited to, any necessary physical examinations	3836
and immunizations;	3837
(6) Methods for encouraging parental participation in the	3838
type A home and methods for ensuring that the rights of children,	3839
parents, and employees are protected and that the responsibilities	3840
of parents and employees are met;	3841
(7) Procedures for ensuring the safety and adequate	3842
supervision of children traveling off the premises of the type A	3843
home while under the care of a type A home employee;	3844
(8) Procedures for record keeping, organization, and	3845
administration;	3846
(9) Procedures for issuing, renewing, denying, and revoking a	3847
license that are not otherwise provided for in Chapter 119. of the	3848
Revised Code;	3849
(10) Inspection procedures;	3850
(11) Procedures and standards for setting initial and renewal	3851
license application fees;	3852
(12) Procedures for receiving, recording, and responding to	3853
complaints about type A homes;	3854
(13) Procedures for enforcing section 5104.04 of the Revised	3855
Code;	3856
(14) A standard requiring the inclusion, on or after July 1,	3857
1987, of a current department of job and family services toll-free	3858
telephone number on each type A home provisional license or	3859

license which any person may use to report a suspected violation	3860
by the type A home of this chapter or rules adopted pursuant this	3861
chapter;	3862
(15) Requirements for the training of administrators and	3863
child-care staff members in first aid, in prevention, recognition,	3864
and management of communicable diseases, and in child abuse	3865
recognition and prevention;	3866
(16) Procedures to be used by licensees for checking the	3867
references of potential employees of type A homes and procedures	3868
to be used by the director for checking the references of	3869
applicants for licenses to operate type A homes;	3870
(17) Standards providing for the special needs of children	3871
who are handicapped or who require treatment for health conditions	3872
while the child is receiving child care or publicly funded child	3873
care in the type A home;	3874
(18) Standards for the maximum number of children per	3875
child-care staff member;	3876
(19) Requirements for the amount of usable indoor floor space	3877
for each child;	3878
(20) Requirements for safe outdoor play space;	3879
(21) Qualifications and training requirements for	3880
administrators and for child-care staff members;	3881
(22) Procedures for granting a parent who is the residential	3882
parent and legal custodian, or a custodian or guardian access to	3883
the type A home during its hours of operation;	3884
(23) Standards for the preparation and distribution of a	3885
roster of parents, custodians, and guardians;	3886
(24) Any other procedures and standards necessary to carry	3887
out this chapter.	3888
(G) The director of job and family services shall adopt rules	3889

pursuant to Chapter 119. of the Revised Code governing the 3890  
certification of type B family day-care homes. 3891

(1) The rules shall include ~~procedures~~ all of the following: 3892

(a) Procedures, standards, and other necessary provisions for 3893  
granting limited certification to type B family day-care homes 3894  
that are operated by the following adult providers: 3895

~~(a)~~(i) Persons who provide child care for eligible children 3896  
who are great-grandchildren, grandchildren, nieces, nephews, or 3897  
siblings of the provider or for eligible children whose caretaker 3898  
parent is a grandchild, child, niece, nephew, or sibling of the 3899  
provider; 3900

~~(b)~~(ii) Persons who provide child care for eligible children 3901  
all of whom are the children of the same caretaker parent; 3902

~~The rules shall require, and shall include procedures~~ (b) 3903  
Procedures for the director to ensure, that type B ~~family day-care~~ 3904  
homes that receive a limited certification provide child care to 3905  
children in a safe and sanitary manner; 3906

(c) Requirements for the type B home to notify parents with 3907  
children in the type B home that the type B home is also certified 3908  
as a foster home under section 5103.03 of the Revised Code. With 3909

With regard to providers who apply for limited certification, 3910  
a provider shall be granted a provisional limited certification on 3911  
signing a declaration under oath attesting that the provider meets 3912  
the standards for limited certification. Such provisional limited 3913  
certifications shall remain in effect for no more than sixty 3914  
calendar days and shall entitle the provider to offer publicly 3915  
funded child care during the provisional period. Except as 3916  
otherwise provided in division (G)(1) of this section, section 3917  
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 3918  
section 5104.11 of the Revised Code, prior to the expiration of 3919  
the provisional limited certificate, a county department of job 3920

and family services shall inspect the home and shall grant limited 3921  
certification to the provider if the provider meets the 3922  
requirements of this division. Limited certificates remain valid 3923  
for two years unless earlier revoked. Except as otherwise provided 3924  
in division (G)(1) of this section, providers operating under 3925  
limited certification shall be inspected annually. 3926

If a provider is a person described in division (G)(1)(a)(i) 3927  
of this section or a person described in division (G)(1)(~~b~~)(a)(ii) 3928  
of this section who is a friend of the caretaker parent, the 3929  
provider and the caretaker parent may verify in writing to the 3930  
county department of job and family services that minimum health 3931  
and safety requirements are being met in the home. Except as 3932  
otherwise provided in section 5104.013 or 5104.09 or in division 3933  
(A)(2) of section 5104.11 of the Revised Code, if such 3934  
verification is provided, the county shall waive any inspection 3935  
required by this chapter and grant limited certification to the 3936  
provider. 3937

(2) The rules shall provide for safeguarding the health, 3938  
safety, and welfare of children receiving child care or publicly 3939  
funded child care in a certified type B home and shall include the 3940  
following: 3941

(a) Standards for ensuring that the type B home and the 3942  
physical surroundings of the type B home are safe and sanitary, 3943  
including, but not limited to, physical environment, physical 3944  
plant, and equipment; 3945

(b) Standards for the supervision, care, and discipline of 3946  
children receiving child care or publicly funded child care in the 3947  
home; 3948

(c) Standards for a program of activities, and for play 3949  
equipment, materials, and supplies to enhance the development of 3950  
each child; however, any educational curricula, philosophies, and 3951

methodologies that are developmentally appropriate and that 3952  
enhance the social, emotional, intellectual, and physical 3953  
development of each child shall be permissible; 3954

(d) Admission policies and procedures, health care, first aid 3955  
and emergency procedures, procedures for the care of sick 3956  
children, procedures for discipline and supervision of children, 3957  
nutritional standards, and procedures for screening children and 3958  
authorized providers, including, but not limited to, any necessary 3959  
physical examinations and immunizations; 3960

(e) Methods of encouraging parental participation and 3961  
ensuring that the rights of children, parents, and authorized 3962  
providers are protected and the responsibilities of parents and 3963  
authorized providers are met; 3964

(f) Standards for the safe transport of children when under 3965  
the care of authorized providers; 3966

(g) Procedures for issuing, renewing, denying, refusing to 3967  
renew, or revoking certificates; 3968

(h) Procedures for the inspection of type B ~~family day care~~ 3969  
homes that require, at a minimum, that each type B ~~family day care~~ 3970  
home be inspected prior to certification to ensure that the home 3971  
is safe and sanitary; 3972

(i) Procedures for record keeping and evaluation; 3973

(j) Procedures for receiving, recording, and responding to 3974  
complaints; 3975

(k) Standards providing for the special needs of children who 3976  
are handicapped or who receive treatment for health conditions 3977  
while the child is receiving child care or publicly funded child 3978  
care in the type B home; 3979

(l) Requirements for the amount of usable indoor floor space 3980  
for each child; 3981

(m) Requirements for safe outdoor play space;	3982
(n) Qualification and training requirements for authorized providers;	3983 3984
(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;	3985 3986 3987
(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>	3988 3989 3990
(q) Any other procedures and standards necessary to carry out this chapter.	3991 3992
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:	3993 3994 3995 3996 3997 3998 3999 4000 4001 4002 4003 4004 4005 4006 4007
(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;	4008 4009 4010 4011
(2) Standards for the supervision, care, and discipline of	4012



children receiving publicly funded child care in their own home;	4013
(3) Standards for a program of activities, and for play	4014
equipment, materials, and supplies to enhance the development of	4015
each child; however, any educational curricula, philosophies, and	4016
methodologies that are developmentally appropriate and that	4017
enhance the social, emotional, intellectual, and physical	4018
development of each child shall be permissible;	4019
(4) Health care, first aid, and emergency procedures,	4020
procedures for the care of sick children, procedures for	4021
discipline and supervision of children, nutritional standards, and	4022
procedures for screening children and in-home aides, including,	4023
but not limited to, any necessary physical examinations and	4024
immunizations;	4025
(5) Methods of encouraging parental participation and	4026
ensuring that the rights of children, parents, and in-home aides	4027
are protected and the responsibilities of parents and in-home	4028
aides are met;	4029
(6) Standards for the safe transport of children when under	4030
the care of in-home aides;	4031
(7) Procedures for issuing, renewing, denying, refusing to	4032
renew, or revoking certificates;	4033
(8) Procedures for inspection of homes of children receiving	4034
publicly funded child care in their own homes;	4035
(9) Procedures for record keeping and evaluation;	4036
(10) Procedures for receiving, recording, and responding to	4037
complaints;	4038
(11) Qualifications and training requirements for in-home	4039
aides;	4040
(12) Standards providing for the special needs of children	4041
who are handicapped or who receive treatment for health conditions	4042

while the child is receiving publicly funded child care in the 4043  
child's own home; 4044

(13) Any other procedures and standards necessary to carry 4045  
out this chapter. 4046

(I) To the extent that any rules adopted for the purposes of 4047  
this section require a health care professional to perform a 4048  
physical examination, the rules shall include as a health care 4049  
professional a physician assistant, a clinical nurse specialist, a 4050  
certified nurse practitioner, or a certified nurse-midwife. 4051

(J)(1) The director of job and family services shall do all 4052  
of the following: 4053

(a) ~~Send~~ Provide or make available in either paper or 4054  
electronic form to each licensee notice of proposed rules 4055  
governing the licensure of child day-care centers and type A 4056  
homes; 4057

(b) Give public notice of hearings regarding the rules to 4058  
each licensee at least thirty days prior to the date of the public 4059  
hearing, in accordance with section 119.03 of the Revised Code; 4060  
4061

(c) At least thirty days before the effective date of a rule, 4062  
provide, in either paper or electronic form, a copy of the adopted 4063  
rule to each licensee. 4064

(2) The director shall do all of the following: 4065

(a) Send to each county director of job and family services a 4066  
notice of proposed rules governing the certification of type B 4067  
family homes and in-home aides that includes an internet web site 4068  
address where the proposed rules can be viewed; 4069

(b) Give public notice of hearings regarding the proposed 4070  
rules not less than thirty days in advance; 4071

(c) Provide to each county director of job and family 4072

services an electronic copy of each adopted rule at least 4073  
forty-five days prior to the rule's effective date. 4074

(3) The county director of job and family services shall ~~send~~ 4075  
copies of proposed rules provide or make available in either paper 4076  
or electronic form to each authorized provider and in-home aide 4077  
copies of proposed rules and shall give public notice of hearings 4078  
regarding the rules to each authorized provider and in-home aide 4079  
at least thirty days prior to the date of the public hearing, in 4080  
accordance with section 119.03 of the Revised Code. At least 4081  
thirty days before the effective date of a rule, the county 4082  
director of job and family services shall provide, in either paper 4083  
or electronic form, copies of the adopted rule to each authorized 4084  
provider and in-home aide. 4085

(4) Additional copies of proposed and adopted rules shall be 4086  
made available by the director of job and family services to the 4087  
public on request at no charge. 4088

(5) The director of job and family services shall recommend 4089  
standards for imposing sanctions on persons and entities that are 4090  
licensed or certified under this chapter and that violate any 4091  
provision of this chapter. The standards shall be based on the 4092  
scope and severity of the violations. The director shall provide 4093  
copies of the recommendations to the governor, the speaker and 4094  
minority leader of the house of representatives, and the president 4095  
and minority leader of the senate and, on request, shall make 4096  
copies available to the public. 4097

(6) The director of job and family services shall adopt rules 4098  
pursuant to Chapter 119. of the Revised Code that establish 4099  
standards for the training of individuals whom any county 4100  
department of job and family services employs, with whom any 4101  
county department of job and family services contracts, or with 4102  
whom the director of job and family services contracts, to inspect 4103  
or investigate type B family day-care homes pursuant to section 4104

5104.11 of the Revised Code. The department shall provide training 4105  
in accordance with those standards for individuals in the 4106  
categories described in this division. 4107

(K) The director of job and family services shall review all 4108  
rules adopted pursuant to this chapter at least once every seven 4109  
years. 4110

(L) Notwithstanding any provision of the Revised Code, the 4111  
director of job and family services shall not regulate in any way 4112  
under this chapter or rules adopted pursuant to this chapter, 4113  
instruction in religious or moral doctrines, beliefs, or values. 4114

**Sec. 5104.012.** (A)(1) ~~The~~ At the times specified in this 4115  
division, the administrator of a child day-care center or a type A 4116  
family day-care home ~~and the provider of a certified type B family~~ 4117  
~~day-care home~~ shall request the superintendent of the bureau of 4118  
criminal identification and investigation to conduct a criminal 4119  
records check with respect to any applicant who has applied to the 4120  
center, or type A home, ~~or certified type B home~~ for employment as 4121  
a person responsible for the care, custody, or control of a child. 4122  
~~If the applicant does not present proof that the applicant has~~ 4123  
~~been a resident of this state for the five year period immediately~~ 4124  
~~prior to the date upon which the criminal records check is~~ 4125  
~~requested or does not provide evidence that within that five year~~ 4126  
~~period the superintendent has requested information about the~~ 4127  
~~applicant from the federal bureau of investigation in a criminal~~ 4128  
~~records check~~ 4129

The administrator shall request a criminal records check 4130  
pursuant to this division at the time of the applicant's initial 4131  
application for employment and every four years thereafter at the 4132  
time of a license renewal. When the administrator requests 4133  
pursuant to this division a criminal records check for an 4134  
applicant at the time of the applicant's initial application for 4135

~~employment, the administrator or provider shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five year period, the administrator or provider may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for an applicant pursuant to this division, the administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.~~

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

(3) An applicant who receives pursuant to division (A)(2) of 4169  
this section a copy of the form prescribed pursuant to division 4170  
(C)(1) of section 109.572 of the Revised Code and a copy of an 4171  
impression sheet prescribed pursuant to division (C)(2) of that 4172  
section and who is requested to complete the form and provide a 4173  
set of fingerprint impressions shall complete the form or provide 4174  
all the information necessary to complete the form and shall 4175  
provide the impression sheet with the impressions of the 4176  
applicant's fingerprints. If an applicant, upon request, fails to 4177  
provide the information necessary to complete the form or fails to 4178  
provide impressions of the applicant's fingerprints, the center,  
or type A home, ~~or type B home~~ shall not employ that applicant for 4180  
any position for which a criminal records check is required by 4181  
division (A)(1) of this section. 4182

(B)(1) Except as provided in rules adopted under division (E) 4183  
of this section, no child day-care center, or type A family 4184  
day-care home, ~~or certified type B family day care home~~ shall 4185  
employ or contract with another entity for the services of a 4186  
person as a person responsible for the care, custody, or control 4187  
of a child if the person previously has been convicted of or 4188  
pleaded guilty to any of the ~~following~~: 4189

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 4190  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4191  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4192  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4193  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 4194  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 4195  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 4196  
2925.06, or 3716.11 of the Revised Code, a violation of section 4197  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 4198  
violation of section 2919.23 of the Revised Code that would have 4199  
been a violation of section 2905.04 of the Revised Code as it 4200~~

~~existed prior to July 1, 1996, had the violation occurred prior to 4201  
that date, a violation of section 2925.11 of the Revised Code that 4202  
is not a minor drug possession offense, or felonious sexual 4203  
penetration in violation of former section 2907.12 of the Revised 4204  
Code. 4205~~

~~(b) A violation of an existing or former law of this state, 4206  
any other state, or the United States that is substantially 4207  
equivalent to any of the offenses or violations described in 4208  
division (B)(1)(a) of this section violations described in 4209  
division (A)(9) of section 109.572 of the Revised Code. 4210~~

(2) A child day-care center, or type A family day-care home, 4211  
~~or certified type B family day-care home~~ may employ an applicant 4212  
conditionally until the criminal records check required by this 4213  
section is completed and the center or home receives the results 4214  
of the criminal records check. If the results of the criminal 4215  
records check indicate that, pursuant to division (B)(1) of this 4216  
section, the applicant does not qualify for employment, the center 4217  
or home shall release the applicant from employment. 4218

(C)(1) Each child day-care center, and type A family day-care 4219  
~~home, and certified type B family day-care home~~ shall pay to the 4220  
bureau of criminal identification and investigation the fee 4221  
prescribed pursuant to division (C)(3) of section 109.572 of the 4222  
Revised Code for each criminal records check conducted in 4223  
accordance with that section upon the request pursuant to division 4224  
(A)(1) of this section of the administrator or provider of the 4225  
center or home. 4226

(2) A child day-care center, and type A family day-care home, 4227  
~~and certified type B family day-care home~~ may charge an applicant 4228  
a fee for the costs it incurs in obtaining a criminal records 4229  
check under this section. A fee charged under this division shall 4230  
not exceed the amount of fees the center or home pays under 4231  
division (C)(1) of this section. If a fee is charged under this 4232

division, the center or home shall notify the applicant at the 4233  
time of the applicant's initial application for employment of the 4234  
amount of the fee and that, unless the fee is paid, the center, or 4235  
type A home, ~~or type B home~~ will not consider the applicant for 4236  
employment. 4237

(D) The report of any criminal records check conducted by the 4238  
bureau of criminal identification and investigation in accordance 4239  
with section 109.572 of the Revised Code and pursuant to a request 4240  
under division (A)(1) of this section is not a public record for 4241  
the purposes of section 149.43 of the Revised Code and shall not 4242  
be made available to any person other than the applicant who is 4243  
the subject of the criminal records check or the applicant's 4244  
representative; the center, or type A home, ~~or certified type B~~ 4245  
~~home~~ requesting the criminal records check or its representative; 4246  
the department of job and family services or a county department 4247  
of job and family services; and any court, hearing officer, or 4248  
other necessary individual involved in a case dealing with the 4249  
denial of employment to the applicant. 4250

(E) The director of job and family services shall adopt rules 4251  
pursuant to Chapter 119. of the Revised Code to implement this 4252  
section, including rules specifying circumstances under which a 4253  
center or home may hire a person who has been convicted of an 4254  
offense listed in division (B)(1) of this section but who meets 4255  
standards in regard to rehabilitation set by the department. 4256

(F) Any person required by division (A)(1) of this section to 4257  
request a criminal records check shall inform each person, at the 4258  
time of the person's initial application for employment, that the 4259  
person is required to provide a set of impressions of the person's 4260  
fingerprints and that a criminal records check is required to be 4261  
conducted and satisfactorily completed in accordance with section 4262  
109.572 of the Revised Code if the person comes under final 4263  
consideration for appointment or employment as a precondition to 4264



employment for that position. 4265

(G) As used in this section: 4266

(1) "Applicant" means a person who is under final 4267  
consideration for appointment to or employment in a position with 4268  
a child day-care center, or a type A family day-care home, ~~or a~~ 4269  
~~certified type B family day-care home~~ as a person responsible for 4270  
the care, custody, or control of a child; an in-home aide 4271  
certified pursuant to section 5104.12 of the Revised Code; or any 4272  
person who would serve in any position with a child day-care 4273  
center, or a type A family day-care home, ~~or a certified type B~~ 4274  
~~family day-care home~~ as a person responsible for the care, 4275  
custody, or control of a child pursuant to a contract with another 4276  
entity. 4277

(2) "Criminal records check" has the same meaning as in 4278  
section 109.572 of the Revised Code. 4279

~~(3) "Minor drug possession offense" has the same meaning as~~ 4280  
~~in section 2925.01 of the Revised Code.~~ 4281

**Sec. 5104.013.** (A)(1) ~~The~~ At the times specified in division 4282  
(A)(3) of this section, the director of job and family services, 4283  
as part of the process of licensure of child day-care centers and 4284  
type A family day-care homes, shall request the superintendent of 4285  
the bureau of criminal identification and investigation to conduct 4286  
a criminal records check with respect to the following persons: 4287

(a) Any owner, licensee, or administrator of a child day-care 4288  
center; 4289

(b) Any owner, licensee, or administrator of a type A family 4290  
day-care home and any person eighteen years of age or older who 4291  
resides in a type A family day-care home. 4292

(2) ~~The~~ At the times specified in division (A)(3) of this 4293  
section, the director of a county department of job and family 4294

services, as part of the process of certification of type B family 4295  
day-care homes, shall request the superintendent of the bureau of 4296  
criminal identification and investigation to conduct a criminal 4297  
records check with respect to any authorized provider of a 4298  
certified type B family day-care home and any person eighteen 4299  
years of age or older who resides in a certified type B family 4300  
day-care home. 4301

~~(3) If the owner, licensee, administrator, or person eighteen 4302  
years of age or older who is the subject of a criminal records 4303  
check pursuant to division (A)(1) of this section, or the 4304  
authorized provider or person eighteen years of age or older who 4305  
is the subject of a criminal records check pursuant to division 4306  
(A)(2) of this section, does not present proof that the owner, 4307  
licensee, administrator, authorized provider, or person has been a 4308  
resident of this state for the five year period immediately prior 4309  
to the date upon which the criminal records check is requested or 4310  
does not provide evidence that within that five year period the 4311  
superintendent of the bureau of criminal identification and 4312  
investigation has requested information about the owner, licensee, 4313  
administrator, authorized provider, or person from the federal 4314  
bureau of investigation in a criminal records check The director 4315  
of job and family services shall request a criminal records check 4316  
pursuant to division (A)(1) of this section at the time of the 4317  
initial application for licensure and every four years thereafter 4318  
at the time of a license renewal. The director of a county 4319  
department of job and family services shall request a criminal 4320  
records check pursuant to division (A)(2) of this section at the 4321  
time of the initial application for certification and every four 4322  
years thereafter at the time of a certification renewal. When the 4323  
director of job and family services or the director of a county 4324  
department of job and family services requests pursuant to 4325  
division (A)(1) or (2) of this section a criminal records check 4326  
for a person at the time of the person's initial application for 4327~~

licensure or certification, the director shall request that the 4328  
superintendent of the bureau of criminal identification and 4329  
investigation obtain information from the federal bureau of 4330  
investigation as a part of the criminal records check for the 4331  
applicant. ~~If the owner, licensee, administrator, authorized~~ 4332  
~~provider, or person presents proof that the owner, licensee,~~ 4333  
~~administrator, authorized provider, or person has been a resident~~ 4334  
~~of this state for that five year period, the director may request~~ 4335  
~~that the superintendent include information from the federal~~ 4336  
~~bureau of investigation in the criminal records check~~ person, 4337  
including fingerprint based checks of national crime information 4338  
databases as described in 42 U.S.C. 671 for the person subject to 4339  
the criminal records check. In all other cases in which the 4340  
director of job and family services or the director of a county 4341  
department of job and family services requests a criminal records 4342  
check for an applicant pursuant to division (A)(1) or (2) of this 4343  
section, the director may request that the superintendent include 4344  
information from the federal bureau of investigation in the 4345  
criminal records check, including fingerprint based checks of 4346  
national crime information databases as described in 42 U.S.C. 4347  
671. 4348

(4) The director of job and family services shall review the 4349  
results of a criminal records check subsequent to a request made 4350  
pursuant to divisions (A)(1) and (3) of this section prior to 4351  
approval of a license. The director of a county department of job 4352  
and family services shall review the results of a criminal records 4353  
check subsequent to a request made pursuant to divisions (A)(2) 4354  
and (3) of this section prior to approval of certification. 4355

(B) The director of job and family services or the director 4356  
of a county department of job and family services shall provide to 4357  
each person for whom a criminal records check is required under 4358  
this section a copy of the form prescribed pursuant to division 4359

(C)(1) of section 109.572 of the Revised Code and a standard 4360  
impression sheet to obtain fingerprint impressions prescribed 4361  
pursuant to division (C)(2) of that section, obtain the completed 4362  
form and impression sheet from that person, and forward the 4363  
completed form and impression sheet to the superintendent of the 4364  
bureau of criminal identification and investigation. 4365

(C) A person who receives pursuant to division (B) of this 4366  
section a copy of the form and standard impression sheet described 4367  
in that division and who is requested to complete the form and 4368  
provide a set of fingerprint impressions shall complete the form 4369  
or provide all the information necessary to complete the form and 4370  
shall provide the impression sheet with the impressions of the 4371  
person's fingerprints. If the person, upon request, fails to 4372  
provide the information necessary to complete the form or fails to 4373  
provide impressions of the person's fingerprints, the director may 4374  
consider the failure as a reason to deny licensure or 4375  
certification. 4376

(D)~~(1)~~ Except as provided in rules adopted under division (G) 4377  
of this section, the director of job and family services shall not 4378  
grant a license to a child day-care center or type A family 4379  
day-care home and a county director of job and family services 4380  
shall not certify a type B family day-care home if a person for 4381  
whom a criminal records check was required in connection with the 4382  
center or home previously has been convicted of or pleaded guilty 4383  
to any of the ~~following~~: 4384

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4385  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4386  
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4387  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4388  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4389  
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4390  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4391

~~2925.06, or 3716.11 of the Revised Code, a violation of section 4392  
2905.04 as it existed prior to July 1, 1996, a violation of 4393  
section 2919.23 of the Revised Code that would have been a 4394  
violation of section 2905.04 of the Revised Code as it existed 4395  
prior to July 1, 1996, had the violation been committed prior to 4396  
that date, a violation of section 2925.11 of the Revised Code that 4397  
is not a minor drug possession offense, or felonious sexual 4398  
penetration in violation of former section 2907.12 of the Revised 4399  
Code; 4400~~

~~(b) A violation of an existing or former law of this state, 4401  
any other state, or the United States that is substantially 4402  
equivalent to any of the offenses or violations described in 4403  
division (D)(1)(a) of this section. 4404~~

~~(2) In addition to the prohibition described in division 4405  
(D)(1) of this section, and except as provided in rules adopted 4406  
under division (C) of this section, the director shall not grant a 4407  
license to a child day care center or type A family day care home 4408  
and a county director shall not certify a type B family day care 4409  
home if an owner, licensee, or administrator of a child day care 4410  
center or type A family day care home or an authorized provider of 4411  
a certified type B family day care home previously has been 4412  
convicted of or pleaded guilty to any of the following: 4413~~

~~(a) A violation of section 2913.02, 2913.03, 2913.04, 4414  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 4415  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 4416  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 4417  
2921.13, or 2923.01 of the Revised Code, a violation of section 4418  
2923.02 or 2923.03 of the Revised Code that relates to a crime 4419  
specified in this division or division (D)(1) of this section, or 4420  
a second violation of section 4511.19 of the Revised Code within 4421  
five years of the date of application for licensure or 4422  
certification. 4423~~

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

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

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

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

(H) As used in this section:

~~(1) "Criminal, "criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 4456  
4457

~~(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~ 4458  
4459

Sec. 5104.022. The department of job and family services shall not license a prospective type A family day-care home if that prospective family day-care home is certified to be a foster home or specialized foster home pursuant to Chapter 5103. of the Revised Code. A county department of job and family services shall not certify a prospective type B family day-care home if that prospective family day-care home is certified to be a specialized foster home pursuant to Chapter 5103. of the Revised Code. 4460  
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Sec. 5104.09. (A)(1) Except as provided in rules adopted pursuant to division (D) of this section: 4468  
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~~(a) No, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(9) of section 109.572 of the Revised Code, a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.24, 2919.25, 2921.03, 2921.34, or 2921.35, 2923.12, 2923.13, 2923.161, 2919.22, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, as defined in section 2925.01 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, or a violation of an~~ 4470  
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existing or former law or ordinance of any municipal corporation, 4486  
this state, any other state, or the United States that is 4487  
substantially equivalent to any of those violations ~~shall be~~ 4488  
~~certified as an in-home aide or be employed in any capacity in or~~ 4489  
~~own or operate a child day care center, type A family day care~~ 4490  
~~home, type B family day care home, or certified type B family~~ 4491  
~~day care home.~~ 4492

~~(b) No individual who has been convicted of or pleaded guilty~~ 4493  
~~to a violation of section 2913.02, 2913.03, 2913.04, 2913.041,~~ 4494  
~~2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33,~~ 4495  
~~2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441,~~ 4496  
~~2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or~~ 4497  
~~2923.01 of the Revised Code, a violation of section 2923.02 or~~ 4498  
~~2923.03 of the Revised Code that relates to a crime specified in~~ 4499  
~~this division or division (A)(1)(a) of this section, a second~~ 4500  
~~violation of section 4511.19 of the Revised Code within five years~~ 4501  
~~of the date of operation of the child day care center or family~~ 4502  
~~day care home, or two violations of section 4511.19 of the Revised~~ 4503  
~~Code during operation of the center or home, or a violation of an~~ 4504  
~~existing or former law of this state, any other state, or the~~ 4505  
~~United States that is substantially equivalent to any of those~~ 4506  
~~violations shall be certified as an in-home aide or be employed in~~ 4507  
any capacity in or own or operate a child day-care center, type A 4508  
family day-care home, type B family day-care home, or certified 4509  
type B family day-care home. 4510

(2) Each employee of a child day-care center and type A home 4511  
and every person eighteen years of age or older residing in a type 4512  
A home shall sign a statement on forms prescribed by the director 4513  
of job and family services attesting to the fact that the employee 4514  
or resident person has not been convicted of or pleaded guilty to 4515  
any offense set forth in division (A)(1)(a) of this section and 4516  
that no child has been removed from the employee's or resident 4517



person's home pursuant to section 2151.353 of the Revised Code. 4518  
Each licensee of a type A home shall sign a statement on a form 4519  
prescribed by the director attesting to the fact that no person 4520  
who resides at the type A home and who is under the age of 4521  
eighteen has been adjudicated a delinquent child for committing a 4522  
violation of any section listed in division (A)(1)~~(a)~~ of this 4523  
section. The statements shall be kept on file at the center or 4524  
type A home. 4525

(3) Each in-home aide and every person eighteen years of age 4526  
or older residing in a certified type B home shall sign a 4527  
statement on forms prescribed by the director of job and family 4528  
services attesting that the aide or resident person has not been 4529  
convicted of or pleaded guilty to any offense set forth in 4530  
division (A)(1)~~(a)~~ of this section and that no child has been 4531  
removed from the aide's or resident person's home pursuant to 4532  
section 2151.353 of the Revised Code. Each authorized provider 4533  
shall sign a statement on forms prescribed by the director 4534  
attesting that the provider has not been convicted of or pleaded 4535  
guilty to any offense set forth in division (A)(1)~~(a)~~ ~~or (b)~~ of 4536  
this section and that no child has been removed from the 4537  
provider's home pursuant to section 2151.353 of the Revised Code. 4538  
Each authorized provider shall sign a statement on a form 4539  
prescribed by the director attesting to the fact that no person 4540  
who resides at the certified type B home and who is under the age 4541  
of eighteen has been adjudicated a delinquent child for committing 4542  
a violation of any section listed in division (A)(1)~~(a)~~ of this 4543  
section. The statements shall be kept on file at the county 4544  
department of job and family services. 4545

(4) Each administrator and licensee of a center or type A 4546  
home shall sign a statement on a form prescribed by the director 4547  
of job and family services attesting that the administrator or 4548  
licensee has not been convicted of or pleaded guilty to any 4549

offense set forth in division (A)(1)~~(a) or (b)~~ of this section and 4550  
that no child has been removed from the administrator's or 4551  
licensee's home pursuant to section 2151.353 of the Revised Code. 4552  
The statement shall be kept on file at the center or type A home. 4553

(B) No in-home aide, no administrator, licensee, authorized 4554  
provider, or employee of a center, type A home, or certified type 4555  
B home, and no person eighteen years of age or older residing in a 4556  
type A home or certified type B home shall withhold information 4557  
from, or falsify information on, any statement required pursuant 4558  
to division (A)(2), (3), or (4) of this section. 4559

(C) No administrator, licensee, or child-care staff member 4560  
shall discriminate in the enrollment of children in a child 4561  
day-care center upon the basis of race, color, religion, sex, or 4562  
national origin. 4563

(D) The director of job and family services shall adopt rules 4564  
pursuant to Chapter 119. of the Revised Code to implement this 4565  
section, including rules specifying exceptions to the prohibition 4566  
in division (A)~~(1)~~ of this section for persons who have been 4567  
convicted of an offense listed in that division but meet 4568  
rehabilitation standards set by the department. 4569

**Sec. 5104.30.** (A) The department of job and family services 4570  
is hereby designated as the state agency responsible for 4571  
administration and coordination of federal and state funding for 4572  
publicly funded child care in this state. Publicly funded child 4573  
care shall be provided to the following: 4574

(1) Recipients of transitional child care as provided under 4575  
section 5104.34 of the Revised Code; 4576

(2) Participants in the Ohio works first program established 4577  
under Chapter 5107. of the Revised Code; 4578

(3) Individuals who would be participating in the Ohio works 4579

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

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

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

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

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

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

(1) The department may use the federal funds to hire staff to 4611  
prepare any rules required under this chapter and to administer 4612  
and coordinate federal and state funding for publicly funded child 4613  
care. 4614

(2) Not more than five per cent of the aggregate amount of 4615  
the federal funds received for a fiscal year may be expended for 4616  
administrative costs. 4617

(3) The department shall allocate and use at least four per 4618  
cent of the federal funds for the following: 4619

(a) Activities designed to provide comprehensive consumer 4620  
education to parents and the public; 4621

(b) Activities that increase parental choice; 4622

(c) Activities, including child care resource and referral 4623  
services, designed to improve the quality, and increase the 4624  
supply, of child care; 4625

(d) Establishing a voluntary child day-care center 4626  
quality-rating program in which participation in the program may 4627  
allow a child day-care center to be eligible for grants, technical 4628  
assistance, training, or other assistance and become eligible for 4629  
unrestricted monetary awards for maintaining a quality rating. 4630

(4) The department shall ensure that the federal funds will 4631  
be used only to supplement, and will not be used to supplant, 4632  
federal, state, and local funds available on the effective date of 4633  
the child care block grant act for publicly funded child care and 4634  
related programs. A county department of job and family services 4635  
may purchase child care from funds obtained through any other 4636  
means. 4637

(D) The department shall encourage the development of 4638  
suitable child care throughout the state, especially in areas with 4639  
high concentrations of recipients of public assistance and 4640

families with low incomes. The department shall encourage the 4641  
development of suitable child care designed to accommodate the 4642  
special needs of migrant workers. On request, the department, 4643  
through its employees or contracts with state or community child 4644  
care resource and referral service organizations, shall provide 4645  
consultation to groups and individuals interested in developing 4646  
child care. The department of job and family services may enter 4647  
into interagency agreements with the department of education, the 4648  
board of regents, the department of development, and other state 4649  
agencies and entities whenever the cooperative efforts of the 4650  
other state agencies and entities are necessary for the department 4651  
of job and family services to fulfill its duties and 4652  
responsibilities under this chapter. 4653

The department shall develop and maintain a registry of 4654  
persons providing child care. The director shall adopt rules 4655  
pursuant to Chapter 119. of the Revised Code establishing 4656  
procedures and requirements for the registry's administration. 4657

(E)(1) The director shall adopt rules in accordance with 4658  
Chapter 119. of the Revised Code establishing both of the 4659  
following: 4660

(a) Reimbursement ceilings for providers of publicly funded 4661  
child care not later than the first day of July in each 4662  
odd-numbered year; 4663

(b) A procedure for reimbursing and paying providers of 4664  
publicly funded child care. 4665

(2) In establishing reimbursement ceilings under division 4666  
(E)(1)(a) of this section, the director shall do all of the 4667  
following: 4668

(a) Use the information obtained under division (B)(3) of 4669  
section 5104.04 of the Revised Code; 4670

(b) Establish an enhanced reimbursement ceiling for providers 4671

who provide child care for caretaker parents who work 4672  
nontraditional hours; 4673

(c) For a type B family day-care home provider that has 4674  
received limited certification pursuant to rules adopted under 4675  
division (G)(1) of section 5104.011 of the Revised Code, establish 4676  
a reimbursement ceiling that is the following: 4677

(i) If the provider is a person described in division 4678  
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 4679  
per cent of the reimbursement ceiling that applies to a type B 4680  
family day-care home certified by the same county department of 4681  
job and family services pursuant to section 5104.11 of the Revised 4682  
Code; 4683

(ii) If the provider is a person described in division 4684  
(G)(1)~~(b)~~(a)(ii) of section 5104.011 of the Revised Code, sixty 4685  
per cent of the reimbursement ceiling that applies to a type B 4686  
family day-care home certified by the same county department 4687  
pursuant to section 5104.11 of the Revised Code. 4688

(3) In establishing reimbursement ceilings under division 4689  
(E)(1)(a) of this section, the director may establish different 4690  
reimbursement ceilings based on any of the following: 4691

(a) Geographic location of the provider; 4692

(b) Type of care provided; 4693

(c) Age of the child served; 4694

(d) Special needs of the child served; 4695

(e) Whether the expanded hours of service are provided; 4696

(f) Whether weekend service is provided; 4697

(g) Whether the provider has exceeded the minimum 4698  
requirements of state statutes and rules governing child care; 4699

(h) Any other factors the director considers appropriate. 4700

(F) The director shall adopt rules in accordance with Chapter 4701  
119. of the Revised Code to implement the voluntary child day-care 4702  
center quality-rating program described in division (C)(3)(d) of 4703  
this section. 4704

**Section 2.** That existing sections 109.57, 109.572, 109.5721, 4705  
109.60, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 4706  
2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 4707  
5101.134, 5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 4708  
5104.011, 5104.012, 5104.013, 5104.09, and 5104.30 of the Revised 4709  
Code are hereby repealed. 4710

**Section 3.** That Section 309.50.60 of Am. Sub. H.B. 119 of the 4711  
127th General Assembly be amended to read as follows: 4712

**Sec. 309.50.60.** CHILD PLACEMENT LEVEL OF CARE TOOL PILOT 4713

(A) Contingent upon the availability of funding, the Ohio 4714  
Department of Job and Family Services shall implement and oversee 4715  
use of a Child Placement Level of Care Tool on a pilot basis. The 4716  
Department shall implement the pilot program in Cuyahoga County 4717  
and not more than nine additional counties selected by the 4718  
Department. The pilot program shall be developed with the 4719  
participating counties and must be acceptable to all participating 4720  
counties. A selected county must agree to participate in the pilot 4721  
program. 4722

(B) The pilot program shall begin not later than July 1, 4723  
2008, and end not later than December 31, 2009. The length of the 4724  
pilot program shall not include any time expended in preparation 4725  
for implementation or any post-pilot program evaluation activity. 4726

(C)(1) In accordance with sections 125.01 to 125.11 of the 4727  
Revised Code, the Ohio Department of Job and Family Services shall 4728  
provide for an independent evaluation of the pilot program to rate 4729

the program's success in the following areas:	4730
(a) Placement stability, length of stay, and other outcomes for children;	4731
(b) Cost;	4733
(c) Worker satisfaction;	4734
(d) Any other criteria the Department determines will be useful in the consideration of statewide implementation.	4735
(2) The evaluation design shall include:	4736
(a) A comparison of data to historical outcomes or control counties;	4738
(b) A retrospective data review of Cuyahoga County's use of the tool;	4739
(c) A prospective data evaluation in each of the pilot counties.	4740
(D) <del>The Ohio Department of Mental Health shall conduct a study of the children placed using the Child Placement Level of Care Tool, which shall run concurrent with the Ohio Department of Job and Family Services Child Placement Level of Care Tool pilot program. This study shall use both the Child Placement Level of Care Tool and the Ohio Scales in a simultaneous collection of information about children at the time a placement decision is made. Simultaneous data collection using the Ohio Scales and the Placement Level of Care Tool shall be coordinated through collaboration between the Ohio Department of Mental Health and the independent evaluator designated under division (C) of this section to ensure study design integrity and cost efficiency.</del>	4742
Based on this data collection from the Ohio Scales and the Child Placement Level of Care Tool, the study shall focus on analyzing any correlations between the initial placement outcomes and initial scores of problem severity and behavioral health	4743
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~~functioning. Through a data sharing agreement with the independent 4760  
evaluator designated in division (C) of this section, the 4761  
Department of Mental Health shall also analyze data from 4762  
subsequent administrations of the Ohio Scales Tool and changes in 4763  
placement level of care for any correlations. Upon completion of 4764  
the study, the Ohio Department of Mental Health shall send a copy 4765  
of the results of the study to the independent evaluator 4766  
designated under division (C) of this section. 4767~~

~~(E) The independent evaluator designated under division (C) 4768  
of this section shall send a copy of the evaluator's initial 4769  
evaluation of the Child Placement Level of Care Tool, the Ohio 4770  
Department of Mental Health's calibration study designated under 4771  
division (D) of this section, and the continuity of care analysis 4772  
designated under division (D) of this section to the Ohio 4773  
Department of Job and Family Services. 4774~~

~~(F) The Ohio Department of Job and Family Services may adopt 4775  
rules in accordance with Chapter 119. of the Revised Code as 4776  
necessary to carry out the purposes of this section. The 4777  
Department shall seek maximum federal financial participation to 4778  
support the pilot and the evaluation. 4779~~

~~(G)(E) Notwithstanding division (E) of section 5101.141 of 4780  
the Revised Code, the Department of Job and Family Services shall 4781  
use up to \$1,000,000 of appropriation item 600-663, Children and 4782  
Family Support, over the biennium to implement the Child Placement 4783  
Level of Care Tool pilot program described in this section and to 4784  
contract for the independent evaluation of the pilot program. 4785~~

~~(H)(F) As used in this section+ 4786~~

~~(I) "Child Placement Level of Care Tool" means an assessment 4787  
tool to be developed by the participating counties to assess a 4788  
child's placement needs when a child must be removed from the 4789  
child's own home and cannot be placed with a relative or kin not 4790~~

certified as a foster caregiver that includes assessing a child's 4791  
behavior, history, psychological state, and the involvement of 4792  
service systems. 4793

~~(2) "Ohio Scales Tool" means the Ohio Youth Problems, 4794  
Functioning, ROLES, and Marker Scales (Ohio Scales, Worker Form) 4795  
used by the Ohio Department of Mental Health to measure outcomes 4796  
for youth ages five to eighteen. 4797~~

**Section 4.** That existing Section 309.50.60 of Am. Sub. H.B. 4798  
119 of the 127th General Assembly is hereby repealed. 4799

**Section 5.** (A) In addition to the actions authorized by 4800  
section 5101.24 of the Revised Code, not later than thirty days 4801  
after the effective date of this act, the Director of Job and 4802  
Family Services shall convene a work group to study and make 4803  
recommendations to the Director regarding both of the following: 4804

(1) Support for positive child and family outcomes offered to 4805  
public children services agencies, private child placing agencies, 4806  
and private noncustodial agencies by the Department of Job and 4807  
Family Services; 4808

(2) The establishment of fines and sanctions for public 4809  
children services agencies, private child placing agencies, and 4810  
private noncustodial agencies that do not comply with foster care 4811  
related laws or rules. 4812

(B) The work group shall include representatives of public 4813  
children services agencies, private child placing agencies, 4814  
private noncustodial agencies, the Ohio Family Care Association, 4815  
the Ohio Association of Child Caring Agencies, the Public Children 4816  
Services Association of Ohio, the Ohio Job and Family Services 4817  
Directors' Association, the County Commissioners' Association of 4818  
Ohio, foster caregivers, and current and former foster children. 4819

(C) The work group shall prepare a report that contains 4820

recommendations regarding Department support for local agencies 4821  
and the establishment of fines and sanctions either in law, rule, 4822  
or both. The work group shall submit the report not later than 4823  
June 30, 2009, to the Director. The Director shall review the 4824  
recommendations and create an executive summary of the 4825  
recommendations and submit the summary to the Governor, the 4826  
Speaker of the House of Representatives, and the President of the 4827  
Senate. The work group shall cease to exist upon submission of the 4828  
executive summary. 4829

**Section 6.** Until the Uniform Statewide Automated Child 4830  
Welfare Information System established under section 5101.13 of 4831  
the Revised Code is implemented statewide by all public children 4832  
services agencies as described in section 5153.02 of the Revised 4833  
Code, agencies or persons required to include a summary report 4834  
pursuant to section 3107.033 or 5103.18 of the Revised Code shall 4835  
request a check of the Ohio Central Registry of Abuse and Neglect 4836  
from the Department of Job and Family Services regarding any 4837  
prospective foster parent and any person eighteen years of age or 4838  
older who resides with the prospective foster parent or regarding 4839  
any prospective adoptive parent and any person eighteen years of 4840  
age or older who resides with the prospective adoptive parent, 4841  
whichever is applicable, to enable the agency or person to check 4842  
any child abuse and neglect registry maintained by any state in 4843  
which the prospective foster parent, the prospective adoptive 4844  
parent, or the person eighteen years of age or older who resided 4845  
with the prospective foster parent or prospective adoptive parent 4846  
has resided in the preceding five years. After the Uniform 4847  
Statewide Automated Child Welfare Information System established 4848  
under section 5101.13 of the Revised Code is implemented statewide 4849  
by all public children services agencies as described in section 4850  
5153.02 of the Revised Code, all private agencies, as defined in 4851  
section 5103.02 of the Revised Code, shall request a check of that 4852

System by the Department of Job and Family Services until the 4853  
private agency can access the System and conduct its own search. 4854

**Section 7.** Section 109.572 of the Revised Code is presented 4855  
in this act as a composite of the section as amended by both Am. 4856  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 4857  
Section 2151.86 of the Revised Code is presented in this act as a 4858  
composite of the section as amended by both Am. Sub. H.B. 106 and 4859  
Am. Sub. H.B. 117 of the 125th General Assembly. The General 4860  
Assembly, applying the principle stated in division (B) of section 4861  
1.52 of the Revised Code that amendments are to be harmonized if 4862  
reasonably capable of simultaneous operation, finds that the 4863  
composites are the resulting versions of the sections in effect 4864  
prior to the effective date of the sections as presented in this 4865  
act. 4866